

Shire of Menzies



M I N U T E S

ORDINARY COUNCIL MEETING
THURSDAY 22 JANUARY 2009
COMMENCING AT 9.18 AM
COUNCIL CHAMBERS - MENZIES

SHIRE OF MENZIES

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SHIRE OF MENZIES



**ORDINARY COUNCIL MEETING
JANUARY 22ND, 2008,
IN COUNCIL CHAMBERS COMMENCING AT 9-18 AM**

MINUTES

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed all elected Members, Staff and Visitors and declared the meeting open at 9.18am.

Jerry Lenane was introduced to council and President Tonkin welcomed him to the Shire.

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

PRESENT:	<i>Cr S Tonkin Cr K Pusey Cr J Dwyer Cr A Kelly</i>	<i>Shire President Councillor Councillor Councillor</i>
STAFF:	<i>Mr B Seale Mr J Lenane</i>	<i>Chief Executive Officer Manager Works & Services</i>
VISITORS:	<i>Mr M Burgess</i>	<i>Manager – Rural Road Services</i>
APOLOGIES:	<i>Cr I Tucker</i>	<i>Councillor</i>

3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

N / A

4 PUBLIC QUESTION TIME

N / A

5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

N / A

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

N / A

7 CONFIRMATION OF PREVIOUS MINUTES

7.1 Confirmation of the Previous Minutes of Council held December 18th, 2008, as presented is adopted.

Moved: Cr Kelly

Seconded: Cr Pusey
"Carried: 4/0"

8	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION / QUESTIONS ON NOTICE.
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8.1 Announcements by the President without Discussion

- President Tonkin announced that he attended the Tropicana meeting
- President Tonkin raised the Native Title Issue in this regard
- The President further mentioned the meeting with the prison superintendent

8.2 Questions on Notice - NIL

COUNCIL RESOLUTION

ITEM 8.1

MOVED Cr Dwyer

SECONDED Cr Kelly
"Carried: 4/0"

That the Presidents Report as presented be received.

QUESTIONS ON NOTICE

ITEM 8.2

NIL

The Ordinary Meeting of Council was adjourned 10.07am and recommenced 10.21am. Mark Burgess and Jerry Lenane vacate the Chambers.

9. REPORTS OF COMMITTEES AND OFFICERS.

Chief Executive Officers Reports.

9.1 Financial Statements to December 31st, 2008

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 are an equivalent of a quarterly financial report) is 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	ITEM 9.1
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MOVED Cr Pusey

SECONDED Cr Kelly

"Carried: 4/0"

That the Financial Statements to December 31st, 2008 as presented be adopted

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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
CEO

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~ has 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 9.2

MOVED Cr Pusey

SECONDED Cr Dwyer
"Carried: 4/0"

That the Reports to the Financial Statements to December 31st, 2008 as presented be received.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

BACKGROUND:

Cheque numbers **5742 TO 5825**, including direct debits and bank statement transfers totalling **\$345,039-10** are presented for payment as per the submitted lists as well as Receipts totalling **\$149,194-05**

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 \$insert amount 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

MOVED Cr Dwyer

SECONDED Cr Kelly
"Carried: 4/0"

That cheques numbered **5742** to **5825** and direct bank payments totalling **\$345,039-10** which have been paid by the Chief Executive Officer under delegated authority, and Receipts totalling **\$149,194-05** be adopted.

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

SUMMARY:

To approve of Royce Bonney being the appointed Local Government Scholarship awardee for the 2009 year, in terms of the attached invitation to apply, received from the Department of Local Government and Regional Development.

BACKGROUND:

Council will recall how Tralina Tucker was recently approved as the awardee for 2008 with a scholarship of \$11,500 applying and this opportunity has now been offered to Council for consideration for the 2009 year.

COMMENT:**CONSULTATION:**

STATUTORY ENVIRONMENT: Not Applicable

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS:

Mr Bonney is already a casual employee and this scholarship spans twelve months and where it is expected that the employee's engagement would be converted from the expiry of the probationary period to full time employment.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION**ITEM 9.4**

MOVED Cr Kelly

SECONDED Cr Pusey
"Carried: 4/0"

To approve of Mr. Royce Bonney being the appointed awardee for the Local Government Scholarship for 2009, with a budget variation to apply in the 2008/09 year, as required, in term so the letter of invitation as presented and as attached.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	Dev 3.
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To approve of the map for the upgrade of the Caravan Park as provided to council, with modifications, as advised to the CEO.

