



SHIRE OF MENZIES

MINUTES

**OF THE ORDINARY MEETING OF COUNCIL
HELD**

Thursday 29 September 2016

Shire of Menzies

Commencing at 1.16 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

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on Thursday 29 September 2016*

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As the Shire President has requested to attend this meeting via electronic means the Deputy Shire President Councillor Ian Baird assumed the chair.

1 DECLARATION OF OPENING

The Chairperson declared the meeting open at 1.16pm and advised a request had been received from Councillor Dwyer to attend the meeting via electronic means as she is more than 150 kilometres from the Shire of Menzies office and is still in Western Australia.

COUNCIL RECOMMENDATION:

That Council resolve to accept Councillor Dwyer's request to attend the Council Meeting on 29 September 2016 via electronic means.

COUNCIL RESOLUTION:	No 1039
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Moved: Cr Lee

Seconded: Cr Mazza

That Council accept Councillor Dwyer's request to attend the Council Meeting on 29 September 2016 via electronic means.

Carried 5/0

Cr Lee left the meeting at 1.17pm

2 ANNOUNCEMENT OF VISITORS

There were no visitors present at this meeting.

3 RECORD OF ATTENDANCE

Present

Councillors:	Cr J Dwyer	Shire President via electronic means at 1.22pm
	Cr I Baird	Deputy Shire President
	Cr J Mazza	
	Cr J Lee	Via electronic means at 1.16pm
	Cr K Mader	
	Cr I Tucker	

Staff	Mrs R Evans	Chief Executive Officer
	Mrs D Whitehead	Executive Assistant

On Leave Cr D Hansen

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 of absence.

7 DECLARATIONS OF INTEREST

Cr Lee declared a Financial and Impartiality Interest in Item 12.5.2
Cr Tucker declared a Financial and Impartiality Interest in Item 12.5.4
Cr Lee declared a Financial Interest and Proximity Interest in Item 12.5.5
Cr Dwyer declared a Financial Interest and Impartiality Interest in Item 12.5.5

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Item 12.5.5 to be discussed behind closed doors.

9 CONFIRMATION / RECEIVAL OF MINUTES

9.1 Confirmation of Minutes of the Ordinary Council Meeting held on 25 August 2016

That the minutes of the Ordinary Meeting of Council held on Thursday 25 August 2016 be confirmed as a true and correct record.

COUNCIL RESOLUTION:

No 1040

Moved: Cr Mazza

Seconded: Cr Baird

That the minutes of the Ordinary Meeting of Council held on Thursday 25 August 2016 be confirmed as a true and correct record.

Carried 5/0

10 PETITIONS / DEPUTATIONS / PRESENTATIONS

11 ANNOUNCEMENTS BY PRESIDING MEMBERS WITHOUT DISCUSSION

11.1 Presidents Report (to be tabled at the meeting)

Councillor Dwyer gave a verbal report.

On 6 September 2016 I attended Special Meeting of Council.

Due to family commitments in Port Hedland I was away for two weeks during the Month but have kept in contact with the CEO via Email and Telephone.

On behalf of Council we congratulate Cr. Ian Baird and Cr. Debbie Hansen on the safe arrival of their Granddaughter Thalia Lucy.

Councillors you will have received a copy of Councillors Code of Conduct today. I feel it is timely to remind Councillors to familiarise themselves with their "*Code of Conduct and your Role as a Councillor*".

It became evident at a recent meeting that some Councillors were making decisions based on their own personal and financial interests. Councillors are to make unbiased and impartial decisions that benefit the whole of the Community and the Shire of Menzies, not on how it affects them personally.

I strongly remind Councillors that your Role is to represent the whole of the Community and make your decisions accordingly.

COUNCIL RESOLUTION:

No 1041

Moved: Cr Mazza

Seconded: Cr Tucker

That Council receive the Presidents report for September 2016 as verbally tabled.

Carried 5/0

12 REPORTS OF OFFICERS

12.1 HEALTH BUILDING AND TOWN PLANNING

12.1.1 Health and Building Report August 2016 - Shire of Menzies

LOCATION:	Shire of Menzies
APPLICANT:	N/A
DOCUMENT REF:	3920
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	23 September 2016
AUTHOR:	David Hadden, Environmental Health Officer
ATTACHMENT:	Nil

SUMMARY:

This report is for the information of Council, and relates to matters addressed by the Environmental Health Officer for the month of August 2016.

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

- Completed needle and syringe survey for Shire of Menzies.
- Visited hotel to advise owner that caravans at rear of hotel only able to stay for three days over a twenty-eight day period.
- Researched previous plumbing approvals for Saracen Gold Deep South mine site at request of Forman Plumbing.
- Processed a site investigation report form for a plumbing application for installation of a septic system at Saracen Gold Deep South Mine Village for submission of application to the Health Department.
- 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.

