



SHIRE OF MENZIES

MINUTES

**OF THE ORDINARY MEETING OF COUNCIL
HELD**

Thursday 15 December 2016

Shire of Menzies

Commencing at 1.05 pm

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*Minutes of the Ordinary Meeting of Council held in the Shire of Menzies Council Chambers
on Thursday 15 December 2016*

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1 DECLARATION OF OPENING

The Shire President declared the meeting open at 1.05pm.

2 ANNOUNCEMENT OF VISITORS

There were no visitors.

3 RECORD OF ATTENDANCE

Present

| | | |
|--------------|-------------|---|
| Councillors: | Cr J Dwyer | Shire President |
| | Cr I Baird | Deputy Shire President via electronic means |
| | Cr D Hansen | via electronic means |
| | Cr I Tucker | |
| | Cr J Mazza | |
| | Cr K Mader | |

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

Apologies Cr J Lee

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

There were no questions taken on notice at the previous meeting.

5 PUBLIC QUESTION TIME

There were no questions from the public.

6 APPLICATIONS FOR LEAVE OF ABSENCE

There were no applications for leave of absence.

7 DECLARATIONS OF INTEREST

There were no declaration of interest.

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

There were no items to be discussed behind closed doors.

9 CONFIRMATION / RECEIVAL OF MINUTES

**9.1 Confirmation of Minutes of the Ordinary Council Meeting held on
24 November 2016**

*That the minutes of the Ordinary Meeting of Council held on Thursday 24 November
2016 be confirmed as a true and correct record.*

COUNCIL RESOLUTION:

No 1101

Moved: Cr Mazza

Seconded: Cr Mader

That the minutes of the Ordinary Meeting of Council held on Thursday 24 November 2016 be confirmed as a true and correct record.

Carried 6/0

9.2 Confirmation of Minutes of the Lake Ballard Management Advisory Committee Meeting held on 25 November 2016

That the minutes of the Lake Ballard Management Advisory Committee Meeting held on Friday 25 November 2016 be received for information.

COUNCIL RESOLUTION:

No 1102

Moved: Cr Mazza

Seconded: Cr Tucker

That the minutes of the Lake Ballard Management Advisory Committee Meeting held on Friday 25 November 2016 be received for information.

Carried 6/0

COMMITTEE RECOMMENDATION 3:

Moved: Mr Ian Tucker

Seconded: Cr Mazza

That Committee recommend to Council that they investigate the future direction of the Lake Ballard campgrounds and surrounds.

Carried 5/0

COUNCIL RESOLUTION:

No 1103

Moved: Cr Dwyer

Seconded: Cr Mazza

That Council investigate the future direction of the Lake Ballard campgrounds and surrounds.

Carried 6/0

9.3 Confirmation of Minutes of the Youth Services Committee Meeting held on 28 November 2016

That the minutes of the Youth Services Committee Meeting held on Monday 28 November 2016 be received for information.

COUNCIL RESOLUTION:

No 1104

Moved: Cr Dwyer

Seconded: Cr Mazza

That the minutes of the Youth Services Committee Meeting held on Monday 28 November 2016 be received for information.

Cr Dwyer noted that a point of discussion had been omitted from the Minutes and requested that the following be inserted in the Minutes at the end of paragraph two on page five:-

“Cr Lee then stated that if the Community didn’t get what they wanted with regards to the Youth Centre then they wouldn’t be using it.”

Carried 5/1

Cr Tucker asked that his descent be recorded.

COMMITTEE RECOMMENDATION 1:

That Council allow a budget allocation to employ a facilitator to come in for half a day (either during the day or afternoon and evening) to run a workshop to formulate a strategy. This must include a wide representation from the community.

COUNCIL RESOLUTION:

No 1105

Moved: Cr Dwyer

Seconded: Cr Mazza

That Council allow a budget allocation to employ a facilitator to come in for half a day (either during the day or afternoon and evening) to run a workshop to formulate a strategy.

Carried 5/1

COMMITTEE RECOMMENDATION 2:

That Council provide clarification to the Menzies Youth Committee on the proposed site of the building.

COUNCIL RESOLUTION:

No 1106

Moved: Cr Mazza

Seconded: Cr Dwyer

That Council provide clarification to the Menzies Youth Committee on the proposed site of the building.

Carried 6/0

9.4 Confirmation of Minutes of the Niagara Dam Working Party Meeting held on 2 December 2016

That the minutes of the Niagara Dam Working Party Meeting held on Friday 2 December 2016 be received for information.

