

# SHIRE OF LEONORA

## MINUTES OF THE ORDINARY COUNCIL MEETING



# LEONORA

*Star of the West*

**HELD IN COUNCIL CHAMBERS,  
LEONORA ON TUESDAY,  
20<sup>TH</sup> MAY, 2003**

## SHIRE OF LEONORA

Minutes of the Ordinary Meeting held in Council Chambers, Leonora on Tuesday 20<sup>th</sup> May, 2003 commencing at 9:00am.

### SWEARING IN OF ELECTED MEMBERS

Mr Jeffery Hayles (JP) attended at 9.00am.

Newly elected Councillors G.R Dawes, N.G Johnson, T.C Demasson, S.J Heather, T.P Hewson, G.R Kemp, P.J Craig and J.F Carter were sworn in with Mr Jeffery Hayles (JP) officiating.

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

1.1 Cr Dawes declared the meeting open at 9.10am and announced visitors at 11.10am and 2.00pm as per Agenda.

1.2 Financial Interest Disclosure - Nil

#### 1.3 ELECTION OF SHIRE PRESIDENT

CEO Mr Jim Epis took the chair and advised of one nomination from Cr G.R Dawes. Mr Epis called for any further nominations. There being no further nominations CEO Mr Epis declared Cr Dawes elected for a two year term.

Cr Dawes welcomed newly elected Councillor G R Kemp.

Councillor Dawes made the Declaration under Section 5.103 of the Local Government Act in the presence of Mr Hayles (JP).

#### 1.4 ELECTION OF DEPUTY PRESIDENT

Cr Dawes called for nominations for Deputy President and advised of one written nomination from Cr N.G Johnson.

There being no further nominations Cr Dawes declared Cr Johnson elected to the position of Deputy President.

Cr Johnson made the declaration under Section 5.103 of the Local Government Act in the presence of Mr Hayles (JP).

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

#### 2.1 PRESENT

President	G R Dawes
Deputy President	N.G Johnson
Councillors	T C Demasson
	G R Kemp
	S J Heather
	T P Hewson
	J F Carter
	P J Craig
Chief Executive Officer	J G Epis
Deputy Chief Executive Officer	J F Rowe

#### 2.2 APOLOGIES

B S D Taylor

#### 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 MEETING**

Moved Cr Demasson seconded Cr Craig that the Minutes of the Ordinary Meeting held on Tuesday, 15<sup>th</sup> April, 2003 be confirmed as a true and accurate record.

*CARRIED (8 VOTES TO 0)*

**8.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Cr Dawes advised Health Centre Tenders will be called in the near future with completion date of March/April 2004.

Report 9.3(A) was brought forward and dealt with.

The Meeting adjourned at 9.58am for morning tea, and resumed at 10.19am with the attendance identical to that at Item 2.1.

**9.0 REPORTS OF OFFICERS**  
**9.1 CHIEF EXECUTIVE OFFICER**  
**9.1(A) NON-FEASANCE IMMUNITY**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May, 2003

**AGENDA REFERENCE:** 9.1 (A) MAY03

**SUBJECT:** Non-Feasance Immunity

**LOCATION / ADDRESS:** Not Applicable

**NAME OF APPLICANT:** Not Applicable

**FILE REFERENCE:** Insurance M.I.B.S

**AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** James Gregory Epis

**OFFICER:** Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 7<sup>th</sup> May, 2003

**BACKGROUND**

In a landmark decision on the 31<sup>st</sup> May, 2001, the High Court of Australia abolished the long-standing immunity that Councils across Australia had in relation to “non-feasance immunity”. Put simply, this immunity previously gave local governments protection in some circumstances against any action arising from an incident due to a defect on roads, footpaths, bridges etc.

In the past, a local government may not have been held responsible for failing to maintain its infrastructure, ie did not breach the duty of care it owed in those circumstances. A local government would have been held liable if works that their employees or contractors had carried out was found to be negligent.

The abolition of that immunity has created a legal minefield, where local governments can now be found liable in circumstances where they are held to have a duty of care to repair road defects and they did not take reasonable steps to prevent or repair damages arising from those defects.

The abolition of this immunity has forced local governments to seriously consider their respective methodology in relation to how they undertake their inspections, maintenance, construction and replacement of their assets.

Criteria to be addressed should include:

- Could the defect have been predicted.
- Did the defect directly contribute to the incident.
- Did the local government have a duty of care to repair the defect.

