

SHIRE OF LEONORA

MINUTES OF THE ORDINARY COUNCIL MEETING



LEONORA

Star of the West

**HELD IN COUNCIL CHAMBERS
LEONORA ON TUESDAY
17th AUGUST, 2004**

SHIRE OF LEONORA

Minutes of the Ordinary Meeting held in Council Chambers, Leonora on Tuesday 17th August, 2004 commencing at 9.30am.

1.0 DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS / FINANCIAL INTEREST DISCLOSURES

1.1 Cr Dawes declared the meeting open 9.30am.

1.2 Cr Taylor declared an interest in Item 9.3(a) being the owner of adjoining property.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

2.1 PRESENT

President	G R Dawes
Deputy President	N J Johnson
Councillors	S J Heather BSD Taylor L Petersen T C Demasson P J Craig J F Carter
Deputy Chief Executive Officer	J F Rowe

2.2 APOLOGIES
Cr G R Kemp

2.3 LEAVE OF ABSENCE
Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil

4.0 PUBLIC QUESTION TIME
Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE
Nil

6.0 PETTITIONS / DEPUTATIONS / PRESENTATIONS
Nil

7.0 CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETINGS

Moved Cr Craig seconded Cr Taylor that the Minutes of the Ordinary Meeting held on Tuesday 20th July, 2004 be confirmed as a true and accurate record.

CARRIED (8 VOTES TO 0)

8.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Dawes reported on the recently attended Local Government week at which 6 Councillors attended.

9.0 REPORTS OF OFFICERS

9.1 CHIEF EXECUTIVE OFFICER

9.1 (A) LEONORA NATIVE TITLE & ABORIGINAL HERITAGE AGREEMENT

SUBMISSION TO: Meeting of Council
Meeting Date: 17th August, 2004

AGENDA REFERENCE: 9.1 (A) AUG04

SUBJECT: Leonora Native Title & Aboriginal Heritage Agreement.

LOCATION / ADDRESS: Leonora

NAME OF APPLICANT: Not applicable

FILE REFERENCE: Native Title 5.2.1

AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT

NAME: James Gregory Epis

OFFICER: Chief Executive Officer

INTEREST DISCLOSURE: Nil

DATE: 4th August, 2004

BACKGROUND

On the 2nd August, 2004 a copy of the proposed Leonora Native Title and Aboriginal Heritage Agreement between Ngalia Heritage Research Council and the Shire of Leonora was posted to all Councillors for their further review and consideration.

Local Government by agreeing to the terms of the agreement, and in relation to the Native Title Act can:

- (i) be assured that it has complied with Federal law;
- (ii) be assured that it is complying with its requirements to provide good government for all members of the community.
- (iii) foster and solidify relationships with Native Title Claimants and the local Aboriginal Community, and gain a valuable understanding of Indigenous issues, aspirations and priorities for the area.

Similarly, if Local Government fully complies with its obligations under the Aboriginal Heritage Act it:

- (i) will be complying with its legal obligations;
- (ii) minimises the risk of being fined and/or imprisoned (and perhaps ordered to provide reparation and compensation);
- (iii) improves and fosters good relationships with its constituents.

It should be remembered however that the Ngalia Heritage Research Council is but one of a number of groups in the region that local government needs to consult with in regards present and future planning.

STATUTORY ENVIRONMENT

Section 3.1 of the **Local Government Act 1995 (WA)** ("LGA") states that "the general function of a local government is to provide for the good government of persons in its district".

In addition to its obligations under the LGA, Local Government must comply with State and Federal laws. Both Native Title and Aboriginal Heritage are covered by State and Federal laws, and Local Government must be aware of the content of these laws and how they impact on its practices in order to ensure that acts done by it are valid and lawful.

The *Aboriginal Heritage Act 1972(WA)* ("AHA") provides for the protection and preservation of places and objects of significance to Aboriginal people.

9.0 REPORTS OF OFFICERS

9.1 CHIEF EXECUTIVE OFFICER

9.1 (A) LEONORA NATIVE TITLE & ABORIGINAL HERITAGE AGREEMENT

Under s17 AHA, it is an offence to destroy, damage, conceal, excavate or interfere with an “Aboriginal site”, which is defined as any place or object that is of significance to Aboriginal people (s5 AHA) without the prior consent of the Minister for Indigenous Affairs.