COUNCIL RESOLUTION:

No 1107

Moved: Cr Mazza

Seconded: Cr Dwyer

That the minutes of the Niagara Dam Working Party Meeting held on Friday 2 December 2016 be received for information.

Carried 6/0

WORKING PARTY RECOMMENDATION:

That Council upgrade the Reserve criteria to specify what Reserve is for and to boost funds for remedial works and ensure the restoration of Niagara Dam is included in the Integrated Planning documentation.

COUNCIL RESOLUTION:

No 1108

Moved: Cr Mazza

Seconded: Cr Mader

That Council upgrade the Reserve criteria to specify what Reserve is for and to boost funds for remedial works and ensure the restoration of Niagara Dam is included in the Integrated Planning documentation.

Carried 6/0

9.5 Confirmation of the Minutes of the Goldfields Voluntary Regional Organisation of Councils (GVROC) held on 5 December 2016

That the minutes of the Goldfields Voluntary Regional Organisation of Councils Meeting held on Monday 5 December 2016 be received for information.

COUNCIL RESOLUTION:

No 1109

Moved: Cr Mazza

Seconded: Cr Dwyer

That the minutes of the Goldfields Voluntary Regional Organisation of Councils Meeting held on Monday 5 December 2016 be received for information.

Carried 6/0

9.6 Confirmation of the Minutes of the Goldfields Esperance Regional Road Group Meeting held on 18 November 2016

That the minutes of the Goldfields Esperance Regional Road Group Meeting held on Friday 18 November 2016 be received for information.

COUNCIL RESOLUTION:

No 1110

Moved: Cr Baird

Seconded: Cr Mazza

That the minutes of the Goldfields Esperance Regional Road Group Meeting held on Friday 18 November 2016 be received for information.

Carried 6/0

10 PETITIONS / DEPUTATIONS / PRESENTATIONS

There were no petitions / deputations / presentations at this meeting.

11 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11.1 PRESIDENTS REPORT *(To be tabled at the meeting)*

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1111 |
|----------------------------|----------------|

Moved: Cr Mazza

Seconded: Cr Tucker

That Council receive the Presidents report for December 2016.

Carried 6/0

On behalf of Council I have offered the condolences from the Shire of Menzies, Councillors and staff to Cr Debbie Hansen and Cr Ian Baird on the loss of Cr Hansen's brother.

Deborah lost her mother-in-law recently and we also note her family's loss.

Former Shire President and Councillor Mr Tonkin recently celebrated his 90th birthday and a card has been sent to him from the Shire of Menzies congratulating him on this milestone. Cr Dwyer has received a thank you letter from Mr Tonkin.

Monday 25 November 2016

Attended via telecommunication a meeting with Chris and Aiden from Goldfields Esperence Development Commission, Cr Justin Lee, Cr Ian Tucker and Rhonda Evans Chief Executive Officer which was held at the Shire of Menzies.

Monday 28 November 2016

Chaired the meeting for the Youth Advisory Committee, via telecommunication. Attended by Community Members Deidre Spratt, Nadine Tucker, Cr Justin Lee representing Shire of Menzies and Rhonda Evans Chief Executive Officer.

Thursday 1 December 2016

Accepted an invitation to Chamber Minerals and Energy Christmas Function at the Hannan's Club and farewell to Holly Philips who has now been appointed Executive Officer for Regional Development Australia.

Friday 2 December 2016

Chaired inaugural meeting of the Niagara Dam Working Party held in Menzies, attended by Greg Dwyer Community Member, Cr Jamie Mazza and Rhonda Evans Chief Executive Officer s.

Wednesday 7 December 2016

Attended the Menzies Community School end of year Awards Ceremony and Assembly followed by a delicious lunch. The assembly was well attended by the community and we were entertained with various items presented by the Students.

Thursday 8 December 2016

With Rhonda Evans, Chief Executive Officer and other Members from various Shires I attended a meeting in Kalgoorlie with Rick Wilson and Holly Phillips on Building Better Regions Funding. Rick and Holly gave us an overview on what funding is available for particular projects.

The Niagara Dam remedial works project was raised and further discussions with Holly and Rick will take place at a later date to see if the project will be eligible.

Wednesday 14 December 2016.

Attended Wendy Duncan's Christmas Function in Kalgoorlie. As this will be Wendy's final year I felt it was important to attend. Wendy has been a great support and advocate to the Shire of Menzies and we will miss her when she retires from politics.

I would like to take this opportunity to wish all Councillors, Staff and families all the very best wishes for the festive season and a safe and Happy New Year.

