

PLEASE NOTE

**THE SHIRE OF MENZIES
MINUTES**

**ARE NOT CONFIRMED
AS A TRUE AND CORRECT RECORD
OF THE MINUTES
UNTIL ADOPTED
AT THE FOLLOWING COUNCIL MEETING**



ORDINARY COUNCIL MEETING

SHIRE OF MENZIES

MINUTES

MAY 28TH 2009

SHIRE OF MENZIES

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SHIRE OF MENZIES



**SHIRE OF MENZIES
ORDINARY COUNCIL MEETING
MAY 28TH 2009**

M I N U T E S

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr Greg Stubbs, Deputy President welcomed all elected Members, Staff and Visitors to Council Chambers and declared the meeting open at 9.11 am.

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

PRESENT:	<i>Cr G Stubbs</i>	<i>Deputy President</i>
	<i>Cr K Pusey</i>	<i>Councillor</i>
	<i>Cr I Tucker</i>	<i>Councillor</i>
	<i>Cr J Dwyer</i>	<i>Councillor</i>
	<i>Cr G Dwyer</i>	<i>Councillor</i>
	<i>Cr A Kelly</i>	<i>Councillor</i>
STAFF:	<i>Mr B Seale</i>	<i>Chief Executive Officer</i>
APOLOGIES:	<i>Cr S. Tonkin</i>	<i>Shire President</i>
VISITORS:	Mr Jamie Mazza Mr Jessie Brampton	
LEAVE OF ABSENCE	- NIL	

3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

NIL

4 PUBLIC QUESTION TIME

NIL

5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

NIL

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

Presentation by Mr Jessie Brampton, Kulbardi Consulting, Albany

7 CONFIRMATION OF PREVIOUS MINUTES

7.1 *Confirmation of the Previous Minutes of Council held April 23rd, 2009, as presented, be adopted.*

MOVED: Cr. PUSEY
SECONDED: Cr. KELLY
CARRIED 6/0

8 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION / QUESTIONS ON NOTICE

8.1 Announcements by the President without Discussion.

NIL

8.2 Questions on Notice.

NIL

9 REPORTS OF COMMITTEES AND OFFICERS

Chief Executive Officer

9.7 HERITAGE WALK TRAIL FOR MENZIES

SUBMISSION TO: Ordinary Meeting of Council
LOCATION: Shire of Menzies
APPLICANT:
FILE REF:
DISCLOSURE OF INTEREST: None
DATE: May 28th, 2009
AUTHOR: Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:

SUMMARY

To consider the proposal received from Jesse Brampton relative to the proposed Menzies Trail” project, as submitted and attached.

BACKGROUND:

Council supported the concept in principle recently.

COMMENT:

Details of the proposal are attached.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Approximately \$20,000 will be required in the 2009/10 year from this project.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.7

To make budget provision of \$20,000 in the 2009/10 year to accommodate the requirements of the “Menzies Trail Project” as submitted by Jesse Brampton, and as attached.

MOVED: Cr DWYER
SECONDED: Cr TUCKER
CARRIED: 6/0

10.33AM **ADJOURNMENT OF COUNCIL**
10.52AM **COUNCIL RESUMED IN CHAMBERS**

10.52 am *Mr Jamie Mazza vacates Council Chambers*
Mr Jessie Brampton vacates Council Chambers

9.8 PURCHASE OF U.C.L. LOT 171 ONSLOW STREET MENZIES.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the purchase of lot 171 Onslow Street from the Department of Planning an Infrastructure with the object of resale to Kenneth Atkinson for the purpose of constructing a dwelling thereon.

BACKGROUND:

The applicant has sought this particular lot as its location is adjacent to a lot owned by a long time friend.

COMMENT:

Temporary permission has been granted to Mr Atkinson to utilize the site for three months as a storage facility, in view of the urgent need.

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Approximately \$10,000 will be required to accommodate the requirements of the acquisition and conveyance for this lot.

There are no funds available in this financial year for this purpose.

VOTING REQUIREMENTS: *Simple Majority required*

OFFICERS RECOMMENDATION

ITEM 9.8

To make budget provision of \$10,000 in the 2009/10 year for the purpose of acquisition of the U.C.L. lot 171 in Onslow Street with the intention of on selling this site to Kenneth Atkinson for a residential construction, subject to the routine protective conditions being in place prior to the acquisition.

MOVED Cr

SECONDED Cr

“Defer to a later meeting”

MOVED: Cr PUSEY
SECONDED: Cr J DWYER
CARRIED: 6/0

Note: Pending receipt of further data.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the application from David Mc Kenna (The Menzies Hotel.) for a parcel of vacant land to be used for industrial purposes, in terms of the attached map of the area..

BACKGROUND:

The applicant has requested acquisition to the area of land as proposed in the attached map of the area and highlighted with the boundaries in black.

The applicant has a recycling metal business and requires a location to store the material pending processing and sorting in readiness for shipping to the market, where proximity to water, power and road network s is important.

COMMENT:

This location is the subject of a complex series of issues where the road out of town is constructed over some parcels of U.C.L. land and also some parcels of freehold land in private hands. Furthermore, a residence is constructed in the road reserve.

Accordingly, council is addressing this location at present with the object of rectifying the associated anomalies connected thereto.

Therefore, whilst council is addressing the associated issues in this matter, it is an appropriate time to consider the applicants intentions at the same time.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: *Simple Majority required*

To approve "In Principle Only" - The application received from David Mc Kenna for a parcel of vacant land at the Brown Street and Florence Street conjunction for the purposes of an Industrial pursuit, subject to the following.

