



SHIRE OF MENZIES

MINUTES

**OF THE ORDINARY MEETING OF COUNCIL
HELD**

Thursday 27 October 2016

Shire of Menzies

Commencing at 1.00 pm

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

FINANCIAL INTEREST (EFFECTIVE 1 JULY 1996)

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the CEO before the meeting: or**
- b) At the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

Preside at the part of the meeting relating to the matter: or
Participate in, or be present during any discussion or decision making procedure relating to the matter.

Unless the member is allowed to do so under Section 5.68 or 5.69, Local Government Act 1995

Ref: Local Government Act 1995 Division 6 – Disclosure of Financial Interest.
Specifically Sections 5.60, 5.61, 5.65 and 5.67

TABLE OF CONTENTS

1	DECLARATION OF OPENING	5
2	ANNOUNCEMENT OF VISITORS.....	5
3	RECORD OF ATTENDANCE	5
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
5	PUBLIC QUESTION TIME.....	5
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
7	DECLARATIONS OF INTEREST.....	5
8	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS	5
9	CONFIRMATION / RECEIVAL OF MINUTES	6
9.1	Confirmation of Minutes of the Ordinary Council Meeting held on 25 August 2016.....	6
9.2	Confirmation of Minutes of Special Meeting of Council held on 6 September 2016.....	6
9.3	Confirmation of Minutes of Special Meeting of Council held on 6 October 2016.	6
9.4	Confirmation of Minutes of Special Meeting of Council held on 21 October 2016.	6
10	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	7
11	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	7
11.1	Presidents Report (to be tabled at the meeting).....	7
12	REPORTS OF OFFICERS	8
12.1	HEALTH BUILDING AND TOWN PLANNING.....	8
12.1.1	Health and Building Report September 2016 - Shire of Menzies	8
12.2	FINANCE AND ADMINISTRATION.....	10
12.2.1	Statement of Financial Activity and Associated Reports for September 2016..	10
12.2.2	Monthly Listing of Payments for the Month of September 2016.....	12
12.2.3	Rates Write Off.....	14
12.2.4	Authority to Sell Properties	16
12.3	WORKS AND SERVICES	18
12.3.1	Works Report for September 2016	18
12.4	COMMUNITY DEVELOPMENT.....	21
12.4.1	Monthly Report Lady Shenton – September 2016	21
12.5	MANAGEMENT AND POLICY	23
12.5.1	Kookynie Airstrip	23

*Minutes of the Ordinary Meeting of Council held in the Shire of Menzies Council Chambers
on Thursday 27 October 2016*

12.5.2	Surrender of Management Order – Reserve 10041	25
12.5.3	Chief Executive Officer – Key Performance Indicators	28
13	ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN	31
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	31
15	ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS	31
16	NEXT MEETING	31
17	CLOSURE OF MEETING	31

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 1.03pm

2 ANNOUNCEMENT OF VISITORS

Mr Ian Moody from Hawthorn Resources was present.

3 RECORD OF ATTENDANCE

Present

Councillors:	Cr J Dwyer	Shire President
	Cr I Baird	Deputy Shire President via telephone
	Cr D Hansen	via telephone
	Cr J Mazza	
	Cr J Lee	
	Cr K Mader	
	Cr I Tucker	

Staff	Mrs R Evans	Chief Executive Officer
	Ms J Taylor	Manager Finance and Administration
	Mrs D Whitehead	Executive Assistant

Visitor	Mr I Moody	Hawthorn Resources
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4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There was no response to previous public questions taken on notice.

5 PUBLIC QUESTION TIME

There was no public question time.

6 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave.

7 DECLARATIONS OF INTEREST

Cr Ian Tucker declared a Financial Interest in item 12.5.2

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Item 12.5.3 to be discussed behind closed doors

Cr Ian Tucker left the meeting at 1.05pm.

Cr Ian Tucker returned to the meeting at 1.07pm.

9 CONFIRMATION / RECEIVAL OF MINUTES

9.1 Confirmation of Minutes of the Ordinary Council Meeting held on 29 September 2016

That the minutes of the Ordinary Meeting of Council held on Thursday 29 September 2016 be confirmed as a true and correct record.

COUNCIL RESOLUTION:

No 1068

Moved: Cr Mazza

Seconded: Cr Tucker

That the minutes of the Ordinary Meeting of Council held on Thursday 29 September 2016 be confirmed as a true and correct record.

Carried 7/0

9.2 Confirmation of Minutes of Special Meeting of Council held on 6 September 2016

That the minutes of the Special Meeting of Council held on Tuesday 6 September 2016 be confirmed as a true and correct record.