A special thanks to Deborah for her support, not only to myself but all Councillors, your efforts are sincerely appreciated

12 REPORTS OF OFFICERS

12.1 HEALTH BUILDING AND TOWN PLANNING

12.1.1 Health and Building Report for the Month of November 2016

| | |
|--------------------------------|--|
| LOCATION: | N/A |
| APPLICANT: | N/A |
| DOCUMENT REF: | ADM384 |
| DISCLOSURE OF INTEREST: | The author has no interest to disclose |
| DATE: | 16 November 2016 |
| AUTHOR: | David Hadden, Environmental Health Officer |
| ATTACHMENTS | 12.1.1 |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1112 |
|----------------------------|----------------|

Moved: Cr Mazza

Seconded: Cr Tucker

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

Carried 6/0

OFFICER RECOMMENDATION:

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

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

Building

- Staff produced quarterly building returns for ABS
- Staff attended court on behalf of the Shire of Menzies in matter of Shire versus Suiter

Health

- Attendance at training for Health Act 2016
- Inspection of new kitchen and dining facilities at Davyhurst Mine Site
- Advice to Council on new Health Act 2016 requirements

RELEVANT TO STRATEGIC PLAN:

Active Civic Leadership Achieved

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

STATUTORY AUTHORITY:

*Building Act 2011
Public Health Act 2016*

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS : Nil

RISK ASSESSMENTS :

No Risk Assessments have been adopted in relation to these matters.

BACKGROUND:

The Shire contracts the services of an Environmental Health Officer (EHO) 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:

Building

- Staff have completed quarterly building returns and forwarded to the ABS as required.
- Council's Environmental Health Officer attended the Leonora Magistrates Court on the 25 October 2016 to represent Council in the Suiter Street matter.

The Magistrate fined the land owner of 85 Suiter Street Menzies \$1,000 and ordered payment of Councils costs in the amount of \$1,745.50.

The fine and costs have been registered with fines enforcement which will result in licence cancellation initially, followed by a memorial on the land owners title requiring payment prior to property sale if the fine and costs remain unpaid.

Health

- Council's Environmental Health Officer carried out an inspection of new kitchen and dining facilities at the Davyhurst Mine Site on Wednesday 9 November 2016 in anticipation of an application for registration (Food Act 2008) being received in the near future for the newly installed buildings.

12.1.2 Public Health Act 2016

| | |
|--------------------------------|--|
| LOCATION: | N/A |
| APPLICANT: | Department of Health |
| DOCUMENT REF: | ADM384 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 7 December 2016 |
| AUTHOR: | Rhonda Evans, Chief Executive Officer |
| ATTACHMENT: | 12.1.2-1 Stage 3 Implementation of Public Health Act 2016 12.1.2-2 Copy of Certificate of Authority – D Hadden |
| COUNCIL RESOLUTION: | No 1113 |

Moved: Cr Mazza

Seconded: Cr Dwyer

That Council receive En Bloc

1. *Authorise the Chief Executive Officer to employ the Environmental Health Officer without the need to seek Health Department Approval, but subject to the guidelines for Environmental Health Officer qualification requirements*
2. *Resolve that all policies, standard forms, standard letters, website content, information resources and guides, and Local Laws of the Shire of Menzies be amended to*
 - a. *The “Health Act 1911” be renamed the “Health (Miscellaneous Provisions) Act 1911*
 - b. *“Executive Director, Public Health” be replaced with “Chief Health Officer”*
 - c. *“Environmental Health Officer” be replaced with “Authorised Officer”*
3. *Endorse Mr David Hadden, the current Environmental Health Officer as the Authorised Officer under Section 312 of the Public Health Act 2016 and the Food Act 2008 with no conditions.*
4. *That a Risk Analysis relating to Councils exposure should it be unable to fill the position of Authorised Officer under the Public Health Act 2016 be presented.*

Carried 6/0

OFFICER RECOMMENDATION:

That Council

1. Authorise the Chief Executive Officer to employ the Environmental Health Officer without the need to seek Health Department Approval, but subject to the guidelines for Environmental Health Officer qualification requirements

2. Resolve that all policies, standard forms, standard letters, website content, information resources and guides, and Local Laws of the Shire of Menzies be amended to
 - a. The “Health Act 1911” be renamed the “Health (Miscellaneous Provisions) Act 1911
 - b. “Executive Director, Public Health” be replaced with “Chief Health Officer”
 - c. “Environmental Health Officer” be replaced with “Authorised Officer”
3. Endorse Mr David Hadden, the current Environmental Health Officer as the Authorised Officer under Section 312 of the Public Health Act 2016 and the Food Act 2008 with no conditions.
4. That a Risk Analysis relating to Councils exposure should it be unable to fill the position of Authorised Officer under the Public Health Act 2016 be presented.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

- The new Health Act 2016 changes requires an Agenda item recommending delegation to the Chief Executive Officer to appoint and authorise new Environmental Health Officer’s working at the Shire in the future.