Quarterly Building Statistics

Prepared quarterly building returns and forwarded to the ABS as required. The WA Building Commission are in the process of organising training for local authority staff on new requirements for submission of building statistics in the future. The Building Commission will become the agency responsible for coordinating building returns and passing on to the ABS.

Dealt with various other enquiries

CONSULTATION : Nil

STATUTORY ENVIRONMENT:

Public Health Act 2016

POLICY IMPLICATIONS : Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Active Civic Leadership Achieved – Regularly Monitor and Report on the Shire’s Activities, Budgets, Plans and Performance

VOTING REQUIREMENTS:

Simple Majority

OFFICER’S RECOMMENDATION:

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

COUNCIL RESOLUTION:

No 1042

Moved: Cr Mazza

Seconded: Cr Dwyer

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

Carried 5/0

12.1.2 Section 40 Application –Deep South Red October Mine

LOCATION:	Shire of Menzies
APPLICANT:	David Hadden
DOCUMENT REF:	3919
DISCLOSURE OF INTEREST:	The author has no interest to disclose
DATE:	21 September 2016
AUTHOR:	David Hadden, Environmental Health Officer
ATTACHMENT:	2.1.2 – Plans & Diagrams

SUMMARY:

Application received from Compass Group seeking Council health/planning approvals in the form of signed Section 39 certificate (health) and Section 40 certificate (planning).

BACKGROUND:

Compass Group have been contracted to manage both wet and dry mess facilities at the Deep South Red October mine that has recently recommenced activities. Buildings are currently being placed at the Village while all associated servicing works are being completed.

COMMENT:

Mining associated development is currently exempt from the requirement for Planning Approval as the Mining Act takes precedence over the Planning Act however the Department of Racing and Gaming still require applicants to produce a Section 40 (Planning Certificate) from relevant local authorities in this instance. Councils CEO has forwarded a signed Section 40 certificate along with the EHO signed Section 39 certificate as requested by Compass Group to maintain development timelines on the Deep South site. The CEO currently does not have delegation to sign a Section 40 certificate in this instance (planning approval not required due to the Mining Act) however has done so, so as not to delay the Compasses liquor licence application with an agenda item to Council. A new delegation will be presented for approval at the annual review of Policies/Delegations to allow the CEO delegation to sign future Section 40 certificates relating to liquor licencing applications for mine site wet messes.

CONSULTATION: Nil

STATUTORY ENVIRONMENT:

Department of Racing and Gaming require Section 39 and 40 certificates submitted with any liquor licence applications. The Mining Act overrides the Planning Act but not the Health Act.

POLICY IMPLICATIONS : Nil

FINANCIAL IMPLICATIONS Nil

STRATEGIC IMPLICATIONS

Active Civic Leadership Achieved – Regularly Monitor and Report on the Shire’s Activities, Budgets, Plans and Performance

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION:

That Council:

- a) **Authorise the CEO’s action in signing and forwarding the Section 40 certificate to Compass Group to support its licence application to the Department of Racing and Gaming.**
- b) **Request the CEO to develop a new delegation regarding the signing of Section 40 certificates where planning approval for a licenced (liquor) development is not required and present to the annual review of Policies/Delegations.**

COUNCIL RESOLUTION:	No 1043
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Moved: Cr Tucker

Seconded: Cr Dwyer

That Council:

- a) *Authorise the CEO’s action in signing and forwarding the Section 40 certificate to Compass Group to support its licence application to the Department of Racing and Gaming.*
- b) *Request the CEO to develop a new delegation regarding the signing of Section 40 certificates where planning approval for a licenced (liquor) development is not required and present to the annual review of Policies/Delegations.*

Carried 5/0

12.2 FINANCE AND ADMINISTRATION

12.2.1 Statement of Financial Activity and Associated Reports for August 2016

LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	3921
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	22 September 2016
AUTHOR:	Jeanette Taylor, Manager Finance & Administration
ATTACHMENT:	12.2.1 (<i>Provided to Council under Separate Cover</i>)

SUMMARY:

Statutory Financial Reports submitted to Council for acceptance as a record of financial activity for the period to 31 July 2016.

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.

CONSULTATION:

Jeanette Taylor – Manager Finance and Administration

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996, 34

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

As detailed within the attachments.

STRATEGIC IMPLICATIONS:

Sustainable Resource Management

- Ensure resources are managed effectively
- Prepare timely accurate reports on the Shire's activities, budgets, plans and performance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council receive the Statement of Financial Activity for the month ending 31 July 2016 included as attachment 12.2.1 as presented, and note any material variances.

COUNCIL RESOLUTION:

No 1044

Moved: Cr Mazza

Seconded: Cr Mader

That Council:

That Council receive the Statement of Financial Activity for the month ending 31 July 2016 included as attachment 12.2.1 as presented, and note any material variances.