COUNCIL RESOLUTION:

No 1069

Moved: Cr Mazza

Seconded: Cr Dwyer

That the minutes of the Special Meeting of Council held on Tuesday 6 September 2016 be confirmed as a true and correct record.

Carried 7/0

9.3 Confirmation of Minutes of Special Meeting of Council held on 6 October 2016

That the minutes of the Special Meeting of Council held on Thursday 6 October 2016 be confirmed as a true and correct record.

COUNCIL RESOLUTION:

No 1070

Moved: Cr Mazza

Seconded: Cr Dwyer

That the minutes of the Special Meeting of Council held on Thursday 6 October 2016 be confirmed as a true and correct record.

Carried 7/0

9.4 Confirmation of Minutes of Special Meeting of Council held on 21 October 2016

That the minutes of the Ordinary Meeting of Council held on Friday 21 October 2016 be confirmed as a true and correct record.

COUNCIL RESOLUTION:

No 1071

Moved: Cr Mazza

Seconded: Cr Tucker

That the minutes of the Ordinary Meeting of Council held on Friday 21 October 2016 be confirmed as a true and correct record.

Carried 7/0

10 PETITIONS / DEPUTATIONS / PRESENTATIONS

Ian Moody of Hawthorn Resources presented a statement addressing the importance of Reserve 10041 to their mining campaign.

11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 Presidents Report

6 October 2016

Attended Special Meeting of Council

20 October 2016

Attended Annual General Meeting and Committee Meeting of Goldfields Tourism Network held in Menzies. Attendance was down but the meetings went well and all participants enjoyed lunch, pizza and salad provided at the Menzies Hotel and ice cream in a cone at the Achievable Outback Café.

21 October 2016

Attended Special Meeting of Council to approve our budget for 2016/2017.

24 October 2016

Meeting with Deb Miles, Eastern Goldfields Cycle Club to discuss ideas for next year's Cyclassic.

27 October 2016

Meeting with Kristie Tucker and Josie Williams to discuss the children of Menzies participating in events related to the Cyclassic. This also has the possibility of children from either Boulder or Coolgardie also coming and participating with the children from Menzies.

It is pleasing to receive such positive comments from visitors on the cleanliness of our facilities, the Town and the condition of our roads.

Council would also like to acknowledge the additional work required over the last month to enable all the Agendas and associated paperwork to be produced.

COUNCIL RESOLUTION:	No 1072
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Moved: Cr Tucker

Seconded: Cr Lee

That Council receive the Presidents report for October 2016.

Carried 7/0

12 REPORTS OF OFFICERS

12.1 HEALTH BUILDING AND TOWN PLANNING

12.1.1 Health and Building Report September 2016 - Shire of Menzies

LOCATION:	Shire of Menzies
APPLICANT:	N/A
DOCUMENT REF:	ADM384 /4205
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	24 September 2016
AUTHOR:	David Hadden, Environmental Health Officer
ATTACHMENTS	Nil

RECOMMENDATION:

That Council receive the report of the Environmental Health Officer for the month of September 2016 for information.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

Prosecution – 85 Suiter Street
Illegal Camping – Menzies
Public Health Act 2016

RELEVANT TO STRATEGIC PLAN:

14.3 Active Civic Leadership Achieved

- Regularly Monitor and Report on the Shire's Activities, Budgets, Plans and Performance

STATUTORY AUTHORITY:

Public Health Act 2016

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS :

Nil

RISK ASSESSMENTS :

Nil

BACKGROUND:

The Shire contracts the services of an Environmental Health Officer for two days per month. The Officer is available for consultation at all times, and attends the administration office once per month to meet with the Chief Executive Officer.

The following is a brief report of the monthly activities.

COMMENT:

Health

- Arranged prosecution paperwork for Mr Gopel of 85 Suiter Street to be witnessed by Justice of the Peace ready for serving.
- Prepared and signed Section 39 certificate for Deep South Red October wet mess liquor licence application to Department of Racing and Gaming.
- Spoke to person camping in caravan on land just south of town and explained that it was illegal to camp for longer than three nights in a twenty-eight day period under the Caravan Parks and Camping Grounds Regulations. Will check the property again when next in Menzies.
- The new Public Health Act 2016 together with the supporting Public Health (Consequential Provisions) Act 2016 are now law in Western Australia. These Acts will repeal much of the outdated Health Act 1911 and are designed to better protect and promote the health of all Western Australians. As there is a significant amount of work required to transition to the new regulatory framework, the Act will be progressively introduced over the next 3 to 5 years. Staff will provide advice on the implementation timeline as more details are received from the Health Department.

