

## SHIRE OF MENZIES

### MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD IN THE COUNCIL CHAMBERS, MENZIES, ON FRIDAY 17 SEPTEMBER 2004 COMMENCING AT 9.05am.

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

The Shire President declared the meeting open at 9.05am.

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

Present:	Cr K Finlayson	Shire President (left 12.45)
	Cr K Pusey	Deputy Shire President
	Cr I McGregor	
	Cr S Tonkin	
	Cr B Earnshaw	
	Mr. Tony Nottle	Chief Executive Officer
	Mrs. Jolene Nottle	Deputy Chief Executive Officer
	Mr. Laurie Vicary	Acting Chief Executive Officer

Apologies: Cr K Purchase  
Cr P Kennedy had applied for Leave of Absence

#### 3. PUBLIC QUESTION TIME:

As there were no members of the public present, Public Question Time was closed at 9.06am

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

Cr K Pusey advised that he would be unavailable for the October Ordinary Meeting of Council.

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

The Shire President advised Council of the recent successful funding application for the Golden Quest Discovery Trail (\$397,000). The Manager of the Golden Quest Trails Association, Malinda Nixon, will be arriving at 10.00am with some reporters.

*Mr. Laurie Vicary left the room at 9.07 am.*

Local Government Week was attended by the President, CEO and DCEO which was extremely beneficial. The motivational speakers were one of the highlights of the conference.

*Mr. Laurie Vicary returned to the room at 9.11 am.*

The President attended the Open Community Meeting in Coolgardie which discussed the implication of the disbanded ATSIC. It seems that Local Government will be more informed of the processes regarding Indigenous Coordination Centres.

Cr. Tonkin asked the President how the representatives on the Indigenous Coordination Centres are appointed.

The President replied that the representatives are generally federally appointed.

Cr Pusey asked if there were any representatives from the Menzies area.

The President informed Cr Pusey that BEGA were in attendance from our area.

## **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

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

SECONDED Cr K Purchase

That the minutes of the Ordinary Meeting of the Council held on 21 May, having previously been circulated, be confirmed subject to the following changes:

Item 6.1 – date to change from 21 May to 18 June

Item 8.1,2,3,4 – heading to change from Officer Recommendation / Council Decision to Council Decision / Officer Recommendation

Item 11.1.5 – heading to change from Officer Recommendation / Council to Council Decision / Officer Recommendation

Item 11.1.6 – heading to change from Officer Recommendation / Council to Council Decision / Officer Recommendation.

Item 11.1.7 – heading to change from Officer Recommendation to Council Decision / Officer Recommendation.

Item 11.2.3 – heading to change from Officer Recommendation to Council Decision / Officer Recommendation.

CARRIED 6/0

### **SUSPENSION OF STANDING ORDERS 9.20am**

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

SECONDED Cr R Earnshaw

That Standing Orders be suspended at this time for the purpose of a review of the performance of the Chief Executive Officer over the past 12 months to be conducted with the assistance of Laurie Vicary.

CARRIED 5/0

*The Chief Executive Officer, Mr Tony Nottle and the Deputy Chief Executive Officer, Mrs Jolene Nottle left the meeting at 9.20 am.*

<b>Chief Executive Officer – Performance Review</b>
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Council had agreed that the process that would be adopted would for the elected members to discuss the performance of Mr Nottle with the benefit of the observations of Laurie Vicary. Mr Nottle would then be invited to discuss any perceived shortcomings and to advise the Council of his plans for the future. That would be followed by further confidential Council discussions to resolve whether the contractual arrangements between Council and Mr Nottle would be changed.

*At 10.20am the meeting was adjourned for morning tea with Ms Malinda Nixon of the Golden Quest Trails Association and journalists who were accompanying her.*

*At 11.00am the meeting resumed with Mr Nottle in attendance.*

Mr Nottle was made aware of the matters that had been considered by the Council earlier and was invited to comment on those things and his plans or justification for changing the benefits due to him through the contract he has with the Council.

Councillors were satisfied with the explanations that were offered and accepted that the problems that had been experienced would not reoccur and, in any case, they were not of great importance.

Mr Nottle explained the items included in his “package” that he would like the Council to review.

*At 11.30am Mr Nottle left the meeting.*

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

SECONDED Cr K Pusey

That Mr Laurie Vicary be authorised to make Mr Nottle aware of the following contract variations offer by Council and that will be reviewed in 12 (twelve) months and of the items that will be the subject of review at the end of that term: -

Salary to be increased by \$2500 per annum.