Cr Dwyer did not receive the report and therefore was not comfortable in supporting the motion.

Carried 4/1

12.2.2 Monthly Listing of Payments for the Month of August 2016

LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	3924
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	22 September 2016
AUTHOR:	Jeanette Taylor, Manager Finance & Administration
ATTACHMENT:	12.2.2

SUMMARY:

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

BACKGROUND:

Payments have been made by cheque payment, electronic funds transfer (EFT) and direct transfer from Council's Municipal bank account and duly authorised as required by Council Policy. These payments have been made under authority delegated to the Chief Executive Officer (CEO) and are not reported to Council.

COMMENT:

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

After payment, the balance of creditors will be \$264,073.47.

CONSULTATION: Nil

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996 Number 13.

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for Payment

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Prepare timely accurate reports on the Shire's activities, budgets, plans and performance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council receive the list of payments for the month of August 2016 totalling \$560,483.45 being:

- 1) Cheque 10458 in the Municipal fund totalling \$48.52.**
- 2) Electronic Fund Transfer EFT1538-EFT1628 payments in the Municipal Fund totalling \$422,780.39.**
- 3) Direct Debit payments in the Municipal Fund totalling \$137,654.54.**
- 4) Credit card payments relating to the August 2016 statement (included in direct debits) totalling \$17,092.76.**

COUNCIL RESOLUTION:

No 1045

Moved: Cr Mazza

Seconded: Cr Mader

That Council receive the list of payments for the month of August 2016 totalling \$560,483.45 being:

- 1) Cheque 10458 in the Municipal fund totalling \$48.52.*
- 2) Electronic Fund Transfer EFT1538-EFT1628 payments in the Municipal Fund totalling \$422,780.39.*
- 3) Direct Debit payments in the Municipal Fund totalling \$137,654.54.*
- 4) Credit card payments relating to the August 2016 statement (included in direct debits) totalling \$17,092.76.*

Carried 5/0

12.2.3 Adoption of Annual Budget for the year ending 30 June 2017

LOCATION:	N/A
APPLICANT:	N/A
DOCUMENT REF:	3914
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	26 October 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	12.2.3 – 2016/2017 Statutory Budget <i>(Provided to Council under separate cover)</i>

SUMMARY:

For Council to consider the Adoption for the year ending 30 June 2017.

BACKGROUND:

At the special meeting of Council on 6 September 2016, Council resolved to adopt differential rates. The Minister for Local Government has approved the proposed Differential Gross Rental Value minimum rate.

The Statutory Budget has been developed following a review of the draft budget at a workshop in April 2016.

COMMENT:

Rate increases for the 2016/19 Financial year for properties rated in the category of Gross Rental Value have been limited to 1.9%. The total

Reserves are, for the most part retained, with a substantial increase to be allocated to the Niagara Dam Reserve. The report from the President and the Chief Executive Officer at the commencement of the Budget document highlights other notable features of the Budget being presented for adoption.

CONSULTATION:

Workshop and Briefing Sessions with Councillors and Staff

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 5.98, 6.32, 6.36, 6.46(3), 6.47 and 6.51
Waste Avoidance and Resource Recovery Act 2007 Section 67
Local Government (Financial Management) Regulations 1996 Regulation 64(2) and 67

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Active civic leadership achieved –

- Regularly monitor and report on the Shire’s activities, budgets, plans and performance
- Maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER’S RECOMMENDATION:

Recommendation 1 – Valuations and Rates

That the valuations supplied by the Valuer General and totalling as stated be adopted and recorded in the rate book for use in the 2016/17 financial year

Gross Rental Value (GRV) \$1,416,262

Unimproved Value (UV) \$16,498,477

That in accordance with the Local Government Act 1995 Section 6.32, Council impose general rates in GRV and UV in the 2016/17 financial year as:

GRV non Vacant	8.18 cents in the dollar	Minimum Rate \$306
GRV Vacant	8.20 cents in the dollar	Minimum Rate \$306
UV Mining Operating	15.7 cents in the dollar	Minimum Rate \$306
UV Mining Exploration	14.475 cents in the dollar	Minimum Rate \$270
UV Mining Prospecting	14.26 cents in the dollar	Minimum Rate \$240
UV Pastoral	8 cents in the dollar	Minimum Rate \$306
UV Special and Other	8 cents in the dollar	Minimum Rate \$306

Recommendation 2 – Rubbish Removal Charge

That in accordance with section 67 of the Waste Avoidance and Resource Recovery Act 2007, Council impose Receptacle Collection Charges as:

240 litre bin (first service for residential property)	\$135
240 litre bin (additional service for residential property)	\$149
242 litre bin service (per service) for non residential property	\$149

Recommendation 3 – Payment Options

That in accordance with Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominate the following due dates for the payment of rates and charges in the 2016/17 financial year

Issue Date	7 October 2016
Payment in Full	11 November 2016
Payment in Four Instalments	
First Instalment	11 November 2016
Second Instalment	13 January 2017
Third Instalment	17 March 2017
Fourth Instalment	19 May 2017

Recommendation 4 – Instalment Charges

That in accordance with section 6.45(3) of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, Council impose administration fees (excluding eligible pensioners and seniors) as:

Payment of rates and charges by instalments (not including the first instalment) \$10 per instalment and 5.5% interest to apply to instalments that remain outstanding after the due date;

Payment of rates and charges by alternative arrangement to be \$80 per arrangement, and to incur penalty interest of 11% for rates remaining outstanding after the due date.