- 1. Application from the proprietors of the Hotel is submitted in writing to be received by Council, setting out the willingness to purchase the proposed site.**
- 2. Agreement from the Department of Planning and Infrastructure to be obtained to access the U.C.L. land.**
- 3. Approval from the W.A. Planning Commission as to the redesigned configuration of the location.**
- 4. Appropriate Native title clearances are received.**
- 5. Town Planning Scheme amendment to Industrial purposes is approved by Council for the Shire of Menzies and the W.A. Planning Commission.**
- 6. Satisfactory agreement is reached with any freehold landholders where the re-configuration of the site impacts on their holding.**
- 7. Satisfactory conclusion to the Road Closure procedures.**
- 8. The price for the purchase of the site will be determined by the Valuer General's office and the client agrees to pay the Shire of Menzies a figure yet to be determined by Council, but not less than the cost price as determined by the Valuer General.**

**MOVED: Cr J DWYER
SECONDED: Cr KELLY
CARRIED: 6/0**

12.01 pm Cr G Dwyer vacates Chambers

SUBMISSION TO: Ordinary Meeting of Council
LOCATION: Shire of Menzies
APPLICANT: N/A
FILE REF:
DISCLOSURE OF INTEREST: None
DATE: May 28th 2009
AUTHOR:
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:

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 is an equivalent of a quarterly financial report) includes a rates report and a report on reserves funds,

CONSULTATION:

Ms Mandy Wynne, Haines Norton.

STATUTORY ENVIRONMENT:

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

34. Financial activity statement report - s. 6.4

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –*
- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *Budget estimates to the end of the month to which the statement relates;*
 - (c) *Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *Material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *The net current assets at the end of the month to which the statement relates.*

(2) Each statement of financial activity is to be accompanied by documents containing –

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- (b) An explanation of each of the material variances referred to in sub regulation (1) (d); and
- (c) Such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown -

- (a) According to nature and type classification;
- (b) By program; or
- (c) By business unit.

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –

- (a) presented to the council -
 - (i) At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;

And

(b) Recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

(6) In this regulation -

- } **committed assets**~ means revenue unspent but set aside under the annual budget for a specific purpose;
- } **restricted assets**~ have the same meaning as in AAS 27.

[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50.]

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

Reporting on Financial Activity

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 9.1

That the Financial Statements to April 30th 2009 as presented be adopted.

MOVED: Cr Kelly
SECONDED: Cr Tucker
CARRIED: 5/0

12.17PM LUNCH ADJOURNMENT
01.12PM COUNCIL RESUMES IN CHAMBERS

9.2 Reports to the Financial Statements to APRIL 30TH 2009

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28 th , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

BACKGROUND: Associated reports requested by Council are attached

COMMENT:

Included in these reports are the Balance Sheet, Income Statement, Investment Register and Road reports.

CONSULTATION: Council and Chief Executive Officer.

STATUTORY ENVIRONMENT:

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

Reg/34. Financial activity statement report - s. 6.4

- (1) *A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –*
- (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *Budget estimates to the end of the month to which the statement relates;*
 - (c) *Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *Material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *The net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing:*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*

- (b) *An explanation of each of the material variances referred to in sub regulation (1)(d); and*
 - (c) *Such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown -*
- (a) *According to nature and type classification;*
 - (b) *By program; or*
 - (c) *By business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –*
- (a) *presented to the council –*
 - (i) *At the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*
- And:*
- (b) *Recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*
- (6) *In this regulation -*
- } **committed assets** ~means revenue unspent but set aside under the annual budget for a specific purpose;*
 - } **restricted assets** ~have the same meaning as in AAS 27.*
- [Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50.]*

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Reporting on Financial Activity

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.2
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That the Reports to the Financial Statements to April 30th, 2009 as presented be received, subject to the following:

- 1. Kookynie Malcolm Rd enquiry***
- 2. No budget provision for replacement Cheque for \$7,701.00***

MOVED: Cr TUCKER
SECONDED: Cr KELLY
CARRIED: 5/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28 th , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

BACKGROUND:

Cheque numbers 2393, 2397, 2398 and 6082 to 6153 excluding 6083 including direct debits and bank statement transfers totalling \$502,240.10 are presented for payment as per the submitted lists as well as Receipts totalling \$115,469.01.

COMMENT:

Nil

CONSULTATION:

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 Regulation 13

Reg/13. LIST OF ACCOUNTS

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -*
 - (a) *The payee's name;*
 - (b) *The amount of the payment;*
 - (c) *The date of the payment; and*
 - (d) *Sufficient information to identify the transaction.*

- (2) *A list of accounts for approval to be paid is to be prepared each month showing –*
 - (a) *For each account which requires council authorisation in that month –*
 - (i) *The payee's name;*
 - (ii) *The amount of the payment; and*
 - (iii) *Sufficient information to identify the transaction;*
 - And:
 - (b) *The date of the meeting of the council to which the list is to be presented.*

- (3) *A list prepared under sub regulation (1) or (2) is to be -*

- (a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) Recorded in the minutes of that meeting.

[Regulation 13 inserted in Gazette 20 Jun 1997 p. 2838-9; amended in Gazette 31 Mar 2005 p. 1048.]

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
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ITEM 9.3

Those cheques numbered 2393, 2397, 2398 and 6082 to 6153 excluding 6083 including direct bank payments totalling \$502,240.10 which have been paid by the Chief Executive Officer under delegated authority and Receipts totalling \$115,469.01 be adopted.

MOVED:	Cr DWYER
SECONDED:	Cr TUCKER
CARRIED:	5/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28 th , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the tender for the provision of the re-alignment of the Kookynie Road rail re-alignment project, in terms of the amended budget provision.