Unrestricted private use of the motor vehicle provided for the CEO, within Western Australia, and to the CEO paying for fuel used when the vehicle is used for private purposes outside the district. Other staff members and Councillors may use the vehicle when not required by the CEO.

The study allowance provision be changed to be “up to \$3000 for a Council approved course”; and

the criteria for review of the performance of the Chief Executive Officer include the requirement that the CEO will have accepted full responsibility for the accounting system, other than what the accountants Haines Norton are contracted to provide, full responsibility for the management of the ratebook including the resolution of both short and long term debts, demonstrated improved time management and the development of a calendar to ensure all statutory and non-statutory requirements are satisfied within the time limits nominated.

CARRIED 5/0

**STANDING ORDERS RESUMED**

**COUNCIL DECISION**

MOVED Cr I McGregor

SECONDED Cr R Earnshaw

That Standing Orders be resumed.

CARRIED 5/0

*The Chief Executive Officer and the Deputy Chief Executive Officer returned to the meeting at 12.06 pm.*

**7. STATUS REPORT**

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

The following matters were briefly discussed: -

Item No 2 Council were asked if they would like to apply for the entire reserve in question regarding the proposed Caravan Park.

**COUNCIL DECISION**

MOVED Cr R Earnshaw

SECONDED Cr I McGregor

That Council write to Mr. Ken McCracken indicating that the Shire would like to apply for the entire reserve.

CARRIED 5/0

Item No 11 Council requested that the Duncan Jack reports be emailed to all Councillors on the email list.

Item No 13 The issues relating to the fence on the Cranky Jack Road were discussed. The CEO updated Council on his meeting with Mr. Peter Le Fanu.

**COUNCIL DECISION**

MOVED Cr S Tonkin

SECONDED Cr K Pusey

1. That the Chief Executive Officer request that Mr. Le Fanu remove all fencing materials from the existing fence along the Cranky Jack Road.
2. That Council offer to purchase the posts, droppers and wire for the construction of the new fence upon the inspection of the Chief Executive Officer.

CARRIED 5/0

Item No 15 The CEO advised Council that Jill & Greg Dwyer had volunteered their services to “keep an eye” on Niagara Dam. Council agreed that bins should be placed near the toilets.

Item No 17 Council was asked to prioritise its funding applications for the Goldfields Esperance Regional Development Scheme. Council wished to inform the GEDC that the Goongarrie was a regional project and that a higher priority would be the “local” playground project.

**COUNCIL DECISION**

MOVED Cr I McGregor

SECONDED Cr S Tonkin

That the Chief Executive Officer write to the Goldfields Esperance Development Commission indicating the priorities in regards to the Shire's grant applications.

CARRIED 5/0

*Prior to the lunch adjournment the President discussed the following, due to her need to leave the meeting to attend the St. Mary's opening function.*

The President requested that the Chief Executive Officer write to the family and colleagues of the late Mr. Kevin Richards.

**COUNCIL DECISION**

MOVED Cr S Tonkin

SECONDED Cr I McGregor

That the Chief Executive Officer write to the family and colleagues of the late Mr. Kevin Richards expressing sympathy on behalf of the Menzies Shire Council.

CARRIED 5/0

The President thanked Laurie and Alison Vicary for their assistance over the past six weeks.

*The meeting was adjourned for lunch at 12.45pm.*

*The meeting reconvened at 1.25pm with all councillors, other than the Shire President in attendance. The CEO, Deputy CEO and Laurie Vicary were also present.*

*Deputy President, Cr Pusey, took the chair.*

**COUNCIL DECISION**

**ITEM 7.1**

MOVED Cr S Tonkin

SECONDED Cr I McGregor

That the information provided in the Status Report be noted.

CARRIED 4/0

## 8. FINANCIAL REPORTS

### 8.1 Financial Statements – to 31<sup>st</sup> August 2004.

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

SECONDED Cr B Earnshaw

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

CARRIED 4/0

### 8.2 Accounts for Payment

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 8.2</b>
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MOVED Cr I McGregor

SECONDED Cr S Tonkin

That cheque numbers 2357 - 2432 and direct bank payments totaling \$241,077.97 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 4/0

## 9. WORKS REPORTS

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

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 9.1</b>
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MOVED Cr I McGregor

SECONDED Cr Tonkin

That the Works Supervisor's Report be received.

CARRIED 4/0

**Note: This report was dealt with after the completion of the Chief Executive Officer's Report and the Chief Executive Officer's Supplementary Report.**

Cr Pusey requested that fuel records be included in the report.