The liability to local government could be assessed by:

- Resources
- Whether the local government was or should have been cognisant of the defect.
- What time frame was reasonable for the defect to have been addressed in light of the circumstances and risk of danger from the defect.
- The local governments immediate reaction to the risk assessment.

In order to reduce the risk of litigation (or greatly improve the chance to defend litigation) one of the first tasks will be regular routine inspections of the road network.

## **9.0 REPORTS OF OFFICERS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1(A) NON-FEASANCE IMMUNITY (continued)**

The road inspection would need to be carried out using a risk assessment formula. This would involve:

- Detecting the defects.
- Assessing the likelihood of an accident.
- Assessing the consequences of that accident.
- Risk scoring and repair priority rating.

The results of the risk assessment will form the basis of the local governments decision on which defects will be repaired and how and when the repairs will take place. The risk assessment will also assist the local government in implementing interim safety measures for the defects.

The risk assessment and the local governments response to the risk will effectively give Council a better ability to avoid and defend litigation. While the system cannot remove the threat entirely, if the local governments response can be demonstrated to be carrying out its duty of care, it could dramatically reduce the possibility of action against the local government.

Local governments must be aware that in this litigious environment it can ill afford to ignore the fact that exposure to such a lawsuit could be a real possibility. With the isolated network of roads, and with the sometimes unreasonable weather conditions that are experienced, the travelling public could fall victim to some road defect that the local government is not aware of.

It has also been suggested that the High Court decision has had an effect on insurance premiums, and a local government that has an effective monitoring program in place may not subject themselves to excessive increases in premiums.

How a local government will determine the method of managing risk assessment of roads on a regular basis is the next problem. In my opinion, inspections of all gravel roads should be undertaken at least four times a year. Assuming that it would take about 7 days to complete each trip, this would amount to one month per year. Having considered the costs of this exercise, it would not be economical for a local government to enter into this operation alone.

The Shire of Laverton has spent considerable time discussing this proposed concept with the Shires of Menzies, Wiluna, Ngaanyatjarraku and Leonora in regards resource sharing. If all local governments were to agree to resource sharing it would enable the group to tender collectively for the services of a contract inspector. The project would suit a semi-retired person with a sound background in road construction and maintenance. This experience would be necessary as the inspector would need to have knowledge to recommend the type of maintenance/repairs required. The inspector would provide written reports to each of the local governments individually. The monitoring system is expected to eventually become a tool to assist and promote cost effective maintenance programs, as well as contributing towards construction planning and quality control.

Although the duty of care decision has been established, it is accepted that it will take sometime to implement various procedures. In the interim, local governments must be seen to be taking positive action to discharge that duty of care to the fullest.

#### **STATUTORY ENVIRONMENT**

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general function provisions apply.

#### **POLICY IMPLICATIONS**

Nil, however a policy will need to be formulated if the proposal proceeds.

#### **FINANCIAL IMPLICATIONS**

If the proposal proceeds, costs in relation to road inspections will need to be considered in the 2003/2004 budget.

#### **STRATEGIC IMPLICATIONS**

Will assist in road safety and economic costs.

**9.0 REPORTS OF OFFICERS**

**9.1 CHIEF EXECUTIVE OFFICER**

**9.1(A) NON-FEASANCE IMMUNITY (continued)**

**RECOMMENDATIONS**

That the report be received and that the Chief Executive Officer be authorised to discuss the issue further with neighbouring local governments, in particular the issue of costs and finer details.

**VOTING REQUIREMENT**

Simple majority required.

**Moved Cr Carter seconded Cr Demasson**

*That the report be received and that the Chief Executive Officer be authorised to discuss the issue further with neighbouring local governments, in particular the issue of costs and finer details.*

**CARRIED (8 VOTES TO 0)**

## **9.0 REPORTS OF OFFICERS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1(B) LYNAS MT WELD RARE EARTH PROJECT**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May, 2003

**AGENDA REFERENCE:** 9.1 (B) MAY03

**SUBJECT:** Lynas Mt Weld Rare Earth Project

**LOCATION / ADDRESS:** Leonora

**NAME OF APPLICANT:** Lynas Corporation Ltd

**FILE REFERENCE:** Environmental Protection Authority 15.5

#### **AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** James Gregory Epis

**OFFICER:** Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 8<sup>th</sup> May, 2003

#### **BACKGROUND**

In 1992, Ashton Rare Earths Ltd carried out a Public Environmental Review for a project based on mining and concentration of rare earth minerals at Mt Weld near Laverton. The proposal included road transport of the concentrates to Meenar near Northam where secondary processing produced separated rare earth products and chemical residues. The residues were then to be road transported back through Leonora to Laverton for permanent disposal.