COUNCIL RESOLUTION:	No 1073
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Moved: Cr Mazza

Seconded: Cr Lee

That Council receive the report of the Environmental Health Officer for the month of September 2016 for information.

Carried 7/0

12.2 FINANCE AND ADMINISTRATION

12.2.1 Statement of Financial Activity and Associated Reports for September 2016

LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM052/4206
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	19 October 2016
AUTHOR:	Jeanette Taylor, Manager Finance & Administration
ATTACHMENT:	12.2.1-1 Operating Report 12.2.2-2 Statement by Capital

RECOMMENDATION:

That Council receive the Statement of Financial Activity for the month ending 30 September 2016 included as attachment 12.2.1 as presented, and note any material variances.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

Statutory Financial Reports submitted to Council for acceptance as a record of financial activity for the period to 30 September 2016

RELEVANT TO STRATEGIC PLAN:

14.2 Active civic leadership achieved

- Regularly review plans with community consultation on significant decisions affecting the shire.

STATUTORY AUTHORITY:

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996, 34

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

As detailed within the attachments.

RISK ASSESSMENTS:

No Risk Assessment has been undertaken relating to this item.

BACKGROUND:

The Financial Management Regulation 34 required each Local Government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under Regulation 22(1)(d), for that month with the following details:

- The annual budget estimates,
- The operating revenue, operating income and all other operating income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activity is not in accordance with budget estimates for the relevant reporting period,
- Include an operating statement, and
- Any other relevant supporting notes.

COMMENT:

This report contains annual budget estimates, actual amounts of expenditure and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council informed of the current financial position.

COUNCIL RESOLUTION:

No 1074

Moved: Cr Mazza

Seconded: Cr Tucker

That Council receive the Statement of Financial Activity for the month ending 30 September 2016 included as attachment 12.2.1 as presented, and note any material variances.

Carried 7/0

12.2.2 Monthly Listing of Payments for the Month of September 2016

LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM017
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	19 October 2016
AUTHOR:	Jeanette Taylor, Manager Finance and Administration
ATTACHMENT:	12.2.2

RECOMMENDATION:

That Council receive the list of payments for the month of September 2016 totalling \$296,064.32 being:

- 1) Cheques in the Municipal fund totalling \$0.00
- 2) Electronic Fund Transfer EFT1629-EFT1681 payments in the Municipal Fund totalling \$243,386.43.
- 3) Direct Debit payments in the Municipal Fund totalling \$52,677.89.
- 4) Credit card payments relating to the September and August 2016 statements (included in direct debits) totalling \$24,591.19.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The list of payments made for the month of September 2016 to be received by Council.

RELEVANT TO STRATEGIC PLAN:

14.3 Active civic leadership achieved

- Regularly review plans with community consultation on significant decisions affecting the shire.

STATUTORY AUTHORITY:

Local Government (Financial Management) Regulations 1996 Number 13.

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for Payment

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENTS:

No Risk Assessment has been undertaken relating to this item.

BACKGROUND:

Payments have been made by electronic funds transfer (EFT) and direct transfer from Council's Municipal bank account and duly authorised as required by Council Policy. There have been no cheque payments made this month. These payments have been made under authority delegated to the Chief Executive Officer (CEO) and are not reported to Council.

COMMENT:

The EFT and Direct Debit payments that have been raised for the month of September 2016 are attached.

After payment, the balance of creditors will be \$109,175.51.

COUNCIL RESOLUTION:

No 1075

Moved: Cr Mazza

Seconded: Cr Dwyer

That Council receive the list of payments for the month of September 2016 totalling \$296,064.32 being:

- 1) Cheques in the Municipal fund totalling \$0.00
- 2) Electronic Fund Transfer EFT1629-EFT1681 payments in the Municipal Fund totalling \$243,386.43.
- 3) Direct Debit payments in the Municipal Fund totalling \$52,677.89.
- 4) Credit card payments relating to the September and August 2016 statements (included in direct debits) totalling \$24,591.19.

Carried 7/0

12.2.3 Rates Write Off

LOCATION:	Multiple Locations
APPLICANT:	Rates Officer
DOCUMENT REF:	ADM 020/4208
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	19 October 2016
AUTHOR:	Carol McAllan, Rates Officer
ATTACHMENT:	12.2.3

RECOMMENDATION:

That Council

1. Write off the sum of \$100,459.69 in rates and interest owing on multiple properties in Kookynie and Menzies as per Attachment 12.2.3, the effective date of write off to be 30 June 2016.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The properties included in this schedule were part of the Land Sale (for non-payment of rates) held in February 2008. The unsold properties were to be retained by the Shire or handed back to the Crown however the exercise was never completed.