## 10. ENVIRONMENTAL HEALTH OFFICER & RANGER REPORTS

<b>10.1 Environmental Health Officers Report</b>
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Nil

<b>10.2 Rangers Report</b>
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Nil

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

<b>11.1.1</b>	<b>Delegations - Annual Review</b>
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Location: N/A  
Applicant: N/A  
File Ref: 113b  
Disclosure of Interest: None  
Date: 26<sup>th</sup> July 2004  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:

**This item is repeated after having been considered at the August 2004 meeting of Councillors (Item 11.1.9) when it was referred back to the CEO for further consideration.**

**The decision of the Council was: -**

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

**Councillors are requested to bring the copy of the draft delegations that they had for the last meeting and upon which they will probably have made notes and to save the cost of another set of papers.**

### **Summary**

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

### **Background**

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

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

### **Comment**

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

Out of the delegations previously adopted by Council, there are none which empower the Environmental Health / Building Officer to carry out his / her duties either. A document has been circulated (also see file no. 113b) showing the results of the review undertaken by the CEO.

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

**Consultation** – No external consultation was required

**Statutory Environment**

Section 5.42 of the Local Government Act 1995 states that:

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

Section 5.44 of the Local Government Act 1995 states that:

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

Section 5.46 of the Local Government Act 1995 states that:

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

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

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

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

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

**Voting Requirement** – ABSOLUTE Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.1</b>
MOVED Cr S Tonkin	SECONDED Cr I McGregor

That pursuant to Sections 5.42 and 5.46 of the Local Government Act 1995 Council delegates delegation numbers 001 – 050 as presented in the draft document to the Chief Executive Officer.

CARRIED BY ABSOLUTE MAJORITY 4/0

<b>11.1.2 Sub-Lease of Menzies Railway Station</b>
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Location: Menzies Townsite



Applicant: Ian Mulholland, Managing Director Rox Resources  
File Ref: Agreements  
Disclosure of Interest: N/A  
Date: 28<sup>th</sup> July 2004  
Author: Tony Nottle, Chief Executive Officer  
Signature of Author:

**This item is repeated after having been considered at the August 2004 meeting of Councillors (Item 11.1.11) when it was deferred to allow time for more information to be obtained. There have been some changes to the original report.**

**The decision of the Council was: -**

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

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

### **Summary**

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

### **Background**

In July 2000 the Council entered into an Agreement with the Western Australian Government Railways Commission, to lease that part of the Railway Reserve at Menzies upon which the Railway Station stands, for 10 years. The lease agreement includes a number of conditions including the right to sub-lease with the approval of the Commission.

A copy of the “Particulars of Lease” that was copied from the lease agreement is attached.

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

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

### **Comment**

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

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

**Consultation**

No external consultation was carried out.

**Statutory Environment** - N/A

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

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

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.2</b>
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MOVED Cr I McGregor

SECONDED Cr R Earnshaw

1. That Council authorise the Chief Executive Officer to organise the appropriate sub-lease agreement between the Shire of Menzies and Rox Resources for the sub-lease of the Menzies Railway Station following an inspection of the premises with a representative of Rox Resources that is to ensure clarity with regard to the requirement for the sub-lessee to maintain the premises
2. That Council authorise the Chief Executive Officer and the President to affix the common seal and sign the lease agreement upon completion.

CARRIED 4/0

<b>11.1.3</b>	<b>HEAVY VEHICLE ACCESS PROJECT</b>
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Location:	District
Applicant:	Main Roads Western Australia
File Ref:	402
Disclosure of Interest:	None
Date:	119 August 2004
Author:	L A Vicary, Acting Chief Executive Officer
Signature of Author:	

**This item is repeated after having been considered at the August 2004 meeting of Councillors (Item 11.2.3) when it was deferred to allow time for the Acting Chief Executive Officer to further research the matter. There have been some minor changes to the original report.**

**The decision of the Council was: -**

**That:**

1. **Main Roads WA be advised that Council will not respond to the request for review and endorsement of the documents provided as part of the Heavy Vehicle Access Project until after the September meeting of the Council;**

2. That the Acting Chief Executive Officer review the documents and plans provided and seek advice from others before preparing a recommendation for consideration by Councillors at their September 2004 meeting; and
3. Council members also review the plans and documents provided by Main Roads WA and advise the Acting CEO of their views.

### **Summary**

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

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

### **Background**

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

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

The purpose of the Project is to eliminate the need for the operators of heavy / large vehicles to obtain a permit to travel on certain roads-those that currently operate as general endorsement routes under permit conditions. They will in future be able to operate under a "notice" that stipulates the conditions that apply to a particular route that has been approved under the Project that is now being promoted. It is understood the routes will be reviewed annually.