The project proposal received good support from all the potentially affected communities along the transport route including Leonora, and subsequently received environmental approval in 1992, and extension of the approval in 1998. However, project economics did not encourage Ashton to commence development and the project was placed on the market.

Since acquisition of the project by Lynas Corporation in 1999, a detailed study of the rare earths business, including application of Chinese processing technology, and campaigns of resource definition, processing testwork and extensive market studies have resulted in a somewhat different project definition. The currently proposed project will mine and concentrate rare earths at a higher rate than formerly, but the Meenar plant has been eliminated from consideration and the concentrates will initially be railed directly to Fremantle for export to China. In time, the concentrates may be railed to a process plant in South Australia.

Lynas is currently seeking agreement from the Department of Environment, Water and Catchment Protection (DEWCP) that the current project proposal does not constitute a substantive change from the original proposal. If this proposition is accepted by the DEWCP, and then the Environmental Protection Authority (EPA), there will be no need to undergo another Public Environmental Review which would delay the project start-up by at least 6 months.

To assist their appraisal of the proposition, the DEWCP has asked that the various interest groups involved in the past project approval, express agreement that the changes do not significantly impact on their perception of the project, or otherwise comment on the changes.

Perhaps the most significant impacts of the changes for the residents and facilities of the Shire of Leonora will arise from the increased scale of mine and concentrator production which will translate into higher numbers of vehicle movement on the Leonora-Laverton Highway and rail movements on the Leonora-Malcom-Kalgoorlie line. The mine will produce approximately 30,000 tpa concentrate initially, rising to around 50,000 tpa, which will require 30-50 shipping containers per week to be trucked to Malcolm/Leonora and transferred to rail for transport to Fremantle initially, and ultimately Port Pirie.

**9.0 REPORTS OF OFFICERS**

**9.1 CHIEF EXECUTIVE OFFICER**

**9.1(B) LYNAS MT WELD RARE EARTH PROJECT (continued)**

Similarly, suppliers of fuel and flotation reagents will increase from a very low level to an average of one road train per week departing Leonora for Laverton.

Outcomes for Leonora could include supply of transport support services and involvement of local contractors in mining and maintenance activities.

**STATUTORY ENVIRONMENT**

Sections 2.7 and 3.1 of the Local Government Act 1995 relating to general function provisions apply.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Could possibly provide employment and business opportunities for those in the district that express an interest.

**RECOMMENDATIONS**

As the proposed changes from the previously Approved Project do not impact negatively on the Leonora environment, that Council resolve not to impose any objection to the proposal as outlined.

**VOTING REQUIREMENT**

Simple majority required.

**Moved Cr Hewson seconded Cr Heather**

*That as the proposed changes from the previously Approved Project do not impact negatively on the Leonora environment, that Council resolve not to impose any objection to the proposal as outlined.*

**CARRIED (8 VOTES TO 0)**



**9.0 REPORTS OF OFFICERS**  
**9.1 CHIEF EXECUTIVE OFFICER**  
**9.1(C) CODE OF CONDUCT**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May, 2003

**AGENDA REFERENCE:** 9.1 (C) MAY03

**SUBJECT:** Code of Conduct

**LOCATION / ADDRESS:** Not Applicable

**NAME OF APPLICANT:** Not Applicable

**FILE REFERENCE:** Code of Conduct 1.41

**AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** James Gregory Epis

**OFFICER:** Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 8<sup>th</sup> May, 2003

**BACKGROUND**

A Code of Conduct provides elected members and staff in Local Government with consistent guidelines for an acceptable standard of professional conduct.

The first Code of Conduct was adopted by Council on the 20<sup>th</sup> May, 1997. This document was revised and adopted by Council on the 21<sup>st</sup> March 2000 to accommodate legislative amendments introduced prior to that time. The Code was further reviewed on the 15<sup>th</sup> May, 2001 without further amendment.

A copy of the Code follows this report.