Recommendation 5 – Penalties and Additional Charges for unpaid Rates and Charges

That in accordance with section 6.51 of the Local Government Act 1995, Council impose penalty interest of 11% per annum, calculated daily, on rates and service charges remaining unpaid (excluding eligible pensioners opting to defer the payment of their rates), after the due date and that the following fees be adopted for the non-payment of rates and charges

A fee of \$11 will be levied on each Final Notice issued (concession holders not to receive final notices).

A fee of \$40 will be levied on each title search required for recovery of outstanding rates.

Recommendation 6 – Fees and Charges

That Council adopt the proposed fees and charges for the year ending 30 June 2017 as included in the Adopted Budget (attached).

Recommendation 7 – Adoption of Variance

That Council adopt the following percentage and dollar value for identifying and reporting material variances for the Monthly Statement of Financial Activity presented

to Council for review and comparison to Budget will indicate the variance value plus (+) or minus (-) of 10% for items greater than \$25,000 variance.

Recommendation 8 – Adoption of Annual Budget for the year ending 30 June 2017

That the following statements as presented be adopted.

**Rates Setting Statement
Statement of Cash Flows
Comprehensive Income Statement by Program
Comprehensive Income Statement by Nature/Type
Note to and forming Part of the Budget
Capital Work Program
Reserve Budget
Trust Fund Budget**

Recommendation 9 – Allowances for year ending 30 June 2017

That in accordance with Section 5.98 of the Local Government Act 1995 allowances for the year ending 30 June 2017 be set as

President Allowance	\$xx xxxx
Deputy President Allowance	\$xx xxxx
Sitting Fee – President Sitting Fee	\$xx xxxx
Sitting Fee – All members	\$xx xxxx
Telecommunications Allowance	\$xx xxxx

COUNCIL RECOMMENDATION:

That this item lay on the table until Ministerial approval is received.

COUNCIL RESOLUTION:

No 1046

Moved: Cr Dwyer

Seconded: Cr Tucker

That this item lay on the table until Ministerial approval is received.

Carried 5/0

12.3 WORKS AND SERVICES

12.3.1 Works Report for August 2016

LOCATION:	N/A
APPLICANT:	N/A
DOCUMENT REF:	3904
DISCLOSURE OF INTEREST:	The author has no interest in this matter
DATE:	23 September 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	12.3.1 - Regional Road Group Assessment forms

SUMMARY:

To advise Council of the status of the Works program for the months of August and September 2016.

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 (Menzies Northwest)
- Slashing Block in Menzies
- Weed control at Cemeteries
- Solar Bore at Water Corporation Dam

Works Underway in next period

- Slashing verges (Kookynie)
- Slashing Block in Kookynie
- Tree Planting around truck bay Wilson Street
- Protection of Statues in Brown Street

Works Outstanding

- Kookynie airstrip windsock and cones

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

- Evanstone Menzies Road – Culvert (Blackspot)
- 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 is due to be submitted by 30 October 2016.

Regional Road Group (RRG) Project Grant applications including the assessment forms for four projects and liaison with Main Roads.

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

CONSULTATION:

Paul Warner, Works Supervisor

Tony Chisholm, WML Consultants

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Active civic leadership – Regularly monitor and report on the Shire’s activities, budgets, plans and performance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER’S RECOMMENDATION:

That Council receive the Works Report for August for information.

COUNCIL RESOLUTION:

No 1047

Moved: Cr Tucker

Seconded: Cr Mader

That Council receive the Works Report for August 2016 for information.

Carried 5/0

12.4 COMMUNITY DEVELOPMENT

12.4.1 Monthly Report Lady Shenton – August 2016

LOCATION:	Lady Shenton Building
APPLICANT:	N/A
FILE REF:	3925
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	22 September 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENT:	Nil

SUMMARY:

To receive information relating to the activities at the Lady Shenton for the month of August 2016.

BACKGROUND:

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.

COMMENT:

Community Resource Centre (CRC)

This month has seen thirty-five patrons at the CRC and also saw the introduction of the Prescription Service from Leonora Pharmacy which produced \$213.00. Due to inclement weather the Keep Australia Beautiful clean-up that was scheduled was cancelled. State Library representatives will be in Menzies on 25 October 2016 to offer assistance and discuss the Library service. Spirit FM radio broadcast from Menzies Shire office on 1 September 2016.