RELEVANT TO STRATEGIC PLAN:

14.3 Active Civic Leadership

- Regularly monitor and report on the Shire's activities, budgets, plans and performance.

STATUTORY AUTHORITY:

Local Government Act 1995 Section 6.12 – Power to defer, grant discounts, waive or write off debts.

POLICY IMPLICATIONS:

Council has no policy relating to this matter.

FINANCIAL IMPLICATIONS:

In the annual accounts adopted for the year ending 30 June 2015, a provision of \$200,000 was allowed for the write off of outstanding rates. Council's Auditors have recommended that this amount be written off effective 30 June 2016, and will be included in the Annual Financial Statement for the year ending 30 June 2016. The provision for doubtful debts will be reduced.

RISK ASSESSMENTS:

No Risk Assessment has been undertaken relating to this item

BACKGROUND:

The properties were part of the Land Sale (for non-payment of rates) held in February 2008. After completion of the Auction and the submission of all documents relating to the sale to the Department of Local Government, the unsold properties were to be retained by the Shire or handed back to the Crown however this part of the exercise was never completed.

COMMENT:

The Shire has consulted with the State Valuer Generals office to have the values removed from these properties to prevent them being rated in the 2016/2017 rating year.

Approval was received from the Landgate on 29 September 2016, with an effective date of 1 July 2016. Writing off these rates will give Council a more realistic view of the position of the Rate Book.

Council will now need to commence the process to seize title of these properties should it wish to do so, as despite the recognition of these properties as being expired by the Valuer General, the titles remain with the original owners. There owners have twelve years to claim the properties unless action is taken on the titles.

COUNCIL RESOLUTION:

No 1076

Moved: Cr Mazza

Seconded: Cr Tucker

1. Write off the sum of \$100,459.69 in rates and interest owing on multiple properties in Kookynie and Menzies as per Attachment 12.2.3, the effective date of write off to be 30 June 2016.

Carried 7/0

12.2.4 Authority to Sell Properties

LOCATION:	Multiple Locations
APPLICANT:	Rates Officer
DOCUMENT REF:	ADM019 /4209
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	19 October 2016
AUTHOR:	Carol McAllan, Rates Officer
ATTACHMENT:	12.2.4 Map of Property Locations

RECOMMENDATION:

That Council exercise the power under section 6.64(1)(d) of the Local Government Act 1995 to take possession of : Lot 2 Brown Street Menzies, Lot 3 Brown Street Menzies, Lot 4 Brown Street Menzies, Lot 5 Brown Street Menzies, Lot 6 Brown Street Menzies and Lot 7 Brown Street Menzies to the Shire of Menzies for the non-payment of rates for at least 3 years, and to commence legal action to recover the outstanding amount of \$18,166.74 plus penalty interest and additional rates and charges by way of sale of the properties.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

It is proposed to take possession and sell five properties in Brown Street, Menzies to recover outstanding rates and charges.

RELEVANT TO STRATEGIC PLAN:

14.3 Active Civic Leadership

- Regularly monitor and report on the Shire's activities, budgets, plans and performance.

STATUTORY AUTHORITY:

Local Government Act 1995 Subdivision 6 – Actions against land where rates or service charges unpaid.

POLICY IMPLICATIONS:

Council has no policy relating to this matter.

FINANCIAL IMPLICATIONS:

Loss of \$18,166.74 in outstanding rates. The prospect of selling the land and collecting rates in the future.

RISK ASSESSMENTS:

No Risk Assessment has been undertaken relating to this item.

BACKGROUND:

These lots were purchased in the 2008 Land Auction. No Rates have been paid by the purchaser of these lots in Brown Street Menzies.

COMMENT:

These rates have been outstanding since the owner acquired the land in 2008. Numerous notices and letters including letters from Dun and Bradstreet have been sent and returned unopened, "return to sender" or "unable to deliver".

Section 6.68 of the Local Government Act 1995 states that a local government is not required to attempt to recover money due to it where;

- (a) it has a reasonable belief that the cost of proceedings will equal or exceed the value of the land.

COUNCIL RESOLUTION:

No 1077

Moved: Cr Mazza

Seconded: Cr Tucker

That Council exercise the power under section 6.64(1)(d) of the Local Government Act 1995 to take possession of : Lot 2 Brown Street Menzies, Lot 3 Brown Street Menzies, Lot 4 Brown Street Menzies, Lot 5 Brown Street Menzies, Lot 6 Brown Street Menzies and Lot 7 Brown Street Menzies to the Shire of Menzies for the non-payment of rates for at least 3 years, and to commence legal action to recover the outstanding amount of \$18,166.74 plus penalty interest and additional rates and charges by way of sale of the properties.