BACKGROUND:

This service was advertised for the statutory period closing at Noon on April 24th, 2009.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT:

N/A

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

POLICY IMPLICATIONS:

None - Not Applicable

FINANCIAL IMPLICATIONS:

Budget provision accommodates this facility in the proposed sum of \$337,000, which was intended to include the Crossing re-alignment, though a recent amendment to the proposal removed the requirement for the crossing re-alignment and now requires a re-alignment of the road alone. New budgeted total is \$287,000, in terms of the details attached.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.4

To adopt the Tender submission from Breakaway Earthmoving, for the provision of the Re-alignment of the Kookynie Road Rail Crossing Re-alignment, in terms of Tender specifications number 16/09, as advertised on April 11th, 2009, in the sum of \$228,129-00 for budget provision in the 2009/10 year, with MRWA Black Spot funding in the sum of \$190,000 being approved

MOVED: Cr KELLY
SECONDED: Cr J DWYER
CARRIED: 5/0

9.5 BUDGET PROVISION – ACCOUNTING FEES 2009/10 YEAR.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the proposed fee structure for Accounting Services received from the Haines Norton group, as attached for the 2009/10 year in the sum of \$60,000, together with the proposed conversion to “Network 1”, integrated accounting software in the “One – Off” fee of \$40,000, with an annual service fees of \$27,000.

BACKGROUND:

Council currently engages the Haines Norton group for accounting services

COMMENT:

This is an annual review process.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

Whilst budget allocation is already held, the new Accounting fee requirement is \$130,000 for the 2009/10 year, reducing to \$90,000 following the 2009/10 initial system installation.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.5
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To make budget provision in the 2009/10 year for accounting service fees of \$130,000, as proposed in the attached schedule.

MOVED: Cr KELLY
SECONDED: Cr DWYER
CARRIED: 5/0

**9.6 NOMINATIONS FOR MEMBERSHIP OF THE GREAT WESTERN WOODLANDS
BIO-DIVERSITY CONSERVATION STRATEGY.**

SUBMISSION TO: Ordinary Meeting of Council
LOCATION: Shire of Menzies
APPLICANT:
FILE REF:
DISCLOSURE OF INTEREST: None
DATE: May 28th, 2009
AUTHOR: Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:

SUMMARY:

Council is in receipt of a request from the Minister for the Environment seeking nominations to this Strategy and keen to see Local Government involvement from an elected member perspective, in terms of the attached.

BACKGROUND:

COMMENT:

Council is presently not involved in this strategy.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

None

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.6

To nominate Cr. S Tonkin, as the representative of Council to the Great Western Woodlands Biodiversity Conservation Strategy, in terms of advices issued to the Chief Executive Officer during the meeting, in terms of the attached request.

MOVED: Cr DWYER
SECONDED: Cr PUSEY
CARRIED: 5/0

9.9 W.A.L.G.A. REQUEST FOR RESPONSES.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider responses to the request from the WALGA office in terms of the attachments relative to the following issue.

1. Protocol for Release of Vehicle Owner details by WA Police to Local Governments.
2. National Broadband Network
3. Guidelines for Pedestrian Access ways.
4. Local School Projects
5. Graders Towing in Remote Areas.

BACKGROUND: Requests for council responses are routine.

COMMENT:

Previously, council has permitted the Chief Executive Officer. to respond to these requests on the basis that the response is made available to Council through the Information Bulletin.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION

ITEM 9.9

To provide response to the WALGA office requests in terms of advices provided to the Chief Executive Officer during the meeting, relative to the attachments presented to council, for the following topic.

1. *Protocol for Release of Vehicle Owner details by WA Police to Local Governments.*
2. *National Broadband Network*
3. *Guidelines for Pedestrian Access ways.*
4. *Local School Projects*
5. *Graders Towing in Remote Areas.*

MOVED: Cr PUSEY
SECONDED: Cr TUCKER
CARRIED: 5/0

9.10 LOCAL AUTHORITY REFORM STRATEGY - AMALGAMATIONS

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider an approach for a strategy to defend the potential for an amalgamation, as proposed by the Minister for Local Government, and to make a submission to the Minister by August 31st, 2009.

BACKGROUND:

The attached data from the Minister refers to the details of the issues relative to local Government reform.

COMMENT:

I am seeking guidance from Council as to how to effect a response to this submission requirement and given the fundamental opposition to the reform process from Laverton and Leonora, I question if there is the "Will" amongst the three Shires to proceed with a strategy for reform. Whilst I will prepare a submission, it needs to be consistent with the heart of council and although a brief meeting was held in Leonora recently, I am told that nothing significant emerged from it. However, the notes as discussed are attached to give guidance to Council.

CONSULTATION:

STATUTORY ENVIRONMENT:	Not Applicable
POLICY IMPLICATIONS:	Not Applicable
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	<i>Simple Majority required</i>

COUNCIL DECISION	ITEM 9.10
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To adopt a strategy of defence against the possibility of an amalgamation in terms of the attached data and in terms of the advices provided to the Chief Executive Officer during the meeting.

MOVED: Cr PUSEY
SECONDED: Cr KELLY
CARRIED: 5/0

9.11 TJUNTJUNTJARRA COMMUNITY – THEFT OF PUMPING EQUIPMENT.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the provision of \$4,000 to assist the community in the replacement of the pump, motor, electrical cable, rope and fittings from the Pilki Bore recently.

BACKGROUND: Not applicable

COMMENT:

The Grader driver highlighted the theft to this office a few weeks ago and suggested this equipment was provided by the Shire and therefore it may be on the Shire Insurance Schedule. This however is not the case and Council has no obligation of insurance in this matter.

CONSULTATION:

Municipal Property Scheme claims officer.

STATUTORY ENVIRONMENT:

N/A.

POLICY IMPLICATIONS:

N/A.

FINANCIAL IMPLICATIONS:

There is no budget provision available in this financial year for this purpose.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.11

To make budget provision of \$4,000 in the 2008/09 year to accommodate the replacement of the bore pumping equipment, motor, fittings, cable and rope (e.t.c.) recently stolen from the Tjuntjuntjarra Community at the Pilki Bore.

MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 5/0

9.12 BUDGET PROVISION FOR THE DESIGN OF AN OPERATIONAL PLAN.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider budget provision in the 2009/10 year of \$20,000 to accommodate a consultant fee and associated costs to design an operational plan for the five years of 2009 to 2014, in terms of the attached proposal.