Fifty copies of the Menzies Matters were printed this month.

Fourteen patrons requested the free CRC WIFI password and there was \$600 in Mobile credit with \$12.50 for copy and print.

Visitor Centre

August saw one thousand and eighty-seven visitors to The Visitor Centre. We continue to encourage customer feedback by way of the Lake Ballard Surveys and fifty-six were completed in August 2016. Our Facebook page has been an easy medium to convey information to people online and regular updates of Wildflower sighting have been included.

A seniors group is coming to the region for Wildflowers on Tuesday 6 September 2016.

Promotion

A letter to the Editor of the Kalgoorlie Miner saw a picture and letter from President Cr J Dwyer published promoting Wildflower Hotspots within the Shire to boost tourism and the profile of the Shire.

Community Postal Agency

We had a total of two hundred and ninety-five Postal Customers for August.

Caravan Park

- A total of \$9,984.00 was taken for the month of August.
- October we will be seeing two large Caravan Groups stay at the park.
- Urban Landcare came to Menzies in August with volunteers to plant trees in the park.

CONSULTATION:

Laura Dwyer – CRC Co-Ordinator

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

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

COUNCIL RESOLUTION:	No 1048
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Moved: Cr Mazza

Seconded: Cr Mader

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

Carried 5/0

12.5 MANAGEMENT AND POLICY

12.5.1 Review of Policy 3.10 - Agenda Format / Officers Reports

LOCATION:	N/A
APPLICANT:	N/A
DOCUMENT REF:	3875
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	26 October 2016
AUTHOR:	Rhonda Evans Chief Executive Officer
ATTACHMENTS:	12.5.1-1 12.5.1-2

SUMMARY:

To amend policy 3.10 to reflect new agenda format to be implemented October 2016.

BACKGROUND:

In December 2015, the Council adopted policy 3.10 (Attachment 12.5.1-1) which sets out the format for agenda items from Officers. It is proposed to amend this format to assist users with easier access to recommendations of officers and resolutions of Council by placing these at the commencement of the item rather than at the end (Attachment 12.5.1-2).

COMMENT:

The current format is that shown in this item. The item commences with a block that provides information relating to the item. It is not proposed to amend this block. It is proposed to reorganise the headings following the block to assist users with immediate access to the recommendation and resolution and a summary of the agenda item. The headings will be

- Recommendation
- Voting Requirements
- In Brief
- Relevant to Strategic Plan
- Policy Implications
- Risk Assessment
- Budgetary Implications
- Background
- Comment

The proposed changes will permit the reader to immediately view the officer recommendation which, if written correctly will provide a focus for the points to be understood and reviewed by the Council. When undertaking later research, it will be much easier to locate the recommendation immediately following the information block.

Following the recommendation will be the voting requirements, again, bringing this to the immediate attention of the reader whether or not the resolution must be passed by a simple or absolute majority.

During a meeting, the member can quickly turn to the next item, see from the address block which item it is, and immediately have the recommendation before them. A brief summary of the item follows the recommendation. This should contain a summary of each of the points to be considered. While this replaces the summary in the current format, it is expected that it will highlight the basic facts of the report, excluding any arguments for or against that the author may introduce in the background or comments.

Attachment 1 is an example of the first page of an agenda item from the State Council Meeting held in September 2016. State Council meeting agendas have dispensed with the information block at the commencement of the report, however the proposed format will retain the information block, with the recommendation following.

Background and Comment from the author are the last two headings on the report. Whilst important in that this is the opportunity for the officer to provide Council with the pros and cons of the subject of the report. The report should contain all available information available to the officer.

Attachment 2 is the proposed amended policy 3.10 for member consideration.

CONSULTATION:

Deborah Whitehead – Executive Assistant
WALGA – State Council Executive

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS:

Policy 3.10 – Agenda Format / Officer’s Reports

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Strategic Objectives:

- Active Civic Leadership
 - Regularly monitor and report on the Shire’s activities, budgets, plans and performance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER’S RECOMMENDATION:

That Council

- 1) Adopt Policy 3.10 Agenda Format / Officer’s Reports as attached.**

COUNCIL RESOLUTION:

No 1049

Moved: Cr Tucker

Seconded: Cr Mader

That Council

- 1) *Adopt Policy 3.10 Agenda Format / Officer's Reports as attached.*

Carried 5/0

12.5.2 Proposal to Lease Property

LOCATION:	56 Shenton Street, Menzies DP65986.
APPLICANT:	Achievable Outback (Café) Trading
DOCUMENT REF:	3877
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	26 October 2016
AUTHOR:	Rhonda Evans Chief Executive Officer
ATTACHMENTS:	12.5.2-1 – Certificate of Title 12.5.2-2 – Letter of Offer to Lease. 12.5.2-3 – Application for Planning Approval

SUMMARY:

To consider a proposal to lease the property known as the Former Police Station, located on the corner of Wilson and Shenton Streets Menzies.