Carried 7/0

12.3 WORKS AND SERVICES

12.3.1 Works Report for September 2016

LOCATION:	N/A
APPLICANT:	N/A
DOCUMENT REF:	ADM371/4210
DISCLOSURE OF INTEREST:	The author has no interest in this matter
DATE:	19 October
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	Nil

RECOMMENDATION:

That Council receive the Works Report for September for information.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

Submission for Regional Road Group (RRG) Funding for Yarri, Menzies North West and Evanston-Menzies Roads

Dust Suppression to Truck Bay north of the Menzies Townsite

Slashing of Road Verge and vacant blocks in Kookynie Townsite

RELEVANT TO STRATEGIC PLAN:

14.3 Active Civic Leadership

- Regularly monitor and report on the Shire's activities, budgets, plans and performance.

STATUTORY AUTHORITY:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENTS:

No Risk Assessment has been undertaken relating to this item.

BACKGROUND:

The annual program for the Works Section of the Shire is led by the Works Supervisor, Paul Warner. Mr Warner leads a small team who undertake general duties in and around the town of Menzies, and service Kookynie, Niagara Dam, and the Lake Ballard camping and parking area. Two graders undertake the maintenance of unsealed roads.

Consulting Engineers WML assist the Shire in matters which have in the past been undertaken by the Works Manager.

COMMENT:

Shire Services Crew

Works Completed

- Slashing verges (Kookynie)
- Slashing Block in Kookynie
- Tree Planting around truck bay Wilson Street
- Water Park open for the season

Works Underway in next period

- Protection of Statues in Brown Street
- Recommissioning of pipeline to town oval tanks
- Removal of temporary bypass pump and hoses in Menzies Caravan Park Enviro Unit

Works Outstanding

- Kookynie airstrip windsock and cones
- Improve Signage for reuse water in

Works Outstanding – the following works will be let to contractors. Quotes are being sought.

- Evanston Menzies Road – Culvert (Blackspot) – quotes now received.
- Menzies North West Road Re-sheet

Consultant

RAV Network Investigation – including advise on Evanston-Menzies Road for crossing conditions and requirements.

Road Condition and Surveys, and Five Year Reseal Program – site pickups work and preparation of the program.

R2R Reporting – including analysis of expenditure for input into R2R annual report and the submission of the pre audit report to the Federal Government. The Manager Finance and Administration is responsible for the submission of the report to auditors. The auditor report has been submitted to the auditor.

Regional Road Group (RRG) Project Grant applications including the assessment forms for four projects and liaison with Main Roads has received endorsement from the Technical Group and will progress to the next meeting scheduled for November 2016.

Commodity Services Route Funding (CSRF) application – Research of potential projects and liaison with Main Roads WA. Preparation and submission for Pinjin Road.

COUNCIL RESOLUTION:	No 1078
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Moved: Cr Tucker

Seconded: Cr Mazza

That Council receive the Works Report for September for information.

Carried 7/0

12.4 COMMUNITY DEVELOPMENT

12.4.1 Monthly Report Lady Shenton – September 2016

LOCATION:	Lady Shenton Building
APPLICANT:	N/A
DOCUMENT REF:	ADM281/4211
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	20 October 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	12.4.1 Monthly Sales Figures for September 2016

RECOMMENDATION:

That Council receive the report of the activities in the Lady Shenton Building for the month of September 2016 for information.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The Menzies Community Resource Centre, Visitor Centre, Community Postal Agency and Caravan Park operate from the Lady Shenton Building on the corner of Brown and Shenton Street. The following is a brief report of the monthly activities and includes statistics relating the CRC and Visitor Centre for September 2016.

RELEVANT TO STRATEGIC PLAN:

14.1 Sustainable local economy encouraged

- The significant natural features of the shire for tourism.
- The acquisition of appropriate resources to assist with economic and tourism planning and development.

14.2 Strong sense of community maintained

- Our community will value each other, building relationships and networks to interact, socialise and for recreation.
- Our community will have access to all necessary service requirements.
- The Shire to acquire appropriate resources to assist with developing the services and facilities required by the community.

14.4 Active civic leadership achieved

- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies.
- Regularly monitor and report on the Shire's activities, budgets, plans and performance.

- Continue to engage with our community, to advocate on behalf of our community, to be accountable and to manage within our governance and legislative framework.
- Continue to participate in regional activities to the benefit of our community.