Council does not lose that ability to close roads to any or all traffic in inclement weather conditions.

While the recommendation will be to adopt the proposal put forward by Main Roads, it is considered desirable to have all appropriate roads in the district –whether on the current Main Roads list or not-to assess their carrying capacity. This is desirable for use when the occasional request is received to use a particular road that is not one of the usual routes.

### **Comment**

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

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

**Consultation** – Information about the proposal was sought and obtained from Main Roads WA. The matter was also discussed with the Works Supervisor employed by the Shire of Laverton as well as our own Works Supervisor.

**Statutory Environment** – N/A

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

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

**Voting Requirement** – Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 11.1.3**

MOVED Cr I McGregor

SECONDED Cr R Earnshaw

That the listing of Proposed Class 2 and 3 Notice Roads within the Shire of Menzies, as illustrated on various maps, charts and spreadsheets provided by Main Roads Western Australia, and which may be located via Council file 402, be endorsed.

CARRIED 4/0

**11.1.4 FINGERBOARD SIGN-HIGHWAY & KOOKYNIE ROAD**

Location: Junction Main Road and Kookynie Road  
Applicant: Mrs Robyn McCarthy  
File Ref: 139  
Disclosure of Interest: None  
Date: 10 September 2004  
Author: L A Vicary, Acting Chief Executive Officer  
Signature of Author:

**Summary**

Council has been asked to contribute to the placement of a fingerboard sign at the corner of the Main Road and Kookynie Road. The sign will advertise Mrs McCarthy's business as well as the availability of tourist information.

**Background**

It is not clear, but seems to be implied, that Mrs McCarthy is seeking a contribution to all of the signs that she proposes to place to direct people to her place of business. A copy of the application is attached.

Councillors will recall that the matter of signs in Kookynie was discussed at a recent meeting when it was agreed that staff should meet with Mrs McCarthy to discuss the type, quantity and location of the signs she proposed. It is expected staff will be able to report at the September meeting.

The question of proof of insurance was mentioned at the last Council meeting and that matter will also be followed up.

**Comment**

Council may see some merit in supporting the request of Mrs McCarthy due to the tourist information she will be providing. On the other hand, it is of value to the business to offer tourist information to attract visitors to that business.

The issue of precedent cannot be overlooked; if Council agrees to support a commercial enterprise then it is likely that similar requests will be received. Equally, precedent may be used on this occasion if the Council has previously approved or ignored the location of signs.

It is the view of the author that only "standard" single fingerboard signs should be permitted. Where more than one such sign is required, to advertise a number of businesses, they should be placed on an appropriate structure. Council should decide what the "standard" would be on its roads.

The Town Planning Scheme allows some flexibility with regard to signs on private property through Clause 5.6.1. Council would need to have good cause to change the 'Exempted Advertisements' described in Schedule 4 of the Scheme as otherwise the value of the scheme, so far as signs are concerned, would be lost due to the creation of a precedent.

It seems inappropriate to make a recommendation at this time when it is intended that staff should meet with Mrs McCarthy to discuss the matter. But for that fact, the recommendation would be along the lines of agreement to a minimum number of signs on roadsides in accordance with the standards of Main Roads WA and only signs that comply with the TP Scheme be permitted on the site of the business. The recommendation would be to decline the opportunity to contribute to the cost of the sign/s

**Consultation**

Staff members intend to meet with Mrs McCarthy to discuss her precise requirements and will be in a better position to discuss the matter following that meeting. It can be assumed that Main Roads WA does not have an objection to the sign at the highway corner if their standards are observed and someone other than MRWA pays for the sign.

**Statutory Environment** – Shire of Menzies Town Planning Scheme No1.

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

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

**Voting Requirement** – Simple Majority

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 11.1.4</b>
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For Council consideration and direction.

<b>COUNCIL DECISION</b>	<b>ITEM 11.1.4</b>
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MOVED Cr I McGregor

SECONDED Cr S Tonkin

That Council financially support signage on the Goldfields Highway, advertising the new business (Old Miner's Cottage Crafts) providing arts and crafts to a maximum of \$125.00.

CARRIED 4/0

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

<b>11.2.1 REFUGEE SETTLEMENT IN REGIONAL WA</b>
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Location:	Western Australia
Applicant:	WA Local Government Association
File Ref:	136
Disclosure of Interest:	None
Date:	14 September 2004
Author:	A G Nottle (L A Vicary) Chief Executive Officer
Signature of Author:	

### **Summary**

To gain the views of Council on a proposal by the Commonwealth for the future settlement of refugees (humanitarian visa entrants) in regional WA.