BACKGROUND:

This proposal supports the principles incorporated in the Corporate Plan as recently designed.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION

ITEM 9.12

To make budget provision of \$20,000 in the 2009/10 year to accommodate the design an operational plan for the five years of 2009 to 2014, in terms of the attached programme of proposal, as submitted.

MOVED: Cr PUSEY
SECONDED: Cr KELLY
CARRIED: 5/0

9.13 RIGHT OF WAY (R.O.W.) - CLOSURE AT WEBB ST.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider closure of the R.O.W. between lot 770 and 771 in Webb Street as proposed in the attached letter of application.

BACKGROUND:

COMMENT:

The surveyors plan and attached data details the proposal for Councils consideration.

CONSULTATION:

STATUTORY ENVIRONMENT: Land Administration Act – Section 58(3.)

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: *Simple Majority required*

OFFICER'S RECOMMENDATION

ITEM 9.13

To approve of the proposed application to close the Right Of Way (R.O.W.) between lot 770 and 771 in Webb Street as requested, in terms of the attached data.

DEFER TO JUNE 25th MEETING

“Pending receipt of confirmation of ownership of Lots 770 & 771”

MOVED: Cr
SECONDED: Cr
CARRIED:

9.14 ROYAL FLYING DOCTOR SERVICE – OUTBACK AIR RACE (DONATION)

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

Council is in receipt of advices from the Royal Flying Doctor Service seeking a donation of \$100 to participate in the fund raising event, in terms of the attached request.

BACKGROUND: Not applicable

COMMENT:

Given the importance of the Royal Flying Doctor Service to Menzies, perhaps an annual donation is appropriate?

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS: Not applicable

FINANCIAL IMPLICATIONS:

There is no specific budget provision for this facility in the current budget.

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION	ITEM 9.14
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To approve of a donation of \$100 for the Royal Flying Doctor Service Outback Air Race as proposed in the attached letter of request.

MOVED: Cr DWYER
SECONDED: Cr TUCKER
CARRIED: 5/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the adoption of a policy clause relative to tender submissions only being considered at an advertised meeting of Council, where the details are to be presented to councillors in the agenda with the standard 72 hours notice being provided, in normal course.

BACKGROUND:

Council has expressed legitimate concern over the late submission of tenders at the council meeting having been opened too late for inclusion in the agenda, requiring the council to consider the details at the meeting without provision of adequate time to read and absorb the facts contained therein.

COMMENT:

The practice of denying councillors adequate opportunity to reads the details of the tenders in advance of the meeting is unacceptable and potentially leads to council making a wrong decision through lack of information.

CONSULTATION: None

STATUTORY ENVIRONMENT:

Local Government (Functions and General) Regulations 1996 – Clause 14.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: *Simple Majority required*

OFFICERS RECOMMENDATION	ITEM 9.15
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To adopt a policy clause to be included at clause 3.19 of the manual to incorporate provision that tenders called for under clause 14 of the Functions and General Regulations 1996 only be considered at advertised meetings of council with the details of the submissions being presented with the agenda in normal course with the statutory provision of the 72 hours notice being provided to Council. Late submissions will not be considered.

‘LAPSED FOR WANT OF A MOVER & SECONDER’

9.16 APPLICATION FOR WORKS AT CAROSUE DAM AND PORPHYRY

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the application for works to be conducted at Carosue Dam and Porphyry by Saracen Gold Mines as proposed in the attached request.

BACKGROUND:

The letters of request were received at the Shire office on May 4th and required a response by May 11th, 2009. As such, the Chief Executive Officer responded on the basis that the requests were to be presented to council for endorsement or amendment at the May 28th meeting of Council.

COMMENT:

There does not appear to be any evident reason not to support the applications and therefore the applications are recommended, as submitted.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.16

To approve of the applications from Saracen Gold mines Pty Ltd as proposed for works to be conducted at the Porphyry and Carosue Dam facilities, in terms of the attached applications.

MOVED: Cr PUSEY
SECONDED: Cr J DWYER
CARRIED: 5/0

9.17 BUILDING LICENCE APPROVAL. (M. 3/09)

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To endorse the approval of a Building Licence application as approved by delegated authority to the gazetted Building Surveyor for the construction of Patio for a property at Lot 418 Gregory Street owned by Ian Hough.

BACKGROUND:

Council recently resolved for Building Approvals to issue to Council for endorsement and for information purposes. The details from the Building Surveyor are enclosed.

COMMENT:

The Chief Executive Officer has received written delegation from the Council by absolute majority and this single delegation has been applied to the Building Surveyor, as required. The delegation has also been accepted in writing, as required.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION

ITEM 9.17

To endorse the Building approval for the patio to be constructed at Lot 418 Gregory Street in terms of the application from Ian Hough and as presented and as approved by the Councils Building Surveyor.

MOVED: Cr PUSEY
SECONDED: Cr KELLY
CARRIED: 5/0

➤ CR TUCKER DECLARES AN INTEREST IN ITEM 9.19

2.11PM CR TUCKER VACATES COUNCIL CHAMBERS

9.19 A REQUEST FOR SUPPORT FOR THE ANNUAL CHRISTMAS TREE PARTY

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

Council is in receipt of an application from the Menzies Aboriginal Corporation seeking financial support for the Annual Christmas Tree Party, as attached.

BACKGROUND: It appears the event did not occur last year.

COMMENT:

CONSULTATION: None

STATUTORY ENVIRONMENT: Not Applicable

POLICY IMPLICATIONS: Not Applicable

FINANCIAL IMPLICATIONS:

There is no specific donations facility provided for this in this financial year.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION	ITEM 9.19
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To make a donation of \$100 to the Menzies Aboriginal Corporation to assist in the conduct of the Menzies Christmas Tree party, scheduled for December 2009, as proposed in the attached letter of request.