STATUTORY AUTHORITY:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENTS:

No Risk Assessment has been undertaken relating to this item.

BACKGROUND:

The Lady Shenton building operates the CRC and Menzies Visitor Centre and administers the Menzies Caravan Park. The statistics are compiled each month by the operator for recording purposes.

COMMENT:

Community Resource Centre (CRC)

This month has seen 14 patrons at the CRC and a total of 65 copies of the Menzies Matters were printed this month. Only five patrons requested the free CRC WIFI password.

Visitor Centre

September saw one thousand two hundred and seventy eight visitors to The Visitor Centre. We continue to encourage customer feedback by way of the Lake Ballard Surveys and forty eight were completed in September 2016. The Facebook continues to convey information to people online and regular updates of Wildflower sighting have been included.

Community Postal Agency

We had a total of three hundred and fifteen Postal Customers for September.

Caravan Park

- A total of \$9104 was taken for the month of September.

COUNCIL RESOLUTION:

No 1079

Moved: Cr Lee

Seconded: Cr Dwyer

That Council receive the report of the activities in the Lady Shenton Building for the month of September 2016 for information.

Carried 7/0

12.5 MANAGEMENT AND POLICY

12.5.1 Kookynie Airstrip

LOCATION:	Reserve 9128 Kookynie Airstrip
APPLICANT:	Department of Lands
DOCUMENT REF:	ADM023/4163
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	17 October 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	12.5.2-1 Attachment 1 12.5.2-2 Smartplan 12.5.2-3 Agenda Item – November 2014 12.5.2-4 Agenda Item – November 2015

RECOMMENDATION:

That Council authorise the President and the Chief Executive Officer to execute the Licence between the Minister for Lands and the Shire of Menzies for the Land as identified on Annexure B and known as the Kookynie Airstrip, for a period of 5 years.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

In November 2014 Council resolved to commence the process to decommission the Kookynie Airstrip.

In November 2015 Council resolved to recommission the Kookynie Airstrip, the following the petitioning of Council by the Kookynie Community.

In April 2016, the Shire was advised that tenure issues relating to the licence to operate an Aeroplane Landing Ground were progressing.

In August 2016, all tenure issues were resolved, and the process to issue a Section 91 *Land Administration Act 1997* licence for the Kookynie Aeroplane Landing Ground was commenced. The formal licence is attached for Council consideration and acceptance by the authority to execute the documents.

RELEVANT TO STRATEGIC PLAN:

14.2 Strong sense of community maintained

- Our community will have access to all necessary service requirements

STATUTORY AUTHORITY:

Local Government Act 1995 Section 9.49A – Execution of Documents

POLICY IMPLICATIONS:

Council has not policy relating to the execution of documents, therefore each document must be presented to Council prior to execution.

FINANCIAL IMPLICATIONS:

Job S12601 Kookynie Airstrip operations has a budget allocation of \$26,585 for the 2016/2017 Financial Year.

RISK ASSESSMENTS:

No Risk Assessment has been undertaken relating to this item.

The airstrip is insured under the Shire Infrastructure.

BACKGROUND:

In 2014 Council resolved to decommission the Kookynie Airstrip due to the high cost of maintenance, and concerns relating to the safe operation of aircraft using the airstrip.

In 2015, following a petition containing 137 signatures calling for the reinstatement of the airstrip, Council resolved to undertake a maintenance program, and to resolve land tenure issued to permit the airstrip to be recognised as a Section 91 Land Administration Act 1997 licence.

COMMENT:

It is not proposed to upgrade the Kookynie Airstrip to be licenced by the Civil Aviation Safety Authority (CASA), but to have the strip classified as an aeroplane landing area. CASA has no role to play, however the strip is inspected each year by a licenced CASA inspector to ensure that the standard of the strip is maintained.

This classification requires that the pilot of the aircraft carry insurance for landing on this classification of strip. Council's risk is considered to be minimal, and certainly the risk is out weighted by the benefit to the community.

COUNCIL RESOLUTION:

No 1080

Moved: Cr Mazza

Seconded: Cr Dwyer

That Council authorise the President and the Chief Executive Officer to execute the Licence between the Minister for Lands and the Shire of Menzies for the Land as identified on Annexure B and known as the Kookynie Airstrip, for a period of 5 years.