BACKGROUND:

The police station was closed in 2007 due to budget cuts. The two officers who patrolled over 145,000 square kilometres were transferred, one to Kalgoorlie and the other to Perth. Crime was low in Menzies during their tenure, attributed to the close community ties and work of one of the senior constables. The building has been vacant since 2007.

COMMENT:

An application has been received from the proprietor of the Achievable Outback (Café) Trading to lease the property at 56 Shenton Street. Mr Lee has requested that the premises be leased to him for a peppercorn rent for five years with an option of five years.

The Shire has no immediate purpose for this property, and for it to be used as a retail outlet meets the objectives of the Community Strategic Plan to “*encourage commercial growth which provides jobs and services.*”

The property is zoned Public Purpose (Police). In accordance with the Town Planning Scheme, an application must be made, and approval given for any use not relating to Police activities. The purpose of the Reserve is for office and accommodation. An application for change of Reserve purpose from office and accommodation to Local Government Purpose will be submitted to the Department of Lands.

Council has the power to lease Reserve 50513 for any term not exceeding 10 years, subject to the consent of the Minister for Lands.

The premises are located next to a residential property which may be consideration when approving the application. The owners of the property will be advised of the proposal when an application is received.

The lease of a property by the Shire is, for the purpose of the Local Government Act 1995, a disposal of property. That is, the property is disposed by Council for the period of the lease.

A valuation of the property estimating the annual lease value as a commercial premise must be obtained, and the offer to lease advertised showing both the valuation and the annual lease fee offered by the applicant. Any submissions received must be considered prior to the action of signing the lease documents.

The lease documents must then be registered with the State.

The proposed lease will be the standard retail lease agreement. This will require the lessee to be responsible for

- all day-to-day maintenance for the

CONSULTATION: Nil

STATUTORY ENVIRONMENT:

The property is zoned Public Purpose Police. The applicant will be required to submit an application for planning approval as outlined in Part 9 of the Town Planning Scheme No 1. The application must then be advertised, and consideration given to any submissions.

When considering the application Council must have due regard for the following:

- the aims and provision of the Scheme
- the ultimate purpose intended for the reserve
- the compatibility of a use or development within its setting
- any social issues that have an effect on the amenity of the locality
- the cultural significance of any place or area affected by the development
- the likely effect of the proposal on the natural environment
- the preservation of the amenity of the locality
- The amount of traffic likely to be generated by the proposal
- Whether public utility services are available and adequate for the proposal
- Whether adequate provision has been made for access by disabled persons
- The potential loss of any community service or benefit resulting from the planning approval
- Any relevant submissions received on the application
- Any other planning consideration the local government considers relevant.

In determining an application for planning approval the local government may

- Grant its approval with or without conditions
- Refuse to grant its approval.

Planning approval may be granted

- For the development for which the approval is sought
- For that development, except for a specified part or aspect of that development
- For a specified part or aspect of that development.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

The cost to the Shire to maintain the building and grounds, to insure the building, and pay rates and services costs is estimated to be \$6,000 per annum. Council will continue to pay for insurance on the building. It is anticipated that all other costs for the building and grounds will be borne by the lessee.

Any structural maintenance will continue to be the responsibility of the Shire.

STRATEGIC IMPLICATIONS:

Sustainable local economy encouraged - The community would like the Shire to promote a strong economy, diversified through encouraging commercial growth, which provides jobs and services.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council

- 1) **Accept the offer from Achievable Outback (Café) Trading to lease the property at 56 Shenton Street Menzies being Reserve 50513 for the annual fee of one dollar subject to**
 - a) **A Planning Application for the development being submitted by the applicant**
 - b) **No relevant submissions being received relating to the application**
 - c) **All adjoining owners are advised of the application and invited to make a submission relating to the development**
- 2) **Advertise the offer to lease in accordance with Section 3.58(3) of the Local Government Act 1995**
- 3) **Authorise the Chief Executive Officer and the President to sign and seal documents relating to the lease of the Reserve 50513 to Achievable Outback (Café) Trading subject to**
 - a) **No relevant submissions being received relating to the advertising of the proposal**
 - b) **No significant changes to the standard retail lease document (as attached).**

COUNCIL RESOLUTION:

No 1050

Moved: Cr Tucker

Seconded: Cr Mazza

That Council

- 1) *Accept the offer from Achievable Outback (Café) Trading to lease the property at 56 Shenton Street Menzies being Reserve 50513 for the annual fee equal to outgoings cost of the building and surrounds subject to*
 - a) *A Planning Application for the development being submitted by the applicant*

- b) No relevant submissions being received relating to the application*
- c) All adjourning owners are advised of the application and invited to make a submission relating to the development*
- 2) Advertise the offer to lease in accordance with Section 3.58(3) of the Local Government Act 1995*
- 3) Authorise the Chief Executive Officer and the President to sign and seal documents relating to the lease of the Reserve 50513 to Achievable Outback (Café) Trading subject to*
 - a) No relevant submissions being received relating to the advertising of the proposal*
 - b) No significant changes to the standard retail lease document.*

Reason for change of recommendation 1:

Council wanted to ensure that all outgoings were covered by lessee and the buildings and surrounds be cost neutral for the Shire.