MOVED: Cr KELLY
SECONDED: Cr J DWYER
CARRIED: 4/0

2.17PM CR TUCKER RETURNS TO COUNCIL CHAMBERS

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

Council is in receipt of advices from LDH haulage Contractors Pty Ltd seeking permission to utilize the shire local road from Golden Pole to the Shire boundary at the Coolgardie section, in terms of the attached letter of application.

BACKGROUND:

Not applicable.

COMMENT:

Council has previously approved of Road Train approval request for cartage on local roads where the following have applied.

1. Road Maintenance Agreement is to be entered into prior to commencement.
2. Cash provision or Bankers Guarantee to the value of \$1,000 per kilometre of road length used is to apply.
3. Dust suppression facilities to apply as appropriate.

CONSULTATION:

Contact with the client suggests a preference for a 36.5 m Tri-Drive, A-B double configuration.

STATUTORY ENVIRONMENT:

None

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS

VOTING REQUIREMENTS:

Simple Majority required

To approve the Road Train as received from L.D.H. Haulage Contractors Pty Ltd to utilize local road networks from Golden Pole to the Shire Boundary, in terms of the attached application subject to the following:

- 1. Road Maintenance Agreement is to be entered into prior to commencement.***
- 2. Cash provision or Bankers Guarantee to the value of \$1,000 per kilometre of road length used is to apply.***
- 3. Dust suppression facilities to apply as appropriate.***

MOVED: Cr KELLY
SECONDED: Cr PUSEY
CARRIED: 5/0

9.21 KOOKYNIE WALK TRAIL - (BROCHURE)

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the draft document of the Kookynie Interpretation Plan as attached and presented by Councils Consultant (Jesse Brampton.) as the approved brochure for the Shire of Menzies.

BACKGROUND:

Council has engaged Jesse Brampton as the Shire consultant to design a Walk Trail for Kookynie and a brochure for this purpose.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Budget provision applies to this project in this Financial year as required..

VOTING REQUIREMENTS: Simple Majority required

OFFICERS RECOMMENDATION

ITEM 9.21

To approve the brochure for the Kookynie Interpretation Plan as presented by Councils consultant (Jesse Brampton), subject to any amendments as advised to the Chief Executive Officer during the meeting.

MOVED:
SECONDED:
CARRIED:

“NOT ADDRESSED – DUE TO LOSS OF QUORUM”

9.22 CONSIDERATION FOR A JOINT WASTE WATER RECYCLING FACILITY.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider an application to apply the waste water from the Caravan Park, Lady Shenton building, Menzies Hotel and the Menzies Roadhouse through the new Bio-Max facility installed at the caravan Park. Refer the attached map included.

BACKGROUND:

The applicant (David Mc Kenna) sought Council permission to utilize the services provided by the new Bio-Max facility as a joint arrangement with the Roadhouse, the Hotel and the Shire for the purposes of recycling of waste water.

COMMENT:

The present waste water line from the Hotel travels under Brown Street to the former State Battery (the subject of re-configuration at item 9.18 as previously addressed)

CONSULTATION: David Mc Kenna – Menzies Hotel and John Nellis- Menzies Roadhouse

STATUTORY ENVIRONMENT: Not Applicable

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION	ITEM 9.22
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To approve (In Principle Only) - *The application from David Mc Kenna to use the facility of the Shire Bio-Max to recycle the waste water from the Hotel, Roadhouse, Lady Shenton and Caravan Park as proposed, subject to :*

- 1. Private enterprise to provide their own pumping and plumbing lines at their expense.***
- 2. An agreement to be entered into with all parties as to accommodating the cost of maintenance and repairs to the lines and proportionate cost to maintain the facility.***
- 3. The Shire’s Environmental Health officer to approve of the facility.***

MOVED: Cr DWYER
SECONDED: Cr TUCKER
CARRIED: 5/0

9.23 CORPORATE PLAN – FIVE YEAR STRATEGY

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	February 26th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the submission of the compilation of a “Five Year Corporate Plan” for the Shire of Menzies, as presented.

BACKGROUND:

Whilst there is a statutory obligation to prepare a Five year Plan for the Shire, the current edition was designed in 2005 and requires amendment

COMMENT:

Council accepted the quote from the consultant for this purpose and this constitutes a major step forward in the management and controlled direction for the Shire into the future.

CONSULTATION:

Given the present importance attached to “Sovereignty” in view of the pressure being applied by the Minister relative to the amalgamations issue, now is indeed a crucial time to embrace corporate planning.

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Section 5.56 (1.) (2.)

POLICY IMPLICATIONS:

Not Applicable

FINANCIAL IMPLICATIONS:

\$30,000 has been accommodated within the current budget by an adopted resolution of “Budget Variation” as required in the 2008/09 year.

VOTING REQUIREMENTS:

Simple Majority required

OFFICER’S RECOMMENDATION	ITEM 9.23
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To adopt the “Corporate Plan” from the consultant as designed and compiled as an effective Five year Corporate Plan for the Future of the district, in terms of the attached submission.

‘DEFERRED TO NEXT COUNCIL MEETING ON JUNE 25TH 2009’

9.24 APPLICATION TO USE "DONGA STYLE" FACILITIES AT KOOKYNIE

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the application from Peter Andrei, as attached, to utilize the existing Donga style facility in Kookynie, pending relocation shortly to another location..

BACKGROUND:

The client already has the facility in place in Kookynie and is responding to Councils letter seeking applications from the owners with this type of facility as they breach the Town Planning Scheme provisions.

Council has previously approved of owners having this type of facility on residential land in Kookynie and therefore, especially since this is planned to be a short term facility, is recommended.

CONSULTATION:	Not Applicable.
STATUTORY ENVIRONMENT:	Not Applicable
POLICY IMPLICATIONS:	Not Applicable
FINANCIAL IMPLICATIONS:	Not Applicable
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION	ITEM 9.24
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To approve of the provision of the Donga type facility on the land at lot 279/280 Peers Street, Kookynie and owned by Peter Andrei for a short term, as proposed in the attached letter of application pending relocation to an alternative site being acquired, with the approval to utilise this site to expire on June 30th, 2010.

MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 5/0

9.25 APPLICATION FOR A PROSPECTING LICENCE - YERILLA TOWNSITE

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider a Town Planning Scheme amendment for the Yerilla Town site to be zoned "Rural/Mining" and to approve of a Prospecting Licence over this town site in terms of the attached detail.

BACKGROUND: Not Applicable

COMMENT:

The attached application received; from the Department for Planning an Infrastructure indicates the area of interest is at the Yerilla town site for which the Department of Planning an Infrastructure has recommended an amendment to reflect current usage of Rural / Mining.

CONSULTATION: None

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS: Not applicable

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION

ITEM 9.25

- 1. To approve of the application for a Prospecting Licence as received from the Department of Planning and Infrastructure over the Yerilla Town Site in terms of the attached letter of request.*
- 2. To approve of a Town Planning Scheme amendment for the location to be rezoned from Town site to Rural/Mining.*

MOVED: Cr KELLY
SECONDED: Cr TUCKER
LOST : 0/5

'DEFERRED TO NEXT COUNCIL MEETING ON JUNE 25TH 2009'

9.26 – RECORD KEEPING POLICY AND PROCEDURES

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To adopt a Policy item to accommodate the requirements of the Record Keeping Plan and Procedures as required by the State Records Act 2000 and which forms part of the Shires' "Record Keeping Plan", as presented and attached for Council consideration.

BACKGROUND:

The Shire Record Keeping Plan was designed in 2004 and required amendment by December 2005. The review was conducted in April 2009 and a temporary review date was approved by the office of State Records for re-submission by June 30th, 2009. Council approved of the engaging of an officer to compile the submission. The RKP Policy is part of the plan.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT: State Records Act 2000

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION	ITEM 9.26
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To adopt the attached Policy for the Shire of Menzies Record Keeping Policy and Procedures as item 2.14 of the Council Policy Manual and included as appendices number 4 (appendices section 9), as presented.

MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 5/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To adopt the schedule of Burning periods as prescribed and required for the Shire of Menzies for the coming financial year.

BACKGROUND:

It is customary for the Shire's "Bush Fires Advisory Committee" to address the issues of Burning Periods, Equipment, and Grant Applications and structure. However, in the absence of same, the responsibility remains with the Shire.

COMMENT:

Whilst the F.E.S.A. office generally controls these issues, the Local authority has authority to recommend to the Shire, limited variances to the Gazetted restricted burning periods.

CONSULTATION:**STATUTORY ENVIRONMENT:****POLICY IMPLICATIONS:****FINANCIAL IMPLICATIONS:**

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION**ITEM 9.27**

To adopt the following routine structure of:

BURNING PERIODS FOR THE SHIRE OF MENZIES for the forthcoming financial year (i.e.) June 1st, 2009 to June 30th, 2010)

Prohibited Burning Periods December 15th, 2009 to April 14th, 2010

**Restricted Burning Periods November 1st, 2009 to December 14th, 2009,
And April 15th, 2010 to May 14th, 2010**

MOVED: Cr PUSEY
SECONDED: Cr KELLY
CARRIED: 5/0

9. 28 GOLDEN QUEST DISCOVERY TRAIL – MEMORANDUM OF UNDERSTANDING (M.O.U.)

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider renewal of the 'Memorandum of Understanding' for the coming year, as attached.

BACKGROUND:

Council is in receipt of the attached advices from the Manager of the Golden Quest Discovery Trail seeking renewal of the "Memorandum of Understanding" for a further year, which includes moderate increases in funding support for the next tri-ennium

COMMENT:

The current agreement is enclosed to reflect the current agreement conditions.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS: Not Applicable

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION

ITEM 9.28

To adopt and approve the new 'Memorandum of Understanding' for the Golden Quest Discovery Trail, as proposed and enclosed for the tri-ennium to expire June 30th, 2012.

MOVED: Cr PUSEY
SECONDED: Cr KELLY
CARRIED: 5/0

9. 29 GOLDFIELDS VOLUNTARY REGIONAL ORGANISATION OF COUNCILS

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

1. To consider any project that might suit the GVROC concept for consideration to the Regional Component of the Country Local Government Fund (Royalties for Regions.)
2. To consider the concept of the preference for the GVROC as a model within the amalgamation process.

BACKGROUND:

Council is in receipt of Advices from the GVROC secretariat seeking confirmation of the views expressed at the recent Gvroc meeting relative to possible projects that might suit the Royalties for Regions funding and also to endorse or comment on the minutes of that meeting reflecting individual views of the member councils in support of the concept of the GVROC as the preferred model of the amalgamation concept.

COMMENT: The advices from the secretariat are enclosed, as required.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION

ITEM 9.29

1. *To respond to the GVROC secretariat that the views of the Shire of Menzies supports the participation in the Gvroc membership as an effective and purposeful method of delivering of services to the Northern Goldfields Shires.*
2. *To comment that the provision of a Solar Power facility in the region would be an ideal service for this sector which would benefit all member Shires and where Royalties for Regions funding would suit this project.*

MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 5/0

9.30 WATER EFFICIENCY PLAN

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider engaging a consultant to design, prepare and compile a report for the Shire of Menzies in terms of the requirements of the Water Corporation Water Efficiency plan, as determined by the requirements of the State wide policy number 16 where each local authority is required to submit a plan to the Water Corporation by June 30th, 2009.

BACKGROUND: Not applicable

COMMENT:

The State wide Policy number 16 is a thirty five page document, and where the cover sheet is enclosed but available in hardcopy if required by councillors.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS: *Simple Majority required*

COUNCIL DECISION

ITEM 9.30

To engage a consultant, if required, to design a "Shire of Menzies Water Efficiency Plan" as required by State Policy number 16, for adoption by Council and submission to the Water Corporation by June 30th, 2009.