### **Background**

A copy of the "Infopage" distributed by the WALGA accompanied the agenda for this meeting. For convenience another copy is attached to this report item.

### **Comment**

Council has been to respond to a number of questions relating to the draft criteria for identifying appropriate regional locations. The questions that have been used as the recommendation for this item.

**Consultation** – None

### **Statutory Environment**

This is a matter for Commonwealth legislation. However, regional centres may need to consider a whole range of statutory implications – town planning being not the least of them.

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

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

**Voting Requirement** – Simple Majority

**OFFICER RECOMMENDATION**

**ITEM 11.2.1**

That the WA Local Government Association be advised of the following responses: -

**Question 1:** -Do you agree or disagree with the minimum population stipulation of 20,000 for locating refugees in regional WA?

Agree  Disagree

**Question 2:** -Do you agree or disagree that locations should provide good permanent employment prospects in unskilled/semi skilled industries?

Agree  Disagree

**Question 3:** - Do you believe that the Accessibility/Remoteness Index of Australia (ARIA) should be used to identify potential locations?

(ARIA ratings are used as an indicator for rural and remote areas of accessibility to services considered 'normal' in urban areas. An area is rated Highly Accessible (HA) if there is relatively unrestricted access to goods, services and opportunities for social interaction, Accessible (A) if there are restrictions to these and Moderately Accessible (MA) indicates that there may be significant restrictions to some goods, services and opportunities for social interaction. Distance from larger centres and accessibility by public and private transport are important, as is the access to specialist services (such as those for survivors of torture and trauma) from larger centres.

Agree  Disagree

**Question 4:** - Do you agree or disagree that DIMIA funded settlement services (i.e. Integrated Humanitarian Settlement Strategy and Adult Migrants English Programme) should be readily accessible?

Agree  Disagree

**Question 5:** - Do you agree or disagree that Infrastructure and Mainstream Services (i.e. healthcare, schools, housing access to Centrelink/Job Network) should be available?

Agree  Disagree

**Question 6:** - Please list suggestions for possible, additional future location for Refugee Settlement in Regional WA, providing a brief comment on how this location relates to the five Draft Criteria.

- 1) Name of possible future location
- 2) Population;
- 3) Employment Opportunities;
- 4) Location;
- 5) DIMIA Funded Settlement Services:
- 6) Infrastructure and Mainstream Services:

**COUNCIL DECISION**

**ITEM 11.2.1**

MOVED Cr R Earnshaw

SECONDED Cr S Tonkin

That this matter be deferred until the October meeting to allow the members enough time to consider this matter and provide a response.

CARRIED 4/0

## **11.2.2 FUTURE LOCAL GOVERNMENT ELECTIONS**

Location:	State
Applicant:	Western Australian Local Government Association
File Ref:	136
Disclosure of Interest:	None
Date:	14 September 2004
Author:	A G Nottle (L A Vicary) Chief Executive Officer
Signature of Author:	

### **Summary**

Council has been asked to consider the proposal that Local Government elections be changed to the 3<sup>rd</sup> Saturday in October every two years.

### **Background**

A copy of the "Infopage" distributed by the WALGA accompanied the agenda for this meeting. For convenience another copy is attached to this report item.

There are a number of points listed for consideration in the body of the "Infopage". Possibly the most significant of those points are to do with the impact of candidates campaigning during the budget process and being elected after the budget has been adopted.

### **Comment**

It has long been a complaint that members elected for the first time in May feel that they are "dropped in at the deep end", as one of the first things they are required to do, as a Council member, is to be involved in the budget process. In some cases that process is well advanced by May each year and it would be difficult for a new Councillor to make much impact on what has already been decided.

It seems there are two periods of the year that should be avoided for Local Government elections. They are the period immediately before and after the Christmas or summer holidays and at "budget time". The author of this report is not aware of the arguments against having the elections in March or April as that would allow new members more time to become familiar with the budget process and make greater contributions to that process.

Elections in September / October would certainly ensure the new member are familiar with the budget in the following year.

### **Consultation**

This matter was raised by the WALGA in April 2004 as the result of a number of Zones suggesting the Election Day should be changed to September or October.



## **Statutory Environment**

It is understood the Department of Local Government and Regional Development is undertaking a review of the electoral provisions of the Local Government Act. WALGA believes it is appropriate for the Association to develop a view on the matter of the Election Day for consideration as part of the Departmental review.

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

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

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.2.2</b>
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MOVED Cr S Tonkin

SECONDED Cr I McGregor

That the Western Australian Local Government Association be advised that the Council of the Shire of Menzies supports the proposal to change the Election Day to the 3<sup>rd</sup> Saturday in October every two years.