The new Act will require Council through the Chief Executive Officer to employ Environmental Health Officer’s without the need to seek Health Department approval first, however Chief Executive Officer’s will be required to take account of guidelines for Environmental Health Officer qualification requirements yet to be produced by the Health Department.

Councils current Environmental Health Officer will be automatically recognised as being authorised in the Shire but will be required to be provided an authorisation card under the new 2016 Act by Council. (Attachment 12.1.2.2)

RELEVANT TO STRATEGIC PLAN:

Active Civic Leadership Achieved

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

STATUTORY AUTHORITY:

Building Act 2011

Public Health Act 2016

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

RISK ASSESSMENTS:

No risk assessment has been adopted in relation to this matter.

BACKGROUND:

The Public Health Act 2016 received Royal Assent on 25 July 2016 coming into operation to replace Part II of the Health Act 1911. Stage 3 is scheduled to be implemented on Tuesday 24 January 2017.

COMMENT:

The new legislation will require the Council to report annual on their performance under the Public Health Act 2016. The requirements of this reporting will be available by June 2017. It is proposed that Council will, where possible incorporate the reporting requirements into it's Annual Report or during the adoption of the Corporate Plan.

The Environmental Health Officer and the Chief Executive Officer will report to Council as information is made available.

12.2 FINANCE AND ADMINISTRATION

12.2.1 Statement of Financial Activity for the Month of November 2016

| | |
|--------------------------------|---|
| LOCATION: | N/A |
| APPLICANT: | N/A |
| FILE REF: | ADM052 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 7 December 2016 |
| AUTHOR: | Jeanette Taylor, Manager Finance & Administration |
| ATTACHMENT: | 12.2.1 Monthly Financial Reports November 2016 |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1114 |
|----------------------------|----------------|

Moved: Cr Mazza

Seconded: Cr Mader

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

Carried 6/0

OFFICER RECOMMENDATION:

That Council receive the Statement of Financial Activity for the month ending 30 November 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 November 2016.

RELEVANT TO STRATEGIC PLAN:

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:

OP9 Budgets are inaccurately reported with differences in the Budget adopted by Council, and that exercised by Council administration.

OP16 Council's statutory reports provide inaccurate financial information

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.

Detailed statement of Capital Expenditure by ledger account by program is provided for Council consideration.

Detailed statement of Operating Expenditure by nature or type by program is provided for Council information.

12.2.2 Monthly Listing of Payments for the Month of November 2016

| | |
|--------------------------------|---|
| LOCATION: | N/A |
| APPLICANT: | N/A |
| FILE REF: | ADM017 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 6 December 2016 |
| AUTHOR: | Jeanette Taylor, Manager Finance and Administration |
| ATTACHMENT: | 12.2.2 Payment Listings for November 2016 |

| |
|----------------------------|
| COUNCIL RESOLUTION: |
|----------------------------|

| |
|----------------|
| No 1115 |
|----------------|

Moved: Cr Mazza

Seconded: Cr Mader

That Council receive the list of payments for the month of November 2016 totalling \$215,885.77 being:

- 1) No cheques were drawn during the month*
- 2) Electronic Fund Transfer EFT1739-EFT1766 payments in the Municipal Fund totalling \$113,949.46.*
- 3) Direct Debit payments from the Municipal Fund totalling \$101,936.31.*
- 4) Credit card payments for the statement period 29 September 2016 to 28 October 2016 (included in direct debits) totalling \$4,677.96*

Carried 6/0

OFFICER RECOMMENDATION:

That Council receive the list of payments for the month of November 2016 totalling \$215,885.77 being:

- 1) No cheques were drawn during the month*
- 2) Electronic Fund Transfer EFT1739-EFT1766 payments in the Municipal Fund totalling \$113,949.46.*
- 3) Direct Debit payments from the Municipal Fund totalling \$101,936.31.*
- 4) Credit card payments for the statement period 29 September 2016 to 28 October 2016 (included in direct debits) totalling \$4,677.96*

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

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

RELEVANT TO STRATEGIC PLAN:

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:

OP7 Accounts payable amounts and disbursements are either inaccurately recorded or not recorded at all.