MOVED: Cr PUSEY
SECONDED: Cr TUCKER
CARRIED: 5/0

2.28PM ADJOURNMENT
2.45PM COUNCIL RESUMED IN CHAMBERS

9. 31 CARAVAN PARK – BUDGET UPDATE AND CAMP KITCHEN FACILITY

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the variances to this project and the aspects relative to the Camp Kitchen as approved "In Principle Only"

BACKGROUND:

Whilst this project was approved by Council at M1.1, some variations have emerged which requires clarity with Council, as follows:

1. Council is well aware that the programme for the DOTARS grant applied for in the sum of \$325,000 was terminated with the change of Government. Thus, this item is deleted.
2. Sadly the Department of Local Government and Regional Development grant in the sum of \$100,000 was declined, though included in the budget.
3. The Commonwealth Government grant of \$100,000 through the R.L.C.I.P. was applied to this project, in terms of Council resolution.
4. Funding through the Royalties to Regions programme applied \$300,000 to this project, in terms of Council resolution.
5. The expenditure aspects have been revised, as required and the attached document identifies those amendments.
6. The camp kitchen facility includes a grant from the GEDC of \$28,116 and a possible design for this facility is attached for Council guidance and comment.

COMMENT:

Council may prefer a different camp kitchen design to that which is presented.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

None

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

Budget provision will be required 2009/10.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION	ITEM 9.31
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To approve the budget variance to the project as presented and support the concept of the camp kitchen for the project with the design details as provided to the Chief Executive Officer during the meeting.

MOVED:	Cr DWYER
SECONDED:	Cr KELLY
CARRIED:	5/0

9.32 WRITE-OFF OF RATE DEBTOR (RAISED IN ERROR.)

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the write-off of a rate debtor raised in error for a deceased owner, in terms of the attaché details as presented to Council for consideration.

BACKGROUND:

Council sold a vast list of vacant lands in 2007/08 relative to lots previously owned by deceased owners and reclaimed to recover Shire rates.

Part of the obligation was to identify the value of the previous rates written off to justify the recovery of value.

This is part of that justification process.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION	ITEM 9.32
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To write-off the value of \$3,387-12 for rate assessment number 1001139 in the name of a deceased owner Henry Frank HOWCHIN, having been raised in error, on the basis that an entry is recorded in the Bad Debts register.

MOVED: Cr KELLY
SECONDED: Cr PUSEY
CARRIED: 5/0

**9.33 REVIEW OF SHIRE OF MENZIES CASH RESOURCES -FOR YEAR ENDED
JUNE 30TH, 2009**

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider exercising frugal and fiscal philosophic management to the Shire's projects in view of some economic issues recently highlighted as impacting adversely on the Shire's financial position.

BACKGROUND:

Councils adopted budget for the year ended June 30th, 2009 included some areas which has been determined as not justified and this impacts adversely on the shires capacity to fulfil the expenditure obligations as proposed.

COMMENT:

The global financial crisis creating the mining "Bust" has influenced some mining ventures to terminate their operations, which impacts on the shires position to achieve the budget outcomes sought, due to the shortfall in budgeted revenues.

At date, council rate base Debtor balance is approximately \$369,000 and where the recovery of this value in the next six weeks to June 30th, 2009 to enable progress on the remaining budgeted expense items is regarded as remote.

Furthermore, the budgeted revenue from the "Roads To recovery " programme was planned for in the sum of \$894,613, where in fact the revenue approved to be received shortly is listed as \$769,360. Thus there is a shortfall of \$125,253 in this one item alone.

Grant funding for the Caravan Park from the Dept of Local Government and Regional Development planned in the sum of \$100,000, was declined.

CONSULTATION:

President Tonkin was apprised of this present situation by phone.

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Council budgeted certain revenues in the year ended June 30th, 2009 and based on those estimates, established a "Balanced Budget" planning to use those funds to develop Capital Infrastructure, operational factors and Balance Sheet expenditures.

Without the receipt in full of these revenue items, the expenditures have to be reduced to accommodate the revised cash position.

The attached schedule details (in brief) a summary of creditors on hand, together with committed contracts for expenditure which remain inchoate at present, but likely to crystallize into accounts payable shortly.

The potential is a cash requirement of **\$1,500,000** by June 30th, 2009.

Against that back drop, the current the projected cash position is:

Cash at Bank	\$140,000
Roads to Recovery Funds	\$800,000
Royalties for Regions Funds	\$400,000
MRWA Road Grants	<u>\$200,000</u>
Total	<u>\$1,540,000</u>

Thus we are sailing close to the wind at this point and I am keen to avoid overdraft, in view of council's legitimate concerns as raised at the April meeting.

Whilst there are other funds due to Council and the attached list is unlikely to require a cash outlay by June 30th, 2009, I have adopted a conservative and extreme management position, in case the worst comes to the worst and we do have to fund the commitments issued, then the above assessment will accommodate the needs of existing commitments as planned.

Accordingly, I plan to contain and curb any further expenditure to basic essentials and not progress the projects at this stage and will re-budget these in the 2009/10 year for Council consideration at the budget adoption meeting.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION

ITEM 9.33

To adopt a fiscal control and conservative management approach over the current budget parameters and approved projects in view of the liquidity position that prevails at present and re-budget the value required for any project that requires completion in the 2009/10 year, subject to the budget adoption meeting scheduled for June 2009.

MOVED: Cr TUCKER
SECONDED: Cr KELLY
CARRIED: 5/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 28th, 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider the presentation of the draft budget document for the 2009/10 year, as presented for council consideration.

BACKGROUND:

It is customary practice to present Council with a draft budget so as to acquaint Councillors with the projects planned and the costs applicable, so as to provide council opportunity to amend the budget, decline inclusion of items, or to include items determined as more value to the community than others.