Carried 7/0

Cr Ian Tucker declared a Financial Interest in this item and left the meeting at 1.37pm

12.5.2 Surrender of Management Order – Reserve 10041

LOCATION:	Reserve 10041
APPLICANT:	Department of Lands
DOCUMENT REF:	ADM348/4166
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	17 October 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	12.5.2-1 20161005 Referral to Shire of Menzies for proposed inclusion of Reserve 10041 into Pinjin Station 12.5.2-2 Statutory Declaration - Contaminated Land 12.5.2-3 20161005 Smartplan 12.5.2-4 Confidential Item (<i>Provided to Council under Separate Cover</i>)

RECOMMENDATION 1:

That Council

1. Agree to surrendering Reserve 10041 to allow the amalgamation of Reserve 10041 into Pinjin Pastoral Lease N049526.
2. Authorise the Chief Executive Officer to sign a statutory declaration declaring that
 - a. No portion of Reserve 10041 comprising Lot 61 on Deposited Plan 38349 has been transferred, granted, created or reserved in a registrable form in favour of any other person and
 - b. There may be possible contamination of the land from either mining or pastoral activities that have been carried out on the site

RECOMMENDATION 2:

That Council

1. Advise the Department of Minerals and Petroleum that Council has approved the proposal to amalgamate Reserve 10041 into the adjoining Pinjin Station Pastoral Lease N049526 and
2. Advise Hawthorn Resources who hold mining leases 31/79 and 31/284 over the area also occupied by Reserve 10041 that the management of the Reserve has been surrendered by the Shire of Menzies to the Department of Lands.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

At the May 2016 meeting of Council an item was presented recommending the surrender of Reserve 10041 to the Department of Lands. This was following inquiries by the Department of Minerals and Petroleum.

The item (12.5.2/26 May 2016) was laid on the table to allow further information relating to the occupation of the old Pinjin Homestead to be confirmed.

Information relating to the occupation of the homestead was provided to the September 2016 meeting of Council, and it was resolved that

“..Council seek advice regarding the reassignment of the reserve to the adjoining pastoral lease”

Advice was sought, and the Department of Lands has advised the action to be taken to surrender the lease to allow the amalgamation of the Reserve into the Pinjin Pastoral Lease N049526.

RELEVANT TO STRATEGIC PLAN:

14.1 Sustainable local economy encouraged

- A local economy that has close working partnerships with mining companies and other industries.

STATUTORY AUTHORITY:

Nil

POLICY IMPLICATIONS:

Council has no policy relating to the matter.

FINANCIAL IMPLICATIONS:

The effect of this amalgamation will result in the area being included into the Pinjin Pastoral Lease which will have a minor increase in the valuation and hence in the rates levied.

RISK ASSESSMENTS:

There is no risk related to the surrender of the Reserve.

BACKGROUND:

Correspondence between Council and EnsignLegal acting for Hawthorn Resources who hold mining leases over the land bound by the reserve, and Lawrence Thomas writing for Tisala Pty Ltd the holders of the pastoral lease for Pinjin has been presented to Council at the ordinary meeting on 29 September 2016. This correspondence was presented under confidential cover.

Hawthorn Resources requested the opportunity to make a submission to Council. At the September meeting, Council did not approve this request.

COMMENT:

The parcel of land that is Reserve 10041 was the original site of the Townsite of Pinjin. The homestead and outbuildings for the station are located on the reserve.

In previous instances where an old Townsite Reserve was located within a pastoral lease area Council have surrendered the reserve to have it amalgamated into the pastoral lease.

Council has no interest in the Reserve.

Hawthorn Resources have again requested the opportunity to make a submission, and have requested that the Shire of Menzies not take any action to surrender the management order over Reserve 10041. They have also requested to be provided with all material considered by Council. This correspondence is not public information, and should remain under confidential cover.

Through their legal advisers, Hawthorn Resources have been advised that they may make a presentation to any council meeting, but that this presentation is not an interactive session, and is limited to ten minutes.

COUNCIL RESOLUTION:

No 1081

Moved: Cr Mazza

Seconded: Cr Lee

Council moved *En Bloc*

That Council

1. Agree to surrendering Reserve 10041 to allow the amalgamation of Reserve 10041 into Pinjin Pastoral Lease N049526.
2. Authorise the Chief Executive Officer to sign a statutory declaration declaring that
 - a. No portion of Reserve 10041 comprising Lot 61 on Deposited Plan 38349 has been transferred, granted, created or reserved in a registrable form in favour of any other person and
 - b. There may be possible contamination of the land from either mining or pastoral activities that have been carried out on the site
3. Advise the Department of Minerals and Petroleum that Council has approved the proposal to amalgamate Reserve 10041 into the adjourning Pinjin Station Pastoral Lease N049526 and
4. Advise Hawthorn Resources who hold mining leases 31/79 and 31/284 over the area also occupied by Reserve 10041 that the management of the Reserve has been surrendered by the Shire of Menzies to the Department of Lands.