CARRIED 4/0

<b>11.2.3 NATIONAL RECONCILIATION FORUM</b>
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Location:	Kalgoorlie
Applicant:	City of Kalgoorlie-Boulder
File Ref:	129
Disclosure of Interest:	None
Date:	14 September 2004
Author:	A G Nottle (L A Vicary) Chief Executive Officer
Signature of Author:	

## **Summary**

Council has been advised of the Reconciliation Forum that is to be held in Kalgoorlie from 21 to 23 September 2004.

## **Background**

The author is not aware how well the Forum has been advertised. Shire President, Cr Finlayson, received a letter from Mayor Yuryevich dated 23 August in which he suggested using a website for the purpose of registration.

## **Comment**

Council members were advised of the Forum by "Friday Fax" 2 or 3 weeks ago. There has been no response from possible attendees to date

A copy of the programme for the Forum has been obtained from the website and will be available at the Council meeting. The cost of registration is \$440 per person.

**Consultation** – None.

**Statutory Environment** – N/A

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

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

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.2.3</b>
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MOVED Cr I McGregor

SECONDED Cr R Earnshaw

That Cr Finlayson be nominated to attend the National Reconciliation Forum in Kalgoorlie on 21 – 23 September 2004 as the representative of the Shire of Menzies if she is available.

CARRIED 4/0

<b>11.2.4</b>	<b>FLY – IN Fly – OUT and WORKFORCE ACCOMMODATION</b>
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Location:	District and Region
Applicant:	Various Sources
File Ref:	213 / 231
Disclosure of Interest:	None
Date:	14 September 2004
Author:	A G Nottle (L A Vicary) Chief Executive Officer
Signature of Author:	

**Summary**

Council is requested to consider two resolutions arising from the Communities and Mining Forum held on 2 September 2004 as well as a draft amendment to the Shire of Coolgardie Town Planning Scheme.

**Background**

The Communities and Mining Forum was attended by Shire President, Cr Finlayson, and the Acting CEO, Laurie Vicary. Many issues were raised at the Forum including one to do with amendments to the Mining Act and the impact of those amendments on Local Government rating – that matter should be dealt with elsewhere.

The Forum adopted two resolutions and it is best to deal with them individually. The resolutions, as recorded in the letter by John Bowler MLA, a copy of which has been made available to Councillors, are as follows: -

1. That this meeting establish a task force to consider fly-in fly-out and regional issues and make recommendations to Federal and State Governments concerning legislation, regulation and policy to encourage industry and business, in conjunction with local government, to maintain residential workforces.
2. To establish a working group of officers to consider planning policy guiding the location of mining camps

The author of this report is not aware how these things “come together” in the Goldfields. So far as the first resolution is concerned, notes taken at the Forum indicate that the task force is to be comprised of three (3) representatives from Local Government, three (3) representatives from the mining industry and one (1) representative of the business community. There was no indication with regard to how the representatives are to be selected and when the task force is to meet.

So far as the second resolution is concerned, there are no notes but an impression that the officers who are to comprise the working group are to be selected at the WALGA Zone meeting in Menzies on 24 September 2004.  
Comment

### **Resolution 1**

With few exceptions, there was general acceptance at the Forum that fly-in fly-out is here to stay. That is not to say that every effort should not be made to achieve benefit for our communities as a flow on from fly-in fly-out or as an alternative to that practice. Fly-in fly-out delivers some clear benefits to the mining industry that are not likely to be relinquished without a fight. It will be interesting to observe the level of success of the task force.

It should be noted, as was the case at the Forum, that it is not only the mining industry that has adopted fly-in fly-out. Health specialists and similar professionals also visit the Region for short periods without establishing permanent residence.

### **Resolution 2**

There are a few issues to be addressed by the working group including an attempt to achieve uniformity with regard to terminology used in Town Planning Schemes in the Region. Also of concern is the distance from towns beyond which the workforce camps can be established - otherwise the camps must be established in the existing communities.

It is thought that the mining industry may appreciate fewer differences in the Town Planning Schemes adopted by the Local Governments in the Region.

Following are a couple of clauses that are included in a draft TPS Policy that has been circulated by the Shire of Coolgardie for consideration by the Local Governments in the Region.