Carried 5/0

12.5.3 Establishment of Youth Committee

LOCATION:	N/A
APPLICANT:	N/A
DOCUMENT REF:	3888
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	26 October 2016
AUTHOR:	Rhonda Evans Chief Executive Officer
ATTACHMENT:	Nil

SUMMARY:

To consider the establishment of a Youth Facility Committee to assist the Council during the building of a youth facility.

BACKGROUND:

In October 2014 Council resolved that a Youth Centre would be built on the sports field at the Walsh Street Boundary. A project plan was prepared, and funding application submitted. At the time a Youth Advisory Committee appears to have been in place.

In April 2016, council was successful in attracting funding from Lotteries Commission to assist with the project.

COMMENT:

The most effective way ahead for this process (building the Youth Centre) would be for a committee to meet and make recommendations to Council, and to liaise with the Community where input is required.

A committee must have at least three members.

A committee may comprise of

- Council Members only
- Council Members and Employees
- Council Members, employees and other persons
- Council Members and other persons
- Employees and other persons or
- Other persons only.

It is proposed that a committee comprising of the Chief Executive Officer and five other persons be established to review plans and tender documents and make recommendations to Council on matters relating to

- The development of a Youth Strategy
- Input into the building and fit out of the Youth Centre, and

- the development of the structure for the management for the operation of the Youth Centre.

The term of the committee will cease at the opening of the Youth Centre.

CONSULTATION: Nil

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 5.8

POLICY IMPLICATIONS:

A Youth Policy will be developed in conjunction with the Youth Strategy.

FINANCIAL IMPLICATIONS:

The Committee is not a paid activity. Minimal funding for refreshments will be provided from the existing Members Refreshments Job S04009

STRATEGIC IMPLICATIONS:

Community Priority

Strong sense of community maintained – Our community will value each other, building relationships and networks to interact, socialise and for recreation.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council establish a Committee of Council to be known as The Youth Services Committee

- 1) **With the purpose to be to**
 - a) **Develop a Youth Strategy and Policy for presentation to Council**
 - b) **Provide input to Council relating to the building and fit out of the Youth Centre, and**
 - c) **Recommend the structure for the management for the operation of the Youth Centre.**
- 2) **To be made up of the Chief Executive Officer and five others, and that Council call for nominations from the Community and the Menzies Aboriginal Corporation Youth Committee to become members of the Shire of Menzies Youth Services Committee**
- 3) **To report to Council at least every two months commencing from November 2016.**
- 4) **With the term of the Committee to cease at the opening of the Menzies Youth Centre**

COUNCIL RESOLUTION:

No 1051

Moved: Cr Tucker

Seconded: Cr Mazza

That Council establish a Committee of Council to be known as The Youth Services Committee

- 1) *With the purpose to be to*
 - a) *Develop a Youth Strategy and Policy for presentation to Council*
 - b) *Provide input to Council relating to the building and fit out of the Youth Centre, and*
 - c) *Recommend the structure for the management for the operation of the Youth Centre.*
- 2) *To be made up of the Chief Executive Officer and five others, and that Council call for nominations from the Community and the Menzies Aboriginal Corporation Youth Committee to become members of the Shire of Menzies Youth Services Committee*
- 3) *To report to Council at least every two months commencing from November 2016.*
- 4) *With the term of the Committee to cease at the opening of the Menzies Youth Centre*

Carried 5/0

Cr Tucker declared a Financial and Impartiality Interest in Item 12.5.4 through Menzies Aboriginal Corporation and left the meeting at 2.15pm.

12.5.4 Surrender of Management Order - Reserve 10041

LOCATION:	Reserve 10041 - Pinjin
APPLICANT:	Department of Minerals and Petroleum
DOCUMENT REF:	3911
DISCLOSURE OF INTEREST:	The Author has no interest to disclose
DATE:	26 October 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENTS:	12.5.4-1 Agenda Item 12.5.2 12.5.4-2 Maps showing Reserve 10041 12.5.4-3 Email from Hawthorn Resources

SUMMARY:

To consider further information relating to the surrender of Reserve 10041.