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 and are not reported to Council.

COMMENT:

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

After payment, the balance of creditors will be \$118,000.08.

12.3 WORKS AND SERVICES

12.3.1 Works Report for the Month of November 2016

| | |
|--------------------------------|---|
| LOCATION: | N/A |
| APPLICANT: | N/A |
| DOCUMENT REF: | ADM371 |
| DISCLOSURE OF INTEREST: | The author has no interest in this matter |
| DATE: | 7 December 2016 |
| AUTHOR: | Rhonda Evans, Chief Executive Officer |
| ATTACHMENT: | Nil |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1116 |
|----------------------------|----------------|

Moved: Cr Mazza

Seconded: Cr Mader

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

Carried 6/0

OFFICER RECOMMENDATION:

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

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

- Black spot funding for the Menzies Evanston Road for culverts has now been expended
- Surveying for the 2016/2017 Roads to Recovery Program is complete, and tender documents are expected to be issued in early January 2017
- Maintenance grading of the unsealed road network is almost complete

RELEVANT TO STRATEGIC PLAN:

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

- Grading of Davyhurst to Mulline Road
- Drainage works in Menzies township
- Evanston Menzies Road – Culvert (Blackspot) – by WP Wright

Works Underway in next period

- Kookynie airstrip windsock and cones
- Street beautification – Planters and trees
- Additional drainage works in Shire
- Tree pruning in Menzies township
- Dozer going to Menzies North West road to push up gravel and rehab pit
- General maintenance and clean-up of Kookynie and Menzies townships
- Dust reduction to one of the shire properties has been completed

Works Outstanding

- Protection of Statues in Brown Street
- Improve Signage for reuse water in the caravan park
- Recommissioning of pipeline to town oval tanks
- Dust reduction to Shire properties

Works Outstanding

- the following works will be let to contractors. Quotes are being sought.

- Menzies North West Road Re-sheet

CONSULTANT

RAV Network Investigation – preparation of an agreement to be used for all RAV applications and Permits should be available for presentation at the February 2017 meeting of Council

Road Condition and Surveys, and Five Year Reseal Program – site pickups work and preparation of the program. Program to be presented to Chief Executive Officer late November. This has not yet been received.

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 now been approved, and surveying work in preparation for tender documents is underway.

Application for funding for Tjuntjuntjara access road has been accepted. This work will now be progressed.

12.4 COMMUNITY DEVELOPMENT

12.4.1 Lady Shenton Building Report for the month of November 2016

| | |
|--------------------------------|--|
| LOCATION: | Lady Shenton Building |
| APPLICANT: | N/A |
| DOCUMENT REF: | ADM281 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 6 December 2016 |
| AUTHOR: | Deborah Whitehead, Executive Assistant |
| ATTACHMENT: | 12.4.1-1 Monthly Sales Categories Report for November 12.4.1-2 Monthly Department Sales Report for November |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1117 |
|----------------------------|----------------|

Moved: Cr Dwyer

Seconded: Cr Mazza

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

Carried 6/0

OFFICER RECOMMENDATION:

That Council receive the report of the activities in the Lady Shenton Building for the month of November 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.

| | | | | |
|----------------------|--------------|----------|-------------------------|----------|
| Visitor Centre Sales | Year to Date | \$18,178 | Year to Date Prior Year | \$19,009 |
|----------------------|--------------|----------|-------------------------|----------|

| | | | | |
|---------------------|--------------|----------|-------------------------|----------|
| Caravan Park income | Year to Date | \$37,777 | Year to Date Prior Year | \$24,913 |
|---------------------|--------------|----------|-------------------------|----------|

RELEVANT TO STRATEGIC PLAN:

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.

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.

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 forty-three patrons at the CRC and a total of seventy-five copies of the Menzies Matters were printed this month.

Visitor Centre

November saw nine hundred and eighty-nine visitors to The Visitor Centre. We continue to encourage customer feedback by way of the Lake Ballard Surveys and twenty-eight were completed in November 2016. The Facebook continues to convey information to people online.

Community Postal Agency

We had a total of three hundred and seventeen Postal Customers for November.

Caravan Park

A total of \$3,543 was taken for the month of November 2016.