BACKGROUND:

This project is determined by Council as the major and significant project for attention and it is planned to complete this upgrade by June 30th, 2009.

However, it appears that there has been some conjecture in the past as to the location of the park and furthermore, I am given to understand that four proposals have issued to council in the past and none have been accepted.

Accordingly, this proposal is intended to determine clearly what issues remain outstanding in order to effect conclusion to this project by June 30th, 2009.

COMMENT:

I am in receipt of advices that Council reserve concern over the consideration of a Children's playground area and it is therefore proposed that this be deleted and a Gazebo be installed in its stead.

The following has been progressed, as required.

1. The surveyor has been contracted to assess and peg the parameters of the combined site in order for the staff to determine the workable area involved.
2. The consultant has been engaged to relocate the water main to the road reserve.
3. The Dept of Planning and Infrastructure have been notified as to the requirements and urgency of the conclusion of the Reserve issue.
4. The Contract has issued to Bio-Max Australia for the Waste Water recycling facility, which is planned to be installed by the end of February.
5. The Works Manager is currently seeking quotes for the fencing.
6. Works Manager is also seeking quotes for the office facility for the Caravan Park caretaker.
7. Quotes are also being sought for the Gazebo, ablutions and laundry.
8. Works Manager is also determining prices for the road construction and pavement areas, once the engineers plan has been adopted by council

CONSULTATION:

Councils consulting engineer has been engaged to prepare the design work for the following:

1. Electrical layout and requirements.
2. Plumbing design.
3. Sewerage design layout and plan
4. Road Network plan.

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

\$1,100,000 is planned for in 2008/09 and with the Grant from the State Government of nearly \$800,000, it is intended to apply \$400,000 to this project.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 9.5

MOVED Cr Dwyer

SECONDED Cr Kelly
"Carried: 4/0"

To approve of the attached proposed design plan as presented being adopted, subject to the modifications as advised to the CEO during the meeting being incorporated into the design and to proceed with the design of the power, water, plumbing, electrical and road network, as planned.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider offering a reward of \$1,000 for information leading to a conviction for the recent discriminate and illegal poisoning of domestic dogs in the townsites, which has caused widespread distress to the community.

BACKGROUND:

Council is in receipt of advices indicating a number of dogs have recently been poisoned and died as a result. There are no leads to who may be behind this callous and nasty activity.

COMMENT:

The Police in Leonora, the Agriculture Department in Perth and the Ranger have been informed, though we are all powerless to do anything, as we have no leads to proceed with.

CONSULTATION:

None

STATUTORY ENVIRONMENT:**POLICY IMPLICATIONS:**

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION**ITEM 9.6**

MOVED Cr Pusey

SECONDED Cr Dwyer
"Carried: 4/0"

To advertise a reward of \$1,000 to any person/s who provides information leading to the conviction for the illegal poisoning of the domestic pet dogs in Menzies in recent months.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 realignment of Cumberland Street in Kookynie back to the gazetted and surveyed road feature, in terms of the attached plan, as presented.

BACKGROUND:

The road has been out of alignment and the Round – a - bout has impinged on adjacent lots for some time and it now seems appropriate to remedy that anomaly.

COMMENT:

The surveyors map/plan is appended.

CONSULTATION:

None

STATUTORY ENVIRONMENT:**POLICY IMPLICATIONS:**

None

FINANCIAL IMPLICATIONS:

Some shire plan hours and labour will be required to rectify this issue, though it is not anticipated to be extensive and could effectively be captured from the General Road Maintenance budget provision.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION**ITEM 9.7**

MOVED Cr

SECONDED Cr

To realign the Cumberland Street feature from Champion St to Dawn Street, and the roundabout in Kookynie in terms of the attached Surveyors plan/map.

“LOST FOR WANT OF MOVER AND SECONDER”

9.8 APPLICATION FOR A COMMERCIAL DIESEL REFUELLING FACILITY
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SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	David Mc Kenna
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22,nd, 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 for a commercial Diesel Refuelling facility in Menzies, in terms of the attached application.