**STATUTORY ENVIRONMENT**

Section 5.103 of the Local Government Act 1995 states that:

- (1) Every Local Government is to prepare or adopt a Code of Conduct to be observed by Council Members, Committee Members and Employees.
- (2) A Local Government is to review its Code of Conduct within 12 months after each ordinary election day and make changes to the Code as it considers appropriate.
- (3) Regulations may prescribe the content of, and matters in relation to, Codes of Conduct and any Code of Conduct or provision of a Code of Conduct applying to a Local Government is of effect only to the extent to which it is not inconsistent with regulations.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**9.0 REPORTS OF OFFICERS**  
**9.1 CHIEF EXECUTIVE OFFICER**  
**9.1(C) CODE OF CONDUCT (continued)**

**STRATEGIC IMPLICATIONS**

The Code aims to result in:

- (i) Better decision making by the Local Government
- (ii) Greater community participation in the decisions and affairs of the Local Government
- (iii) Greater accountability of the Local Government to their communities
- (iv) More efficient and effective Local Government

**RECOMMENDATIONS**

That the current Code of Conduct for Elected Members and Staff be adopted without change for a further period of 12 months.

**VOTING REQUIREMENT**

Simple majority required.

**Moved Cr Demasson seconded Cr Craig**

*That the current Code of Conduct for Elected Members and Staff be adopted without change for a further period of 12 months.*

**CARRIED (8 VOTES TO 0)**

**9.0 REPORTS OF OFFICERS**  
**9.1 CHIEF EXECUTIVE OFFICER**  
**9.1(D) MEETING ATTENDANCE FEES/ALLOWANCES**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May, 2003

**AGENDA REFERENCE:** 9.1 (D) MAY03

**SUBJECT:** Meeting Attendance Fees/Allowances

**LOCATION / ADDRESS:** Not Applicable

**NAME OF APPLICANT:** Not Applicable

**FILE REFERENCE:** Council-Internal Correspondence 2.2

**AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** James Gregory Epis

**OFFICER:** Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 12<sup>th</sup> May, 2003

**BACKGROUND**

As from 1<sup>st</sup> July 1996 all WA Local Government Elected Members were entitled to payment for meeting fees or annual fees.

Each Council makes the decision whether the payment shall be per Council or Committee Meeting attended or a fixed annual fee. The Council also sets the level within a range prescribed within the Local Government Act 1995.

The Range is currently:

For a Councillor-

- Maximum of \$120.00 per Council Meeting; or
- Annual fee of between \$2,000.00 and \$6,000.00

For a President-

- Maximum of \$240.00 per Council Meeting; or
- Annual fee of between \$5,000.00 and \$12,000.00.

The President is also entitled to an allowance of between \$5,000.00 and \$12,000.00 per annum.

The following fees and allowances were adopted at the Council Meeting held on the 17<sup>th</sup> May 1999 and have remained unchanged since that time:

Council Member – Meeting Sitting Fee	\$ 120.00
President – Meeting Sitting Fee	\$ 240.00
Presidential Allowance	\$7,000.00
Deputy Presidential Allowance	\$1,000.00
Telecommunication Allowance	\$ 500.00

The Local Government Act 1995 does not state that an annual review should be undertaken, however in fairness to newly elected members I am of the opinion that the matter should be reviewed even though it's not necessary that any changes be made.

**9.0 REPORTS OF OFFICERS**

**9.1 CHIEF EXECUTIVE OFFICER**

**9.1(D) MEETING ATTENDANCE FEES/ALLOWANCES (continued)**

**STATUTORY ENVIRONMENT**

In accordance with Local Government (Administration) Amendment Regulations 1999 and in particular Regulations 30, 33, 33a and 34a.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The issue under review will not impact on Council's finances provided the items are included in forthcoming budgets.

**STRATEGIC IMPLICATIONS**

Nil

**RECOMMENDATIONS**

That the following fees and allowances remain unchanged and be included in the forthcoming budgets:

Council Member – Meeting Sitting Fee	\$ 120.00
President – Meeting Sitting Fee	\$ 240.00
Presidential Allowance	\$7,000.00
Deputy Presidential Allowance	\$1,000.00
Telecommunication Allowance	\$ 500.00

**VOTING REQUIREMENT**

Absolute majority required.