12.5 MANAGEMENT AND POLICY

12.5.1 Repeal of the Parks and Reserves Act 1895 (PRA)

| | |
|--------------------------------|---|
| LOCATION: | N/A |
| APPLICANT: | Department of Lands |
| DOCUMENT REF: | 4548 – ADM120 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 29 November 2016 |
| AUTHOR: | Rhonda Evans, Chief Executive Officer |
| ATTACHMENT: | 12.5.1 Proposal regarding the Parks and Reserves Act 1895 |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1118 |
|----------------------------|----------------|

Moved: Cr Mazza

Seconded: Cr Dwyer

That Council

- 1. Receive the Proposal regarding the Parks and Reserves Act 1895 from the Department of Lands dated 16 November 2016, and the attachments and*
- 2. Review the proposed draft Bill containing amendments to the Parks and Reserves Act 1895 prior to the March 2017 meeting of Council, and request the Chief Executive Officer to prepare a submission if necessary.*

Carried 6/0

OFFICER RECOMMENDATION:

That Council

1. Receive the Proposal regarding the Parks and Reserves Act 1895 from the Department of Lands dated 16 November 2016, and the attachments and
2. Review the proposed draft Bill containing amendments to the Parks and Reserves Act 1895 prior to the March 2017 meeting of Council, and request the Chief Executive Officer to prepare a submission if necessary.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The Department of Lands has reviewed a proposal to repeal the Parks and Reserves Act 1895 (PRA).

It is proposed to retain the PRA and the Department of Lands have undertaken a review of it.

Proposed changes have been forwarded to Council for consideration (attached), however the advice was not received until 24 November 2016, and the final date for submissions is 12 December 2016.

Councillors are requested to pass any questions or comments to the Chief Executive Officer.

RELEVANT TO STRATEGIC PLAN:

Council has no reference to Governance relating to other agencies in its Community Strategic Plan.

ENABLING LEGISLATION:

*Parks and Reserves Act 1895
Land Administration Act 1997*

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

RISK ASSESSMENTS:

Council has no risk assessments relating to comment to reviewed or amended legislation.

BACKGROUND:

Following the review of the Land Administration Act 1997, it was recommended that the Parks and Reserves Act 1895 be repealed, and update the Land Administration Act 1997 with provisions for the Parks and Reserves Act 1895.

COMMENT:

It is not the intention of the author to paraphrase the attachments to the letter from the Department of Lands.

The Shire of Menzies makes little use of the licencing provisions relating to Reserves (the ability to licence users of Reserves for specific purposes).

Attachment 2 titled "Proposed amendments to the Parks and Reserves Act 1895" section 5 is seeking input from Local Government. These provisions in the amended Act may require further investigation when it is published for comment (March 2016).

As the Shire of Menzies has few local laws, and none that refer to this Act, it is unlikely that there will be any impact from the change to this legislation. However, it is always prudent to review proposed amendments.

12.5.2 Miscellaneous Licence 30/60 Mulwarie Townsite

| | |
|--------------------------------|--|
| LOCATION: | Reserve 7459 |
| APPLICANT: | Roxbury Trading Pty Ltd |
| DOCUMENT REF: | ADM290 / 4576 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 5 December 2016 |
| AUTHOR: | Rhonda Evans |
| ATTACHMENT: | 11.5.2 Department of Lands Job 164180 |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1119 |
|----------------------------|----------------|

Moved: Cr Mazza

Seconded: Cr Mader

That Council

1. Advise the Department of Lands that it has no objection to Miscellaneous Licence 30/60 subject to the following condition:

- *Any area to be disturbed to be identified and photographed to ensure no existing structures or landmarks are affected by mining activity.*
- *Any disturbance to the area be reinstated at the conclusion of activity*

2 Create a policy to determine when applications requiring the consent of the Local Authority are to be presented to Council. The Policy to be prepared and presented to the March 2017 meeting of council.

Carried 6/0

OFFICER RECOMMENDATION:

That Council

1. Advise the Department of Lands that it has no objection to Miscellaneous Licence 30/60 subject to the following condition:

- Any area to be disturbed to be identified and photographed to ensure no existing structures or landmarks are affected by mining activity.
- Any disturbance to the area be reinstated at the conclusion of activity

2 Create a policy to determine when applications requiring the consent of the Local Authority are to be presented to Council. The Policy to be prepared and presented to the March 2017 meeting of council.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The Department of Lands, are seeking Council comments or objections prior to the approval of Miscellaneous Licence 30/60. The licence will provide access to mining lease.

RELEVANT TO STRATEGIC PLAN:

Sustainable local economy encouraged

- A strong economy, diversified through encouraging commercial growth, which provides jobs and services.