BACKGROUND:

There is presently no facility to provide after hours service for Diesel in Menzies.

COMMENT:

It appears the application intended to provide a 24 hour per day service to be operated from a Card swipe facility to dispense the fuel.

The proposed location is adjacent to the Hotel down Brown Street.

CONSULTATION: None

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.8

MOVED Cr Kelly

SECONDED Cr Dwyer
"Carried 4/0"

To approve the application for a 24 hour per day service for Commercial sales of Diesel from Lot 1 Brown Street as submitted by David Mc Kenna, in terms of the attached application, conditional upon appropriate dust suppression and required statutory approvals being obtained.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 submissions for the 2008/09 Road Construction programme submissions, in terms of the attached schedule.

BACKGROUND:

The tender was advertised for this programme, with the closing date being determined at December 24th, 2008 at 12 noon.

The tenders were opened at that time and date in the presence of two employees.

A further submission from Hampton transport was received late on January 5th, 2009.

COMMENT:

As is evident from the attached schedule, the submission from Breakaway Earthmoving is decidedly less than the competitors to such an extent that a "witnessed" phone call was made to the proprietor, suggesting he may have made an error and therefore may wish to withdraw from the process.

He returned the call following opportunity to check his submission and as a result withdrew from two of the tenders, having recognized an error was indeed made.

Given his price was the best received for the two remaining tender submissions and having contacted five of the Councillors, Breakaway Earthmoving was awarded the tender for the Menzies Northwest Road and the Menzies Evanston Road in the combined sum of \$172,568.

Accordingly, as was also discussed with the councillors, the next best tender submission, received from Tasman Civil was contacted and awarded the contract for the remaining two roads, being the Mt Ida Road and Kookynie Road in the combined sum of \$526,892-61.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.9

MOVED Cr Dwyer

SECONDED Cr Pusey
"Carried 4/0"

To confirm the advices provided to the C.E.O. during the month following the opening of the tender submissions on December 24th, 2008 and endorsing the actions of the C.E.O in the awarding of the tenders number five and six for the Menzies Evanston Road and the Menzies North West Road to Breakaway Earthmoving in the combined sum of \$172,568 and the awarding of the tender submissions number seven and eight to Tasman Civil in the combined sum of \$526,892-61, in terms of the tender submissions received and presented to Council.

**9.10 APPLICATION FOR AN EXPLORATION LICENCE NUMBER 40/260
RECEIVED FROM - JML RESOURCES PTY LIMITED.**

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 received from JML Resources Pty Ltd which impinges upon the Kookynie Townsite and also appears to impact upon the Niagara townsite.

BACKGROUND:

The application is appended as required.

COMMENT:

Council has previously given "Tentative" approval only for applications which impact on the townsites and one such application was withdrawn on December 18th, 2008 as a result of the applicant failing to respond to Councils resolution of a three month temporary approval.

Furthermore, each town has a "Town Common" surrounding it and it would seem that this application plans to explore the townsites and the common.

CONSULTATION: None

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.10

MOVED Cr Kelly

SECONDED Cr Pusey
"Carried 4/0"

To provide "Tentative "approval only for the a period of three months on the basis of further details being provided as to the intentions and plan for the company and that no works of any type be undertaken on the site without Council approval being provided beforehand.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 small supply of Citizenship Medallions (say) approximately 10 at \$4-95 each, as a gift at ceremonies and Australia Day celebrations as determined by the President.

BACKGROUND:

This gift aspect enhances the Shire's good Name and promotes "Positive Public Relations" for the Shire. The Shire does not appear to have previously had access to this type of facility in the past.

COMMENT:**CONSULTATION:**

None

STATUTORY ENVIRONMENT:**POLICY IMPLICATIONS:**

None

FINANCIAL IMPLICATIONS:

\$50 is required for this purpose.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION**ITEM 9.11**

MOVED Cr Pusey

SECONDED Cr Kelly
"Carried 4/0"

To approve of the purchase of ten Citizenship Medallions at a rate of \$4-95 each to be gifted to persons of the Presidents selection and where a register is to be maintained by the C.E.O. to record the details of the recipients for the periodic scrutiny of the Shire President.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To make budget provision for \$210,000 in the 2009/10 year for Grant funding for Aboriginal Access road work at Tjuntjuntjara, as applied for, in terms of the enclosed data.