**Moved Cr Heather seconded Cr Johnson**

*That the following fees and allowances remain unchanged and be included in the forthcoming budgets:*

<i>Council Member – Meeting Sitting Fee</i>	<i>\$ 120.00</i>
<i>President – Meeting Sitting Fee</i>	<i>\$ 240.00</i>
<i>Presidential Allowance</i>	<i>\$7,000.00</i>
<i>Deputy Presidential Allowance</i>	<i>\$1,000.00</i>
<i>Telecommunication Allowance</i>	<i>\$ 500.00</i>

**CARRIED (8 VOTES TO 0)**

**9.0 REPORTS OF OFFICERS**  
**9.1 CHIEF EXECUTIVE OFFICER**  
**9.1(E) REVIEW OF DELEGATIONS**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May 2003

**AGENDA REFERENCE:** 9.1(E)MAY 03

**SUBJECT:** Review of Delegations

**LOCATION/ADDRESS:** Not applicable

**NAME OF APPLICANT:** Not applicable

**FILE REFERENCE:** Delegation 1.40

**AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** James Gregory Epis

**OFFICER:** Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 10<sup>th</sup> May 2003

**BACKGROUND**

On the 20<sup>th</sup> May 1997 the following delegations were adopted by Council:

- Payment of Accounts between Meetings
- Animals – Unlawful Release from Pound
- Buildings – Issue of Licences
- Buildings – Extension of Time to Complete
- Buildings – Removal of Neglected and Dilapidated
- Buildings – Unlawful Works
- Demolition Licences
- Bush Fires – Use of Council Plant
- Recovery of Debts
- Private use of Council Vehicles
- Legal Advice
- Land Valuations
- Tenders for Equipment Purchases
- Staff – Attendance at Conferences and Training Courses
- Plant – Use by Employees
- Damage to Roads and Footpaths
- Plant Hire
- Private Works
- Signs – Roads and Streets
- Roadtrain Permits
- Liquor Sale from Council Property
- Contract Variations
- Rate Book
- Road Closures – Temporary
- Disposal of Surplus Equipment & Materials
- Buildings – Dangerous

## **9.0 REPORTS OF OFFICERS**

### **9.1 CHIEF EXECUTIVE OFFICER**

#### **9.1(E) REVIEW OF DELEGATIONS (continued)**

On the 19<sup>th</sup> May 1998 the following delegations were adopted by Council:

- Dwellings Unfit for Habitation
- Dwellings to be Repaired
- Building Conversion to a Dwelling
- Dealing with Nuisances
- Camping other than at a Caravan Park or Camping Ground

On the 20<sup>th</sup> October 1998 the following delegation was adopted by Council:

- Trader / Vendor Licences

It should be noted that the abovementioned delegations were to the CEO who in turn had the power under the Act to sub-delegate (in writing) to other officers.

The only delegation approved to the Environmental Health Officer was:

- Local Government Septic Tank Approvals on the 19<sup>th</sup> August 1997

Delegation to other officers included:

- To the DCEO –  
Power to be a signatory to the Municipal Fund Bank Account
- To Mr David Tomasi, Mr Frazer Sullivan and Ms Mandy Wynne of accounting firm Haines Norton, to access municipal fund bank accounts electronically for information purposes only.

A copy of all delegations were posted to all Councillors on the 8<sup>th</sup> May, 2003 for review and possible amendment.

## **STATUTORY ENVIRONMENT**

Section 5.46 of the Local Government Act 1995 states that:

- (1) The CEO is to keep a register of the delegation made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) 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**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **STRATEGIC IMPLICATIONS**

Allows decisions to be made between Council Meeting dates which otherwise could cause lengthy delays and frustration.

## **RECOMMENDATION**

That Council resolve to renew all delegations (1 to 34) for a further period of 12 months.

**9.0 REPORTS OF OFFICERS**

**9.1 CHIEF EXECUTIVE OFFICER**

**9.1(E) REVIEW OF DELEGATIONS (continued)**

**VOTING REQUIREMENTS**

Absolute majority.

**Moved Cr Johnson seconded Cr Hewson**

*That Council resolve to renew all delegations (1 to 34) for a further period of 12 months.*

**CARRIED (8 VOTES TO 0)**

## 9.0 REPORTS OF OFFICERS

### 9.2 DEPUTY CHIEF EXECUTIVE OFFICER

#### 9.2 (A) MONTHLY FINANCIAL STATEMENTS – APRIL 2003

<b>SUBMISSION TO:</b>	Meeting of Council Meeting Date: 20 <sup>th</sup> May, 2003
<b>AGENDA REFERENCE:</b>	9.2(A) MAY 03
<b>SUBJECT:</b>	Monthly Financial Statements – APRIL 2003
<b>AUTHOR:</b>	J F Rowe
<b>POSITION:</b>	Deputy Chief Executive Officer
<b>INTEREST DISCLOSURE:</b>	Nil
<b>DATE:</b>	6 <sup>th</sup> May 2003
<b>COMMENT:</b>	Monthly statements submitted for adoption include:  (a) Financial Position as at 6 <sup>th</sup> May, 2003 (b) Operating Statement Summary – 30 <sup>th</sup> April, 2003 (c) Operating Statement - Detail – 30 <sup>th</sup> April, 2003 (d) Operating Statement - Nature/Type– 30 <sup>th</sup> April, 2003 (e) Balance Sheet as at – 30 <sup>th</sup> April, 2003 (f) Statement of Fixed Assets – 30 <sup>th</sup> April, 2003 (g) Statement of Outstanding Debtors – 30 <sup>th</sup> April, 2003