This means that if Local Government wants to undertake any acts in an area that contained Aboriginal sites, it needs to have the prior consent of the Minister or its activities will be unlawful and prosecution, then compensation and restitution can follow.

It is important to note that Aboriginal sites can be found *anywhere* and are protected on both freehold and Crown lands and waters.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Funds have been included in the current Budget to cover costs associated with heritage surveys including those costs of consulting anthropologists and report writing.

STRATEGIC IMPLICATIONS

The benefits that can be derived from an agreement are potentially unlimited.

The direct benefits for Council can include:

- improved governance and service delivery arrangements to better meet local needs.
- improved accountability through agreed measures of performance and outcomes.
- clear statements of respect and recognition for the roles and responsibilities of various agencies and organisations.
- statements of shared objectives and expectations of the parties, and a clear understanding of the commitment and obligations on the part of all parties.
- a partnership with Indigenous Australians to addressing particular issues or a wide range of matters.
- a framework for sharing responsibility for land and waters to which Indigenous Australians have cultural heritage and /or native title rights and interests.
- genuine cooperation and the involvement of Indigenous Australians in matters that affect their lives.

RECOMMENDATION

That the Leonora Native Title and Aboriginal Heritage Agreement between the Shire of Leonora and the Ngalia Heritage Research Council be accepted and that Taylor Linfoot & Holmes, commercial lawyers, be instructed to prepare final documentation in readiness for execution.

VOTING REQUIREMENTS

Absolute majority required

moved Cr Taylor seconded Cr Heather

That the Leonora Native Title and Aboriginal Heritage Agreement between the Shire of Leonora and the Ngalia Heritage Research Council be accepted and that Taylor Linfoot & Holmes, commercial lawyers, be instructed to prepare final documentation in readiness for execution.

CARRIED (8 VOTES TO 0)

The meeting adjourned at 10.05am for morning tea and resumed at 10.22am attendance identical to that at Item 2.1

9.0 REPORTS OF OFFICERS

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2 (A) MONTHLY FINANCIAL STATEMENTS – JULY 2004

SUBMISSION TO: Meeting of Council
Meeting Date: 17th August, 2004

AGENDA REFERENCE: 9.2(A) AUG04

SUBJECT: Monthly Financial Statements – July 2004

AUTHOR: J F Rowe

POSITION: Deputy Chief Executive Officer

INTEREST DISCLOSURE: Nil

DATE: 6th August, 2004

COMMENT: Monthly Statements submitted for adoption include:

- (a) Financial Position as at 6th August, 2004
- (b) Operating Statement Summary - 31st July, 2004
- (c) Operating Statement – Detail - 31st July, 2004
- (d) Operating Statement - Nature/Type - 31st July, 2004
- (e) Balance Sheet as at - 31st July, 2004
- (f) Statement of Fixed Assets - 31st July, 2004
- (g) Statement of Outstanding Debtors - 31st July, 2004

RECOMMENDATION

The Monthly Financial Statements for the month ended 31st July, 2004 consisting of Operating Statements (3), Balance Sheet, Statement of Fixed Assets, Lists of Outstanding Debtors, and the Financial Position as 6th August, 2004 showing balances of:-

	\$	
Municipal	\$ 554,466.96	Credit
Long Service Leave Reserve	\$ 58,932.66	Credit
Fire Disaster Reserve	\$ 4,389.00	Credit
Building Reserve	Nil	Credit
Plant Replacement Reserve	Nil	Credit
Community Amenities Reserve – Swimming Pool	\$ 894,083.11	Credit
Municipal Investment	Nil	Credit

be adopted.

VOTING REQUIREMENTS

Simple Majority

moved Cr Demasson seconded Cr Johnson

The Monthly Financial Statements for the month ended 31st July, 2004 consisting of Operating Statements (3), Balance Sheet, Statement of Fixed Assets, Lists of Outstanding Debtors, and the Financial Position as 6th August, 2004 showing balances of:-

	\$	
<i>Municipal</i>	<i>\$ 554,466.96</i>	<i>Credit</i>
<i>Long Service Leave Reserve</i>	<i>\$ 58,932.66</i>	<i>Credit</i>
<i>Fire Disaster Reserve</i>	<i>\$ 4,389.00</i>	<i>Credit</i>
<i>Building Reserve</i>	<i>Nil</i>	<i>Credit</i>
<i>Plant Replacement Reserve</i>	<i>Nil</i>	<i>Credit</i>
<i>Community Amenities Reserve – Swimming Pool</i>	<i>\$ 894,083.11</i>	<i>Credit</i>
<i>Municipal Investment</i>	<i>Nil</i>	<i>Credit</i>

be adopted.