BACKGROUND:

This is an annual event in a programme spanning six years.

COMMENT:

The present extent of funding for this programme is \$201,000

CONSULTATION:

None

STATUTORY ENVIRONMENT:**POLICY IMPLICATIONS:**

None

FINANCIAL IMPLICATIONS:

There does not appear to be any evidence of a requirement for the Shire to Match this Grant, though the condition is that the Grant funds be expensed on the project for which the funding was approved.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION**ITEM 9.12**

MOVED Cr Kelly

SECONDED Cr Dwyer
"Carried 4/0"

To make budget provision of \$210,000 in the 2009/10 year to support the maintenance of the road network at Tjuntjuntjara as Grant proceeds from the Grants Commission for Special projects servicing indigenous communities, in terms of the attached data.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To address opportunities to progress the Shire of Menzies as a result of the attached submission.

BACKGROUND:

Council is keen to embrace growth and development in the Shire and this report highlights the issues that surround this organization and provides the blue-print of what to do, when to do it and how best to maximize the results of it.

COMMENT:

The report is attached.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Not Applicable

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.13

MOVED Cr Kelly

SECONDED Cr Dwyer
"Carried 4/0"

To embrace the strategies and concepts emerging from the "Sustainable Development Report" as presented in terms of the advices provided to the CEO during the meeting.

9.14 ACTIONS REQUIRED FROM THE MINUTES FROM THE "ANNUAL MEETING OF ELECTORS." CONDUCTED ON DECEMBER 18TH, 2008.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 2009
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	.....
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	.....

SUMMARY:

To consider any action required as a result of the conduct of the Annual meeting of Electors, as attached.

BACKGROUND:

The meeting is a statutory function and requires the council to receive the minutes resulting there-from at the next council meeting in order to address any issues emerging from the community.

COMMENT:

Some general comments were raised and these feature in the general remarks section of the minutes.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Local Government Act (1995.) Section 5.32

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.14

MOVED Cr Pusey

SECONDED Cr Dwyer
"Carried 4/0"

The CEO to take appropriate actions resulting from the conduct of the Annual meeting of Electors, in terms of advices provided to the CEO during the meeting.

9.15 WALGA REQUEST FOR RESPONSES.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 as requested by WALGA relative to :

1. Municipal Waste Management.
2. Building Regulations 1989

BACKGROUND:

The WALGA office frequently seek the views and opinions from the Local Authority in order to gauge the Industry assessment of an aspect of contention and by doing so there are in a better position to represent the Industry.

COMMENT:

The appropriate advices are attached for Council consideration.

CONSULTATION: None

STATUTORY ENVIRONMENT:

Not Applicable

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION**ITEM 9.15**

MOVED Cr Pusey

SECONDED Cr Kelly
"Carried 4/0"

To respond to the requests from the WALGA organization for responses relative to the following and in terms of the advices provided to the CEO during the meeting.:

1. Municipal Waste Management.
2. Building Regulations 1989

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 of \$32,000 for the 2009/10 year to progress the concept of the Main Street development, in terms of the attached proposal from the Consultant.

BACKGROUND:

Council has a project to upgrade the Main Street in 2009/10 which largely involves the Shenton Street section, below ground Power, curbing/paving and median strip enhancement. This proposal however is intended to design an improved image for the main street following this Main Street upgrade and requires planning in a "Townscape" sense.

COMMENT:

The consultants proposal of fee is appended to assist Council in this deliberation.

CONSULTATION:

None

STATUTORY ENVIRONMENT:**POLICY IMPLICATIONS:**

None

FINANCIAL IMPLICATIONS:

Budget provision in the sum of \$32,000 will be required if this proposal is accepted and where it is recommended to be applied top the 2009/10 year.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION**ITEM 9.16**

MOVED Cr

SECONDED Cr

To make budget provision in the 2009/10 year of \$32,000 for the "Townscape" development of the main Street, in terms of the attached proposal from the consultant.