*3.1 The Council's objective is to ensure that all residential development associated with mining projects, that is, or is proposed to be, within 65 kilometres via road of either Coolgardie, Kambalda or Kambalda West townsites, is located within one such townsite. The intention of this policy is to help consolidate all existing development within the Shire and to help offset the costs of servicing isolated communities.*

*3.2 The Council will give special consideration to applications for extensions to existing developments within the 65 kilometre distance via road, and where the applicant can*

*justify, to the Council's satisfaction, that such sitings within a townsite would not be appropriate or feasible.*

The above draft clauses can be compared to part of the Menzies TPS Policy No.8 that relates to Residential Development and Mining Camps in the Rural/Mining Zone

*The Council's objective is to ensure that all residential development associated with mining projects, (especially grouped housing accommodation) that is, or is proposed to be, within 20 kilometres of either Menzies or Kookynie townsites, is located within one such townsite. The intention of this policy is to help consolidate all existing development within the Shire and to help offset the costs of servicing isolated communities.*

*The Council will give special consideration to applications to existing developments within the 20-kilometre distance, and where the applicant can justify, to the Council's satisfaction, that such sitings within a townsite would not be appropriate or feasible.*

It is fairly obvious that the same planner prepared both sets of clauses. Essentially only the distance from town is different.

Care needs to be taken to ensure that whatever action is taken does not prove to be to the disadvantage of other activities such as those defined in the Coolgardie draft policy.

The other issue is of definitions and examples of the differences are shown on the attachments. One of the attachments was provided at the Forum and the other comes from the Coolgardie Draft. The Menzies TPS appears to rely on the definitions contained in the parent legislation – the Town Planning and Development Act, Regulations and Residential Planning Codes.

At the Forum, an officer of the Department of Planning and Infrastructure provided a list of issues for consideration in drafting planning instruments. A copy of those notes are also attached for the information of Councillors.

As is illustrated by the examples of the planning policies of Menzies and Coolgardie, the circumstances of each local government in the Region may be different and a standard policy may be difficult to achieve. In some areas, such as definitions, uniformity may not be difficult.

**Consultation** – Is to come.

**Statutory Environment** – Town Planning Scheme and parent legislation

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

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

**Voting Requirement** – Simple Majority

**COUNCIL DECISION / OFFICER RECOMMENDATION**

**ITEM 11.2.4**

- 1) That the decision of the Communities and Mining Forum to establish a task force to make recommendations to the Federal and State Governments be noted and that Mr John Bowler MLA be requested to keep Council informed on the success of the efforts of the task force.
- 2) That the establishment of a working group to consider planning policy guiding the location of mining camps be supported on the clear understanding that Council will give no undertaking to adopt all or any part of the policy that may be developed.

CARRIED 4/0

<b>11.2.5 LAKE BALLARD - LICENCE FOR ART EXHIBITION</b>
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Location:	Lake Ballard
Applicant:	Department of Development and Infrastructure
File Ref:	151
Disclosure of Interest:	None
Date:	14 September 2004
Author:	A G Nottle (L A Vicary) Chief Executive Officer
Signature of Author:	

**Summary**

To consider the proposal by the Department for Planning and Infrastructure to set aside portion of the Riverina Station and an area of Unallocated Crown Land, that is part of Lake Ballard, to be made available for a section 91 Licence for the purpose of Art Exhibition.

**Background**

Cr R Earnshaw and the Acting CEO met with Mr Ken McCracken of the Department for Planning and Infrastructure about 10days ago.

Mr McCracken produced a plan of the area for a new licence to include the Gormley statues on Lake Ballard and part of the Riverina Station.

It seems there was a previous Deed of Licence between the State and the Perth International Arts Festival that expired on 31 May 2003. That term was for six months and no further terms were negotiated.

There has been ongoing discussion / negotiation with regard to who should hold the Licence and the matter should be brought to an end.

At the last meeting of the Council there was agreement to form a Management Committee for Lake Ballard.

**Comment**

The area of the new licence area has been reduced from the original 1467ha approx. to two separate areas of 136.138ha (Riverina) and 863.9985ha (UCL). Mr McCracken gave an assurance that all of the Gormley statues are located well within the new boundaries for the Licence.

The matter of the formal road access to the parking area at the Lake appears to have been overcome. The track to the Lake is on or very near to the original survey for the Sandstone Road. At about the point of entry to the Lake, the Sandstone Road leaves the surveyed alignment by a deviation to the west rather than following the survey to the North. A plan will be available that illustrates the situation.

**Consultation** – Consultation with regard to the terms of the licence appear to be ongoing.

**Statutory Environment**

Responsibility for the statues must be resolved and the interests of the Local Government must be protected.