COMMENT:

This is just the operational budget with the statutory budget being presented at the adoption meeting, scheduled as an agenda item at the June meeting.

This is a "Balanced Budget" as has previously been the case with this office and includes a 3% increase in rates, largely consistent with the C.P.I.

CONSULTATION:**STATUTORY ENVIRONMENT:****POLICY IMPLICATIONS:****FINANCIAL IMPLICATIONS:**

VOTING REQUIREMENTS: *Simple Majority required*

OFFICERS RECOMMENDATION**ITEM 9.34**

To receive the draft operational budget for the year of 2009/10, subject to any amendments as issued to the Chief Executive Officer during the meeting and subject to the "Budget Adoption Meeting" scheduled for June 25th, 2009, as presented to Council.

'DEFERRED TO COUNCIL MEETING ON JUNE 25th, 2009'

10	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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- 10.1 Elected Members motions with previous notice.
Nil
- 10.2 Confidential Business to be held behind closed doors.
Nil

4.07PM COUNCIL ADJOURNMENT

4.19PM COUNCIL RESUMES IN COUNCIL CHAMBERS

- 10.3 Reports of Councillors and Staff

Cr J Dwyer

- 1. 200 people to visit in August:
Dinner to be provided
Improve Kitchen facilities
Accommodation at Oval
- 2. New Chief Executive Officers residence:
Cracking occurring
Cheap quality and fittings are ordinary
Consider budget provision for better quality residence in 2009/10
Budget Year
- 3. Kookynie Malcolm Rd:
Signs to be reinstalled /Contractor to attend.
- 4. Kookynie Road:
Grade, define road parameters.

Cr A Kelly

None

Cr G Pusey

- 1. Niagra Dam – Dump Eze, needs urgent attention
- 2. Appeals Tribunal on July 13th 2009

Cr I Tucker

None

Cr G Stubbs

1. Town Roads to be planned.
2. School Bus facility to carry school children
3. Huge Dog problem exists, raise Item for June Meeting.
 - a. Contact dogging groups
 - b. C.D.E.P. to assist
 - c. Bounty per head
 - d. Contact Agriculture Department

Chief Executive Officer's Report - Supplementary comments by Brian Seale

1. Policy required for grading Air-strips (road side) for Royal Flying Doctors
 - Chief Executive Officer to research.

2. Request for Road Closure – Lot 303 Gregory St; Menzies – R.O.W. as presented

➤ **CR I TUCKER DECLARES AN INTEREST IN THIS ITEM**

4.40PM – CR I TUCKER DEPARTS FROM COUNCIL CHAMBERS

COUNCIL DECISION

**MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 4/0**

4.46PM – CR I TUCKER RETURNS TO COUNCIL CHAMBERS

3. Mr Jamie Mazza: Objection
July 13th 2009 Teleconference in Menzies at 10.00 am.

4. **Ward Boundary Review:**

- Rural Ward – 4 Councillors
- Town Ward – 3 Councillors

COUNCIL DECISION

MOVED: Cr DWYER
SECONDED: Cr PUSEY
CARRIED: 5/0

5. **Cultural Awareness Course – June 17th – 19th:**

- (Prepare for June Agenda for Council Meeting)
- Indigenous Flag to fly on flag additional pole

COUNCIL DECISION

MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 5/0

6. Purchase of Chairs & Oven for the Town Hall:
- *Prepare for June Agenda for Budget – 2009/10*

7. Governors' visit in September 2009
- Provide Councillors details and notify organisers support

8. Training Workshop – Manager \$1.140.00
- *Prepare for June Agenda*

9. **Application for Misc. License 39/396**

COUNCIL DECISION

MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 5/0

10. Menzies Caravan Park – Upgrade plans:

- a. Check water run off
 - b. Are pumps required
 - c. Install service entrance
 - d. Use mountable curbs
-
11. Yarri Road Re-alignment
- Ok for support

 12. Town Hall Heating - \$10,000.00:
Buy six (6) patio heaters

 13. Yeelirrie Project:
Seek President's approval -
 - Prepare for June Agenda

 14. Accounting/Software:
 - \$136,000.00 (Previously addressed in the meeting)

 15. Water Efficiency Plan – Policy Number 16 (Previously addressed in the meeting)

 16. Corporate Plan “Workshop”
 - Plan a date for all Councillors – absent Councillors to contribute.

 17. Royal Agricultural Show 2009 – (support)
 - Prepare for June Agenda

 18. Lake Ballard -
 - a. Management plan – ok
 - b. Marketing plan – Prepare for June Agenda
 - c. Chief Executive Officer - ok

 19. WALGA State Council - No participants

 20. VALE withdraws from joint venture - noted

21. Application for Misc. License 31/60

COUNCIL DECISION

MOVED: Cr PUSEY
SECONDED: Cr TUCKER
CARRIED: 5/0

22. Interim Audit Report
• Prepare for June Agenda

23. Complaint – “Menzies Hotel”
• Details provided and noted with concern

‘ MOVED IN CAMERA ’

MOVED: Cr PUSEY
SECONDED: Cr DWYER
CARRIED: 5/0

‘ MOVED OUT OF CAMERA ’

MOVED: Cr DWYER
SECONDED: Cr KELLY
CARRIED: 5/0

11 INFORMATION BULLETIN

11.1 Information Bulletin as presented for discussion and resolutions.
Nil

**12 CLOSURE
NEXT MEETING / MEETING CLOSURE**

The next Meeting will be held on Thursday, June 25th, 2009 at the Council Chambers, Menzies, commencing at 9.00am.

There being no further business to discuss, the President declared the meeting closed at 6.40 pm.

These minutes were confirmed as a true and accurate record of proceedings at the Ordinary Meeting of Council, held Thursday 28th May 2009.

Confirmed by the Shire of Menzies –

Shire President.....