"DEFER PENDING FURTHER ADVICES"

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 opportunity to invite "The Bunbury Men of Song" to perform in Menzies in May 2009 at a cost estimated at \$11,500, in terms of the attached advices.

BACKGROUND:

Council has allocated \$25,000 for an annual event in the 2008/09 year and quite recently resolved to support the concept of embracing four smaller events during the year rather than one large event. Accordingly, the administration is endeavouring to accommodate the following by June 30th, 2009.

1. A Live Play.
2. A Band.
3. A singer (Keith Potger from the Seekers.)
4. A Choral prelude (Men of Song.)

COMMENT:

Whilst this seems expensive there are 25 singers involved and some have to take time off work to attend and the travel from Bunbury is a huge timing issue.

CONSULTATION: None

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Council has budgeted \$25,000 in the current financial year to accommodate this type of event.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION**ITEM 9.17**

MOVED Cr Dwyer

SECONDED Cr Kelly
"Carried 4/0"

To approve of the engagement of the Bunbury Men of Song" to perform a Choral Prelude in the Town Hall on Saturday May 30th, 2009, at a cost of \$14,867, in terms of the attached proposal

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 formal note of support for the Menzies Remote School

BACKGROUND:

There has been growing concerns in recent times regarding the potential to close the school due to the size and the loss of this vital State Government utility would be devastating for this community.

COMMENT:

The school, together with the Nursing post, a general store facility, accommodation and Policing are listed as the main five services that the community regard as essential and the loss of any of these are serious and impacts very significantly on the viability and sustainability of the community.

CONSULTATION:

None

STATUTORY ENVIRONMENT:**POLICY IMPLICATIONS:**

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION**ITEM 9.18**

MOVED Cr Dwyer

SECONDED Cr Pusey
"Carried 4/0"

To forward a note of support to the Director General of the Education Department in support of the School and the tutors at the Menzies Remote School.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 issues relative to the remedy required to rectify the anomaly at the Air-Field where the present location impinges on roadways, undedicated crown land and reserve land, contrary to the designated purpose, as displayed on the attached aerial photograph.

BACKGROUND:

The air-filed has been in existence for some time without causing an issue though it is questionable that Council was aware of the irregularity of the issue.

However, having now been made aware of the matter, the Department of Planning and Infrastructure and Councils Insurers have been notified of the nature of the issue and will await Councils decision as to the next step prior to proceeding.

COMMENT:

The present location as evidenced on the attached aerial photo impinges on undedicated crown land and this matter should be rectified.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

None

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.19

MOVED Cr Dwyer

SECONDED Cr Kelly
"Carried 4/0"

To seek guidance from the Department for Planning and Infrastructure as to a remedy to the anomaly at the Air-Field and plan a suitable amendment with the following recommendations:

1. Engage a consultant to design the new North South strip.
2. Facilitate an appropriate area for the Reserve with the Dep't. For Planning and Infrastructure.
3. Arrange deletion of the reserves impinged upon by this construction.
4. Proceed with the formalities of legal access to the U.C.L. land.

Meeting Adjourned 12.21pm
Meeting Reconvened 1.11pm

9.20 EXTRA-ORDINARY ELECTION DATE

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 alternative date for the extra-ordinary election, in order to permit the new owners of land in the Shire opportunity to register to vote.

BACKGROUND:

Whilst council has selected a date for the extra-ordinary election, it is felt that providing opportunity to the new owners of the recently acquired land the opportunity to register to vote would be appropriate and prudent to extend the time frame.

COMMENT:

The resignation of the former Cr. Mazza was acknowledged on October 25th, 2008.

The electoral commissioner has been requested to provide an electoral roll

CONSULTATION:

None

STATUTORY ENVIRONMENT:

Section 4.19/20	Appoint a Returning Officer and a Deputy Returning Officer
Section 4.64	Publish a Public Notice (State-wide) not less than 19 days prior to the election date.
Section 4.23	Returning Officer's Function to include appointing of a Polling Place and the location is to be in the Ward of the Election vacancy.
Section 4.36	Prepare the Electoral Roll (i.e) The Residents Roll combined with the Owners- Occupiers Roll.