CARRIED (8 VOTES TO 0)

9.0 REPORTS OF OFFICERS

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2 (A) QUARTERLY FINANCIAL STATEMENTS – JULY, 2004

SHIRE OF LEONORA		
FINANCIAL POSITION AS AT 6th August, 2004		
		MUNICIPAL
		\$
Balance as at 31 st July, 2004		\$ 610,198.88
Receipts to 5 th August, 2004		\$ 7,290.52
Balance		\$ 617,489.40
Less Accounts since 31 st July, 2004		\$ 63,022.44
Balance 6th August, 2004		\$ 554,466.96cr
AMOUNT HELD ON TERM DEPOSIT - NATIONAL AUSTRALIA BANK		
		\$
A) PLANT REPLACEMENT RESERVE	Nil	CREDIT
B) LONG SERVICE LEAVE	58,932.66	CREDIT
C) FIRE DISASTER RESERVE	4,389.70	CREDIT
D) BUILDING RESERVE	Nil	CREDIT
E) COMMUNITY AMENITIES RESERVE	894,083.11	CREDIT
F) MUNICIPAL INVESTMENT	Nil	CREDIT

9.0 REPORTS OF OFFICERS

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2 (B) ACCOUNTS FOR PAYMENT –JULY, 2004

SUBMISSION TO: Meeting of Council
Meeting Date 17th August, 2004

AGENDA REFERENCE: 9.2(B) AUG04

SUBJECT: Accounts for Payment

AUTHOR: J F Rowe

OFFICER: Deputy Chief Executive Officer

INTEREST DISCLOSURE: Nil

DATE: 11th August, 2004

COMMENT:

Attached statement consists of Vouchers **V1 to V133 plus Direct Bank Transactions** and totalling \$ **526,574.27** attached.

RECOMMENDATION

That accounts as represented by Vouchers V1 to V133 inclusive plus Direct Bank Transactions totalling \$**526,574.27** be authorised for payment.

VOTING REQUIREMENTS

Simple Majority

moved Cr Craig seconded Cr Heather

That accounts as represented by Vouchers V1 to V133 inclusive plus Direct Bank Transactions totalling \$526,574.27 be authorised for payment.

CARRIED (8 VOTES TO 0)

9.0 REPORTS OF OFFICERS
9.3 ENVIRONMENTAL HEALTH OFFICER
9.3(A) PLANNING APPLICATION – LOT 83 HALL STREET

Cr Taylor having declared an interest left the meeting at 10.47am.

SUBMISSION TO: Meeting of Council
Meeting Date: 17th August, 2004

AGENDA REFERENCE: 9.3 (A) MAY04

SUBJECT: Planning Application

LOCATION / ADDRESS: Lot 83 Hall Street, Leonora

NAME OF APPLICANT: Art De Klerk

FILE REFERENCE: 21.1.0 Development Approvals

AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT

NAME: Timothy James Young

OFFICER: Environmental Health Officer

INTEREST DISCLOSURE: Nil

DATE: 22nd June, 2004

BACKGROUND

Application for Planning Consent has been submitted with the Shire for approval to extend the existing garage at Lot 83 Hall Street, Leonora, to be used as a store room.

Lot 83 is located within the Industrial zone, and there is currently a caretaker's residence, carport and garage located on the site. The proposed 2m x 3m extension to the garage will not encroach on any boundary setbacks.

STATUTORY ENVIRONMENT

Shire of Leonora Town Planning Scheme No.1

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

RECOMMENDATIONS

That Council resolve to approve the planning application subject to a building licence application being submitted and approved prior to the commencement of works.

VOTING REQUIREMENT

Simple majority required.

moved Cr Johnson seconded Cr Demasson

That Council resolve to approve the planning application subject to a building licence application being submitted and approved prior to the commencement of works.

CARRIED (7 VOTES TO 0)

Cr Taylor rejoined the meeting at 10.50am and was advised of Councils decision

10.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.

A. ELECTED MEMBERS

Nil

B. OFFICERS

Nil

11.0 NEXT MEETING

The next Ordinary meeting was scheduled for 9.30am Tuesday 21st September, 2004 at Hoover House, Gwalia.

12.0 CLOSURE OF MEETING

Cr Dawes declared the meeting closed at 10.52am..