BACKGROUND:

In May 2016 an agenda item was presented to Council following a query from the Department of Minerals and Petroleum. Council resolved to lay the item on the table pending additional information relating to the occupancy of buildings on the Reserve.

COMMENT:

The buildings referred to by the Department of Minerals and Petroleum appear to be the Pinjin Homestead. The best information available indicates that they are occupied, although the occupation may not be of the permanent nature.

Correspondence from the mining lease holder requesting time for them to make a presentation to Council on matters that they believe to be of relevance to any decision of Council is attached. The Chief Executive Officer of Hawthorne Resources has also been in contact, and has advised that additional correspondence will be sent to in relation to this matter. At the time of writing this agenda, the letter had not been received.

No correspondence has been received from other interested parties in this matter.

The matter is returning to Council as it has been laid on the table in May 2016 pending information relating to the occupation of the buildings on the land.

CONSULTATION: Nil

STATUTORY ENVIRONMENT:

Land Administration Act

POLICY IMPLICATIONS:

Council does not have a policy on this matter.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Active Civic Leadership achieved – maintain sustainability through our leadership, our regional and government partnerships and ensure we make informed resource decisions for our community good.

VOTING REQUIREMENTS:

Simple Majority

OFFICER'S RECOMMENDATION:

That Council

- 1. Invite a representative of Hawthorne Resources to address the next meeting at the next ordinary meeting of Council on 27 November 2016 and**
- 2. Advise the Department of Minerals and Petroleum that the matter of the surrender of Reserve 10041 remains under consideration, and no decision has been made.**

COUNCIL RESOLUTION:

No 1052

Moved: Cr Dwyer

Seconded: Cr Mader

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

Reason for change of recommendation:

Council felt that neither of the recommendations were appropriate.

Carried 4/0

Cr Mader left the meeting at 2.26pm.

Cr Mader returned to the meeting at 2.26pm.

Cr Tucker returned to the meeting at 2.26pm.

Cr Dwyer declared a Financial Interest and Impartiality Interest in Item 12.5.5 and left the meeting at 2.26pm.

COUNCIL RESOLUTION:

No 1053

Moved: Cr Mazza

Seconded: Cr Baird

That Council go behind closed doors to discuss this item

Carried 4/0

12.5.5 Lease of the Lady Shenton Building

LOCATION:	Lady Shenton Building
APPLICANT:	Smith's Tearooms
DOCUMENT REF:	3918
DISCLOSURE OF INTEREST:	None
DATE:	1 September 2016
AUTHOR:	Rhonda Evans, Chief Executive Officer
ATTACHMENTS:	12.5.5-1 Menzies Caravan Park (Draft) 12.5.5-2 Menzies Caravan Park (Draft with mark-ups) 12.5.5-3 Visitors Centre and CRC (Draft) 12.5.5-4 Visitors Centre and CRC (Draft with mark-ups) 12.5.5-5 Lease of Café (Draft) 12.5.5-6 Plan of Shared Use

COUNCIL RESOLUTION:

No 1054

Moved: Cr Mazza

Seconded: Cr Baird

That Council

1. *Endorse resolution 0930 of 17 December 2015*
2. *Endorse resolution 0956 of 25 February 2016*
3. *Accept the draft Management Agreement for the Menzies Caravan Park (as attached)*
4. *Accept the draft Management Agreement for the Visitor Centre and the Community Resource Centre (as attached)*
5. *Accept the lease for the portion of the Lady Shenton Building (as attached)*
6. *Resolve to dispose of the portion of the Lady Shenton Building for the areas referred to as LS6, LS7, LS8, LS5, LS4 and LS3 in the Tender 6/2015 as accepted*
7. *Authorise the Chief Executive Officer and the President (or their delegate) to place the seal for the Shire of Menzies, and sign the documents for*
 - a. *The Management of the Menzies Caravan Park*
 - b. *The Management of the Menzies Visitor Centre and the Community Resource Centre*
 - c. *The Lease of a portion of the Lady Shenton Building subject to no objections to the advertising of the disposal of property in accordance with Section 3.58 of the Local Government Act 1995.*

Carried 4/0

COUNCIL RESOLUTION:

No 1055

Moved: Cr Mazza

Seconded: Cr Baird

That Council come out from behind closed doors.

Carried 4/0

**13 ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAVE
BEEN GIVEN**

There were no elected member's motions 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

Theses have been addressed.

16 NEXT MEETING

The next Ordinary Council Meeting for the Shire of Menzies will be held on Thursday 27 October 2016 commencing at 1pm.

17 CLOSURE OF MEETING

There being no further business the Deputy Shire President closed the meeting at 2.41pm.

**I, _____ hereby certify that the Minutes of the
Ordinary Meeting of Council held 29 September 2016 are confirmed as a true and correct
record, as per the Council Resolution of the Ordinary Meeting of Council held on
27 October 2016.**

Signed: _____

Dated: 27 October 2016