Section 4.9	The Election Day to be determined within one month of the Vacancy (4.9 (1.) (b.) - and - cannot exceed four months after the Vacancy. 4.9 (2.)
Section 4.47	Call for nominations in a State wide notice, on or after the 56 th day prior to the election date, but not later than the 45 th , day prior to the election date.
Section 4.40	Request the Electoral Commissioner to Prepare a "Residents Roll" 56 days prior to the Election date.
Section 4.49	Nominations to be received by the Returning Officer between the 44 th day and the 37 th day at 4pm prior to the election.

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.20

MOVED Cr Dwyer

SECONDED Cr Pusey
"Carried 4/0"

To rescind the previous resolution of the Council for the Shire of Menzies dated November 27th, 2008 and numbered 9.10 - and -

To resolve an election date for the extra-ordinary to be held on Wednesday March 25th, 2009.

9.21 ROYALTIES FOR REGIONS STATE GOVERNMENT GRANT

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	January 22 nd , 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 of this Grant for appropriate Infrastructure development in the year to June 30th, 2009 for the Shire of Menzies

BACKGROUND:

This Grant is an election promise at the last election in October 2008 and is provided to assist Shires in view of the World economic collapse and where the Shire of Menzies was awarded \$791,732

COMMENT:

In view of the delays experienced in the Caravan Park development over the past five years and the recent declines by the Commonwealth Government of the Shires application for funding sought in the sum of \$365,000, it is felt that applying some portion of the funds to this purpose will enable completion of the project by June 30th, 2009. Furthermore, given the importance of the road network infrastructure, it is felt that applying funds to this area would be appropriate.

CONSULTATION:	None
STATUTORY ENVIRONMENT:	
POLICY IMPLICATIONS:	None
FINANCIAL IMPLICATIONS:	None
VOTING REQUIREMENTS:	Simple Majority required

COUNCIL DECISION

ITEM 9.21

MOVED Cr Pusey

SECONDED Cr Kelly
"Carried 4/0"

To provide funding as provided by the State Government from the Royalties to Regions concept as follows:

1. Menzies Caravan Park Upgrade	\$400,000
3. Mt Ida Road	\$100,000
4. Kookynie Road	\$291,732
Total	\$791,732

Councillor Pusey vacates Chambers 2.35pm
Councillor Pusey returns to Chambers 2.37pm

10 COUNCILLORS REPORTS

Councillor Pusey

1. Local Laws required for camping grounds – use of recreational vehicles
2. Ensure Road signs are re-positioned after road works

Councillor Kelly

1. Line marking for the Netball Courts is required
2. Sale of Gold nuggets from the Lady Shenton – Donation of antique case
3. Prepare a list of local interests with signage – Ghost Rocks
Menzies Baths
Old Cemetery
Hanging Rock

Councillor Dwyer

1. Send letter to Kookynie owners regarding Sea Tainers

President Tonkin

1. Best wishes extended to all councillors for 2009
2. Kalgoorlie Nickel Mine in Doubt
3. Australia Day Function – Cr Tonkin to make presentation
4. Quentin Senior employment remains an issue
5. Use of Shire vehicles – Take out of the State – Policy Prohibits
6. Cleaning Grids – Mt Celia & Edjudina. Advise councillors in Councillor Update Bulletin timeframe for the attention of this.

11 CHIEF EXECUTIVE OFFICER'S SUPPLEMENTARY REPORT

1. Grader drivers claiming \$25.00 per day camp out allowance
2. How can we benefit from the Menzies Classic
3. Tropicana meeting Perth and Kalgoorlie
4. Australia Day nominations received
5. Kookynie Rail Crossing project update
6. Kookynie Interpretative Plan on disc and hard copy available
7. Book available – "Gwalia Unearthed", \$13.95 – DECLINED
8. Exploration Licence received 'Hetherington' – APPROVED
9. Journal Entry reversing excess value requires item for February
10. Northern Tourism Meeting
11. Application for Roadhouse Amalgamation - APPROVED

12 NEXT MEETING / MEETING CLOSURE

The next Ordinary Meeting of Council will be held on Thursday, February 26th, 2009 at the Council Chambers, Menzies, commencing at 9.00am.

There being no further business to discuss, the President declared the meeting closed at 2.48PM