ENABLING LEGISLATION: Nil

POLICY IMPLICATIONS:

There is no Policy relating to this matter.

FINANCIAL IMPLICATIONS: Nil

RISK ASSESSMENTS:

This activity presents little or no risk to Council. The Townsite has been abandoned for some years, is remote, and is of little interest to Council.

BACKGROUND:

The Department of Lands has received an application from the Department of Mines and Petroleum on behalf of Roxbury Trading Pty Ltd for consent to mine over portions of Mulwarrie Townsite.

COMMENT:

The attached maps show that the land subject to the licence is intended for access, and not for mining. At face value, there would not appear to be any concerns regarding this use of the land.

12.5.3 Prospecting Licence 29/2368

| | |
|--------------------------------|---|
| LOCATION: | Reserve 64794 |
| APPLICANT: | Mr David McKenna |
| DOCUMENT REF: | ADM290 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 5 December 2016 |
| AUTHOR: | Rhonda Evans |
| ATTACHMENT: | 11.5.3 Mines and Petroleum Ref P29/2368 |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1120 |
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Moved: Cr Mazza

Seconded: Cr Tucker

That this item lay on the table to return to Council in February 2017.

Carried 6/0

OFFICER RECOMMENDATION:

That Council

1. Advise the Department of Mines and Petroleum that it has no objection to Prospecting Licence 29/2368 subject to the following condition:
 - Any area to be disturbed to be identified and photographed to ensure no existing structures or landmarks are affected by mining activity.
 - Any disturbance to the area be reinstated at the conclusion of activity

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The Department of Mines and Petroleum, are seeking Council comments or objections prior to the approval of Prospecting Licence 29/2368. This licence will be over a portion of the Menzies Townsite.

The site was the original State Battery, and has significant quantities of contaminated soil.

RELEVANT TO STRATEGIC PLAN:

Sustainable local economy encouraged

- A strong economy, diversified through encouraging commercial growth, which provides jobs and services.

ENABLING LEGISLATION: Nil

POLICY IMPLICATIONS:

There is no Policy relating to this matter.

FINANCIAL IMPLICATIONS: Nil

RISK ASSESSMENTS:

This activity presents little or no risk to Council. The Townsite has been abandoned for some years, is remote, and is of little interest to Council.

BACKGROUND:

The proposed prospecting licence is to the south of the Menzies town site, adjacent to the Goldfields Highway.

COMMENT:

The Department of Mines and Petroleum on behalf of David William McKenna is seeking comments and recommendation with regard to the impact of the application on the Reserves 63794 and 63795.

The attached maps show the land subject to the licence is a series of dumps left from earlier mining activity. It is proposed to remove and treat the sands. The Reserve is under the management of Department of Lands, and Councils comments are sought due to the proximity of the town site of Menzies.

COUNCIL RESOLUTION:

No 1121

Moved: Cr Mazza

Seconded: Cr Tucker

That Council go behind closed doors at 1.47pm.

Carried 6/0

Mrs Rhonda Evans left the meeting at 1.47pm.

Mrs Deborah Whitehead left the meeting at 1.47pm.

12.5.4 Chief Executive Officer Appointment

| | |
|--------------------------------|---|
| LOCATION: | N/A |
| APPLICANT: | N/A |
| DOCUMENT REF: | ADM125 |
| DISCLOSURE OF INTEREST: | The Author is the Chief Executive Officer |
| DATE: | 8 December 2016 |
| AUTHOR: | Rhonda Evans, Chief Executive Officer |
| ATTACHMENT: | Nil |

COUNCIL RESOLUTION:

No 1122

Moved: Cr Mazza

Seconded: Cr Tucker

That Council confirms the employment of Rhonda Evans to the position of Chief Executive Officer for the Shire of Menzies for a three-year period commencing on 1 June 2016.

Carried 6/0

OFFICER RECOMMENDATION:

That Council **confirms / does not confirm** the employment of Rhonda Evans to the position of Chief Executive Officer for the Shire of Menzies for a three year period commencing on 1 June 2016.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The contract of employment between the Shire of Menzies and Rhonda Evans, clause 2.3 provides for a probationary period of six months.

The contact commencement date was 1 June 2016.

RELEVANT TO STRATEGIC PLAN:

Active Civic leadership achieved

- Where possible, support opportunities to build the capacity of the community within the Shire of Menzies

STATUTORY AUTHORITY:

Local Government Act 1995 5.39

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

RISK ASSESSMENTS:

Council has not risk policy in relation to this matter.