#### RECOMMENDATION

The Monthly financial statements for the month ended 30<sup>th</sup> April, 2003 consisting of Operating Statements (3), Balance Sheet, Statement of Fixed Assets, Lists of Outstanding Debtors, and the Financial Position as at 6<sup>th</sup> May, 2003 showing balances of:-

	\$	
Municipal	\$158,485.80	Credit
Long Service Leave Reserve	\$54,947.39	Credit
Fire Disaster Reserve	\$2,138.53	Credit
Building Reserve	\$7,195.23	Credit
Plant Replacement Reserve	\$6,885.35	Credit
Community Amenities Reserve	\$18,636.44	Credit
Municipal Investment	\$400,000.00	Credit

be adopted.

#### VOTING REQUIREMENTS

Simple Majority

#### Moved Cr Demasson seconded Cr Johnson

*That the Monthly financial statements for the month ended 30<sup>th</sup> April, 2003 consisting of Operating Statements (3), Balance Sheet, Statement of Fixed Assets, Lists of Outstanding Debtors, and the Financial Position as at 6<sup>th</sup> May, 2003 showing balances of:-*

	\$	
<i>Municipal</i>	<i>\$158,485.80</i>	<i>Credit</i>
<i>Long Service Leave Reserve</i>	<i>\$54,947.39</i>	<i>Credit</i>
<i>Fire Disaster Reserve</i>	<i>\$2,138.53</i>	<i>Credit</i>
<i>Building Reserve</i>	<i>\$7,195.23</i>	<i>Credit</i>
<i>Plant Replacement Reserve</i>	<i>\$6,885.35</i>	<i>Credit</i>
<i>Community Amenities Reserve</i>	<i>\$18,636.44</i>	<i>Credit</i>
<i>Municipal Investment</i>	<i>\$400,000.00</i>	<i>Credit</i>

**CARRIED (8 VOTES TO 0)**



## 9.0

## REPORTS OF OFFICERS

## 9.2 DEPUTY CHIEF EXECUTIVE OFFICER

## 9.2 (A) MONTHLY FINANCIAL STATEMENTS – APRIL 2003

<b>SHIRE OF LEONORA</b>		
<b>FINANCIAL POSITION AS AT 6<sup>th</sup> May, 2003</b>		
		<b>MUNICIPAL</b>
		<b>\$</b>
Balance as at 30 <sup>th</sup> April, 2003		\$162,060.08
Receipts to 6 <sup>th</sup> May, 2003		\$1,878.96
<b>Balance</b>		<b>\$163,939.04</b>
Less Accounts since 30 <sup>th</sup> April, 2003		\$5,453.24
<b>Balance 6<sup>th</sup> May, 2003</b>		<b>\$158,485.80</b>
<b>AMOUNT HELD ON TERM DEPOSIT - NATIONAL AUSTRALIA BANK</b>		
		<b>\$</b>
A) PLANT REPLACEMENT RESERVE	\$6,885.35	CREDIT
B) LONG SERVICE LEAVE	\$54,947.39	CREDIT
C) FIRE DISASTER RESERVE	\$2,138.53	CREDIT
D) BUILDING RESERVE	\$7,195.23	CREDIT
E) COMMUNITY AMENITIES RESERVE	\$18,636.44	CREDIT
F) MUNICIPAL INVESTMENT	\$400,000.00	CREDIT

**9.0 REPORTS OF OFFICERS**

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2 (B) ACCOUNTS FOR PAYMENT – MAY 2003**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May, 2003

**AGENDA REFERENCE:** 9.2(B) MAY 03

**SUBJECT:** Accounts for Payment

**AUTHOR:** J F Rowe

**OFFICER:** Deputy Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 13<sup>th</sup> May, 2003

**COMMENT:**

Attached statement consists of Vouchers 920 to 1023 plus Direct Bank Transactions and totalling \$243,791.58 attached.