Carried 6/0

Mrs Jeanette Taylor left the meeting at 1.45pm

Mr Ian Moody left the meeting at 1.45pm

Cr Ian Tucker returned to the meeting at 1.45pm

Mrs Jeanette Taylor returned to the meeting at 1.45pm

COUNCIL RESOLUTION:

No 1082

Moved: Cr Mazza

Seconded: Cr Dwyer

That Council move to go behind closed doors.

Carried 7/0

Mrs Jeanette Taylor left the meeting at 1.47pm

Mrs Deborah Whitehead left the meeting at 1.47pm

12.5.3 Chief Executive Officer – Key Performance Indicators

LOCATION:	N/A
APPLICANT:	N/A
DOCUMENT REF:	ADM056/4186
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	18 October 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	Nil

RECOMMENDATION:

That Council amend the Contract of Employment for Rhonda Evans as Chief Executive Officer (CEO) to include key performance indicators as follows:

The Chief Executive Officer will ensure that

1. The Annual Budget to be adopted within Statutory compliance parameters.
2. The Annual accounts to be completed within statutory compliance parameters.
3. Workshops will be held at least bi-monthly to review and develop Integrated Planning documents as required.
4. Audit Committee Meetings are held at least three times per year on the day of Council Meetings in October, February and June.
5. The Community Engagement policy including a communication strategy will be reviewed and presented to Council for adoption within the first year of employment.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

Council has resolved to set Key Performance Indicators (KPI's) for the Chief Executive Officer. A workshop was held in July 2016. At that time KPI's were not agreed to, and information was sought from consultants regarding appropriate community based indicators.

At the August 2016 briefing session, the Key Performance Indicators as identified in the Officer Recommendation were agreed in principal.

RELEVANT TO STRATEGIC PLAN:

14.3 Active civic leadership achieved

- Regularly monitor and report on the Shire's activities, budgets, plans and performance

STATUTORY AUTHORITY:

Local Government Act 5.39(3)(c) and associate Regulations 18D of the Local Government (Administration Regulations 1996.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENTS:

Shire Reputation and Governance - Compromise of Council's public image and reputational integrity.

BACKGROUND:

The contract of employment with Rhonda Evans for the position of Chief Executive Officer Appendix 2 – Key Result Areas requires that

- The CEO participate in a workshop with Elected Members within the first month of employment with the Shire of Menzies, in order to review our strategic directions and finalise the CEO's performance criteria.
- The first appraisal will occur before the completion of twelve month's employment and annually thereafter.

COMMENT:

The key performance indicators identified in the recommendation were agreed between Council and the Chief Executive Officer. Council has indicated that additional indicators which are more Community oriented may be added following a performance review.

Mrs Rhonda Evans left the meeting at 1.58pm.

COUNCIL RESOLUTION:	No 1083
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Moved: Cr Tucker

Seconded: Cr Lee

Carried 7/0

That Council amend the Contract of Employment for Rhonda Evans as Chief Executive Officer (CEO) to include key performance indicators as follows:

The Chief Executive Officer will ensure that

1. The Annual Budget to be adopted within Statutory compliance parameters.
2. The Annual accounts to be completed within statutory compliance parameters.
3. Workshops will be held at least bi-monthly to review and develop Integrated Planning documents as required.
4. Audit Committee Meetings are held at least three times per year on the day of Council Meetings in October, February and June.
5. The Community Engagement policy including a communication strategy will be reviewed and presented to Council for adoption within the first year of employment.

Carried 7/0

COUNCIL RESOLUTION:

No 1084

Moved: Cr Tucker

Seconded: Cr Lee

That Council come out from behind closed doors.

Carried 7/0

Mrs Jeanette Taylor returned to the meeting at 1.58pm

Mrs Deborah Whitehead returned to the meeting at 1.58pm

Mrs Rhonda Evans returned to the meeting at 1.58pm

13 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAVE BEEN GIVEN

There was no elected members motion of which previous notice had been given.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

There was no new business of an urgent nature introduced by decision of the meeting.

15 ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

There were no items for consideration behinds closed doors.

16 NEXT MEETING

The next Ordinary Council Meeting for the Shire of Menzies will be held on Thursday 24 November 2016 commencing at 1pm.

17 CLOSURE OF MEETING

There being no further business the Shire President closed the meeting at 2.03 pm.

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 27 October 2016 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held on 24 November 2016.

Signed: _____ Dated: 24 November 2016