BACKGROUND:

The Chief Executive Officer was appointed by the Council of the Shire of Menzies for a three year contract with a six month probationary period. The appointment commenced on 1 June 2016.

COMMENT:

Council is required to assess the Chief Executive Officer's performance during the probationary period.

At the October 2016 Ordinary Meeting, Council indicated that they had no issues to raise in relation to the performance of the Chief Executive Officer.

If the Local Government is satisfied with the Chief Executive Officer's performance at the end of the probationary period, the Chief Executive Officer's employment will be confirmed.

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| COUNCIL RESOLUTION: |
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| No 1123 |
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Moved: Cr Mazza

Seconded: Cr Tucker

That Council come out from behind closed doors at 1.56pm.

Carried 6/0

Cr Jamie Mazza left the meeting at 1.56pm.

Cr Jamie Mazza returned to the meeting at 1.57pm.

Mrs Rhonda Evans returned to the meeting at 1.57pm.

Mrs Deborah Whitehead left the meeting at 1.57pm.

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

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1124 |
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Moved: Cr Mazza

Seconded: Cr Tucker

That Council accept Agenda Item 14.1 Annual Accounts for consideration.

Carried 6/0

14.1 ANNUAL ACCOUNTS

| | |
|--------------------------------|--|
| LOCATION: | N/A |
| APPLICANT: | N/A |
| DOCUMENT REF: | ADM051 |
| DISCLOSURE OF INTEREST: | The Author has no interest to disclose |
| DATE: | 14 December 2016 |
| AUTHOR: | Rhonda Evans, Chief Executive Officer |
| ATTACHMENT: | N/A |

| | |
|----------------------------|----------------|
| COUNCIL RESOLUTION: | No 1125 |
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Moved: Cr Mazza

Seconded: Cr Tucker

That Council

- 1. Note that the Annual Report for the year ended 30 June 2016 will not be adopted prior to 31 December 2016*
- 2. Call a special meeting of Council to accept the Annual Report on Monday 16 January 2017*
- 3. Set the date of the Annual Elector's Meeting for 4pm on Thursday 9 February 2016.*

Carried 6/0

OFFICER RECOMMENDATION:

That Council

- Note that the Annual Report for the year ended 30 June 2016 will not be adopted prior to 31 December 2016
- Call a special meeting of Council to accept the Annual Report on Monday 16 January 2017

3. Set the date of the Annual Elector's Meeting for 4pm on Thursday 9 February 2016.

VOTING REQUIREMENTS:

Simple Majority

IN BRIEF:

The Annual Report is not available for adoption by Council. It is proposed to adopt the report at a special meeting of Council on 16 January 2017.

RELEVANT TO STRATEGIC PLAN:

Active Civic Leadership Achieved

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

STATUTORY AUTHORITY:

Local Government Act 1995 S5.54 Acceptance of Annual Reports

POLICY IMPLICATIONS:

Council does not have a policy relating to the Annual Report or the Annual Meeting of Electors.

FINANCIAL IMPLICATIONS: Nil

RISK ASSESSMENTS:

OP13 Financial and Legal – Council does not comply with statutory reporting requirements and deadlines.

BACKGROUND:

A local government should receive their Annual Report prior to 31 December each financial year.

COMMENT:

The annual audit was undertaken during early October 2016. At the conclusion of the visit, a small number of queries were outstanding. These queries were addressed but took longer than anticipated due to staff being both new to the Shire, and in the case of the Manager Finance and Administration, new to Local Government.

Assistance in producing the formatted annual report was provided by Moore Stevens, and this ensured that while the queries, have taken a little more time than expected, the annual financial report was forwarded to the Auditor within the statutory timeframe.

The final sign off by Council's auditors, has not been received at the time of writing this report. However, it is expected that the report will be provided to the President and the Department of Local Government and Communities prior to 31 December 2016.

The Annual Report is expected to be available to Council by Wednesday 11 January 2017.

15 ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

Item 12.5.4 Chief Executive Officer Appointment was discussed behind closed doors.

16 NEXT MEETING

The next Ordinary Council Meeting for the Shire of Menzies will be held on Thursday 23 February 2017 commencing at 1pm.

17 CLOSURE OF MEETING

There being no further business the Shire President closed the meeting at 2.05pm.

I, _____ hereby certify that the Minutes of the Ordinary Meeting of Council held 15 December 2016 are confirmed as a true and correct record, as per the Council Resolution of the Ordinary Meeting of Council held 23 February 2017.

Signed: _____

Dated: 23 February 2017