**RECOMMENDATION**

That accounts as represented by Vouchers 920 to 1023 inclusive plus Direct Bank Transactions and totalling \$243,791.58 be authorised for payment.

**VOTING REQUIREMENTS**

Simple Majority

**Moved Cr Demasson seconded Cr Carter**

*That accounts as represented by Vouchers 920 to 1023 inclusive plus Direct Bank Transactions and totalling \$243,791.58 be authorised for payment.*

**CARRIED (8 VOTES TO 0)**

**9.0 REPORTS OF OFFICERS**  
**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**  
**9.2(C) PRINCIPAL ACTIVITY PLAN**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May 2003

**AGENDA REFERENCE:** 9.2(C)MAY 03

**SUBJECT:** Principal Activity Plan

**LOCATION/ADDRESS:** Not applicable

**NAME OF APPLICANT:** Not applicable

**FILE REFERENCE:** Not Applicable

**AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** J F Rowe

**OFFICER:** Deputy Chief Executive Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 13<sup>th</sup> May 2003

**BACKGROUND**

Section 5.56 of the Local Government Act requires that Local Government each financial year prepare a plan for the next 4 (four) or more financial years.

The next plan for the years 1<sup>st</sup> July 2003 until 30<sup>th</sup> June 2007 has been prepared and was presented to your March Meeting. The Plan was then advertised with public submissions being invited. The submission period closed on the 2<sup>nd</sup> May 2003 with no submissions being received. A copy of this plan is attached.

**STATUTORY ENVIRONMENT**

Section 5.58 of the Local Government Act requires Council to then consider any submissions received and may accept the plan with or without modification.

**POLICY IMPLICATIONS**

The draft plan adheres to all applicable Council policies.

**FINANCIAL IMPLICATIONS**

The plan does not bind Council financially, however will form the basis of Council's 2003/2004 budget and any significant variations to this plan must be explained in detail.

**STRATEGIC IMPLICATIONS**

As Council has now adopted a Strategic Plan due recognisance of that plan has been made in the preparation of this plan.

**RECOMMENDATION**

That the draft Principal Activity Plan 2003 to 2007 as presented be adopted.

**9.0 REPORTS OF OFFICERS**

**9.2 DEPUTY CHIEF EXECUTIVE OFFICER**

**9.2(C) PRINCIPAL ACTIVITY PLAN (continued)**

**VOTING REQUIREMENTS**

Simple majority.

**Moved Cr Johnson seconded Cr Carter**

*That the draft Principal Activity Plan 2003 to 2007 as presented be adopted.*

**CARRIED (8 VOTES TO 0)**

At 9.40am Mr Tim Young attended.

## **9.0 REPORTS OF OFFICERS**

### **9.3 ENVIRONMENTAL HEALTH/BUILDING OFFICER**

#### **9.3(A) APPLICATION FOR PLANNING CONSENT**

**SUBMISSION TO:** Meeting of Council  
Meeting Date: 20<sup>th</sup> May 2003

**AGENDA REFERENCE:** 9.3 (A) MAY03

**SUBJECT:** Application for Planning Consent-Residential Development & Office

**LOCATION / ADDRESS:** Lot 1122 Rajah Street, Leonora

**NAME OF APPLICANT:** Mr Russell Taylor

**FILE REFERENCE:** Development Approvals 21.1.0

#### **AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT**

**NAME:** Timothy Young

**OFFICER:** Environmental Health/Building Officer

**INTEREST DISCLOSURE:** Nil

**DATE:** 13<sup>th</sup> May 2003

#### **BACKGROUND**

Application has been submitted by Mr Taylor to relocate three demountable buildings on Lot 1122 Rajah Street Leonora. A 8.5mx6m office, a 8.2mx2.2m laundry and a 13.7mx4.2m dwelling addition. These buildings are to be used for the purpose of additions to the existing dwelling on site and for an office building to service the industrial business operated from the Lot. The applicant is currently residing in the existing residence. Lot 1122 Rajah Street is located within the Industrial Zone as detailed by the Shire of Leonora Town Planning Scheme No.1 (as amended).

In the past Council has generally restricted the use of Industrial Zone Lots for residential use as care takers. This is supported with the Leonora Town Planning Scheme No.1 Amendment 5 (1992), which details restrictions on the size and development of care takers dwellings in the Industrial Zone. Such restrictions however are only described for 'care takers dwellings' and not residential buildings as a whole.