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

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

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>	<b>ITEM 11.2.5</b>
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MOVED Cr R Earnshaw

SECONDED Cr I McGregor

That the area of the Land Administration Act, Section 91 Licence for the Purpose of Art Exhibition and as shown on the Plans attached be adopted.

CARRIED 4/0

<b>11.2.6</b>	<b>STAFF – APPOINTMENT OF EHO / BUILDING SURVEYOR</b>
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Location: N/A  
Applicant: N/A  
File Ref: H1 / 100  
Disclosure of Interest: None  
Date: 16 September 2004

Author: A G Nottle, Chief Executive Officer  
Signature of Author:

### **Summary**

To authorise the appointment of Marius Olsen as the Environmental Health / Building Officer.

### **Background**

Council will recall a recent letter from the Shire of Leonora indicating that Mr. Marius Olsen had replaced the previous Environmental Health / Building Officer (Tim Young) as of early September.

Mr. Olsen has since commenced work for the Shire of Leonora and the same conditions of resource sharing apply as before.

### **Comment**

Prior to Mr. Olsen commencing work for the Shire of Menzies, Council is required to appoint him as the Environmental Health Officer / Building Surveyor.

**Consultation** – None required.

**Statutory Environment** - While some delegations will be affected by the appointment of Mr. Owen, ultimately responsibility lies with the Chief Executive Officer.

**Policy Implications** – Policies relating to Health and Building in the Policy Manual stipulate guidelines for the Environmental Health / Building Surveyor.

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

**Voting Requirement** – Simple Majority

<b>COUNCIL DECISION / OFFICER RECOMMENDATION</b>
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<b>ITEM 11.2.6</b>
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MOVED Cr S Tonkin

SECONDED Cr I McGregor

That Mr. Marius Olsen be formally appointed as the Environmental Health Officer / Building Surveyor for the Shire of Menzies.

CARRIED 4/0

## **12. REPORTS FROM COUNCILLORS**

<b>12.1.1 Wild Dog – Internal Controls</b>
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Cr S Tonkin - due to the fact that the Works Supervisor has seen wild dogs on his road inspections, Cr Tonkin suggested the CEO investigate empowering Mr. Pepper with the ability to control these animals. CEO to investigate the implications of empowering Mr. Pepper with "Ranger" status.

#### **12.1.2 Grid Maintenance**

Cr I McGregor – Grid on the Mt Remarkable / Yundamindra boundary is missing (RHS). W/ Supervisor to organise replacement.

#### **12.1.3 Noxious Weed Control**

Cr I McGregor – Noticed some Paterson's Curse on the Kookynie Road and the Goldfields Highway. CEO to organise the spraying of Paterson's Curse on the Kookynie Road.

#### **12.1.4 Status Report Item – Caltex Roadhouse**

Cr I McGregor – Queried the reason as to why the Roadhouse item was still present on the Status Report. Council to await the Shire President's advice.

#### **12.1.5 Various Land Issues**

Cr R Earnshaw – Reported on the meeting held with A/CEO Laurie Vicary and Mr. Ken McCracken. Issues relating to the new caravan park and Lake Ballard were discussed.

### **13. BUSINESS OF AN URGENT NATURE**

#### **13.1 COUNCILLORS**

Nil

#### **13.2 CHIEF EXECUTIVE OFFICER**

The Acting CEO reported the following:

- The Esperance – Eastern Goldfields Country Zone of the Western Australian Local Government Association will be meeting in Menzies 24<sup>th</sup> September in the Shire hall. The President, Deputy President and CEO will be attending.
- The Duncan Jack structural reports of some of the Shire's building's are now available. CEO will email out to members.
- The Mining Amendment Bill 2004 seems to have been discussed in Parliament already. This item is expected to be discussed at the zone meeting.
- John Bowler has written to Council asking for inform him of the community priorities of the Council.
- Prohibited burning times seemed confusing. ACEO suggests a letter be written to FESA.

The CEO reported the following:



- That due to being away on leave there was no opportunity to report to Council on Local Government week. As the President had included this in her report items, there was no need to report in detail. The CEO thanked Council for allowing him to attend Local Government Week, as it was very beneficial.

**14. NEXT MEETING**

The next Ordinary Council Meeting is scheduled for Friday 15<sup>th</sup> October 2004, at Croesus Mining, Davyhurst, commencing at 10:00am.

**15. CLOSURE**

There being no further business to discuss, the Deputy Shire President declared the meeting closed at 3.35 pm.

These Minutes were confirmed as a true and accurate record of proceedings, at the Ordinary Council Meeting held on 15<sup>th</sup> October 2004

CONFIRMED

**SHIRE DEPUTY PRESIDENT.....**