This proposal is far an addition to the existing accommodation building which was approved in 1991 as a care takers residence. It is proposed that the entire residential development be zoned as Residential- Single House. The proposed addition will provide an additional four bedrooms and a bathroom. It is proposed that a separate demountable building will be relocated to provide as a laundry to the existing residence. The existing residential building has a kitchen, dining room, lounge room and master bedroom with a bathroom laundry located in the industrial shed.

#### **STATUTORY ENVIRONMENT**

This application is pursuant to Shire of Leonora Town Planning Scheme No.1 (as amended).

##### **Detail:**

Residential – Single House is listed as an 'AA' use in the Zoning Table of the Scheme. Therefore Council may at its discretion permit the use.

Office – Listed as a 'P' use in the Zoning Table of the Scheme. Therefore an office is a permitted use provided it complies with the relevant standards and requirements laid down in the scheme and all conditions, if any, imposed by Council in granting Planning Approval. The proposal provides adequate area for parking on site.

This proposal is for an addition to what accommodation is already present on the Lot and therefore does not pose a significant change to the amenity of the Lot. The location of the addition is nearest to the Eastern boundary of the property which is boarded by Kurrajong Street. This will assist to reduce the likelihood of negative impacts from activities of adjoining lots.

## **9.0 REPORTS OF OFFICERS**

### **9.3 ENVIRONMENTAL HEALTH/BUILDING OFFICER**

#### **9.3(A) APPLICATION FOR PLANNING CONSENT (continued)**

Reticulated sewerage is available to the site; however it is currently not connected. It will be beneficial for the property to be connected to the sewer as part of this development, as with the increase of bedrooms available it can be suggested that there will be an increase in waste water volumes required to be disposed. The existing septic tank and leach drain system may not be able to cope with such increases.

The proposed office location is well within the requirements of the Scheme in relation to street setbacks. Before the development commences a building licence application will be required to be submitted to ensure the building complies with the requirements of the Building Code of Australia.

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Nil

### **RECOMMENDATIONS**

That Council resolve to approve this application to relocate three demountable buildings on Lot 1122 Rajah Street for the purpose of an office, laundry and residential dwelling addition subject to the following conditions:

- The buildings are to be of a sufficient standard to comply with all requirements of the BCA and health legislation, or are to be made to comply;
- Sufficient landscaping is to be carried out in order to provide sufficient outdoor area for occupants of the dwelling;
- The proposed development and all existing development are connected to the reticulated sewerage system. The existing septic tank be decommissioned to the requirements of Council's Environmental Health Officer;
- Building licence application is to be submitted and approved licence issued before any works commence;

### **VOTING REQUIREMENT**

Simple majority required.

**Moved Cr Johnson seconded Cr Carter**

*That Council resolve to approve this application to relocate three demountable buildings on Lot 1122 Rajah Street for the purpose of an office, laundry and residential dwelling addition subject to the following conditions:*

- *The buildings are to be of a sufficient standard to comply with all requirements of the BCA and health legislation, or are to be made to comply;*
- *Sufficient landscaping is to be carried out in order to provide sufficient outdoor area for occupants of the dwelling;*
- *The proposed development and all existing development are connected to the reticulated sewerage system. The existing septic tank be decommissioned to the requirements of Council's Environmental Health Officer;*
- *Building licence application is to be submitted and approved licence issued before any works commence;*

**CARRIED (8 VOTES TO 0)**

Mr Young left the meeting at 9.58am

At 11.00am Mr Sean Seresin and partner joined the meeting for a Naturalisation Ceremony.

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

**(A) ELECTED MEMBERS**

Nil

**(B) OFFICERS**

Nil

The meeting adjourned for lunch at 11.10am and resumed at 2.00pm with the attendance identical to that at Item 2.1.

At 2.00pm Ms Leigh Hardingham, Senior Projects Officer, Department of Local Government and Regional Development joined the meeting along with Ms Annaliese Walster of the GEDC.

Ms Hardingham outlined the “WA Community Leadership Program” and following a question and answer session the visitors departed at 2.55pm.

Moved Cr Carter seconded Cr Demasson Council support this program and invite participants by way of local advertisement.

**CARRIED (7 VOTES TO 1)**

**11.0 NEXT MEETING**

The next Ordinary Meeting was set for Tuesday 17<sup>th</sup> June, 2003 in the Council Chambers Leonora, commencing at 9.00am.

**12.0 CLOSURE**

Cr Dawes declared the meeting closed at 3.00pm.

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**PRESIDENT**

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**DATE**