



SHIRE OF MENZIES

Minutes

**OF THE ORDINARY MEETING OF THE COUNCIL
HELD ON**

THURSDAY, 20 AUGUST 2026

Commencing at 1.00PM

**At the Council Chambers,
124 Shenton Street, Menzies**



**Pascoe Durtanovich
Acting Chief Executive Officer**

Resolution Numbers 109/26 to 121/26

DISCLAIMER

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Menzies during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Menzies. The Shire of Menzies warns that anyone who has an application lodged with the Shire of Menzies must obtain and only should rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Menzies in respect of the application.

DISCLOSURES OF INTEREST

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to a Proximity or Financial interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

RECORDING OF MEETINGS

- All Council Meetings are digitally recorded, for audio only, except for Confidential Agenda Items (in accordance with Section 5.23(2) of the Local Government Act 1995) during which time recording ceases.
- Following publication and distribution of the meeting minutes to Council Members the digital audio recording will be available on the Shire's website.

Defamation – cl 14K Local Government (Administration) Regulations 1996

- (1) A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part —
- (a) publicly broadcasting a meeting;
 - (b) making a recording of a meeting;
 - (c) making a recording of a meeting publicly available;
 - (d) retaining a recording of a meeting or a copy of a recording;
 - (e) providing a copy of a recording of a meeting to the Departmental CEO.

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1 DECLARATION OF OPENING

The Shire President, as Presiding Member, declared the meeting open at 1.02pm.

2 ANNOUNCEMENT OF VISITORS

Nil

3 RECORD OF ATTENDANCE

Councillors: Cr P Warner, Shire President (left 1.11pm, returned 1.13pm)
Cr S Sudhir, Deputy Shire President (left 1.11pm, returned 1.13pm)
Cr I Baird
Cr J Dwyer
Cr S Wessely (left 1.11pm, returned 1.13pm)

Apology: Cr K Tucker

Staff: Mr R Stewart, Acting Chief Executive Officer
Ms T Tran, Acting Deputy CEO
Mr G Marland, Works Manager
Mr S McGay, Community Development Manager
Ms M Yulo-Uy, Executive Officer (Minutes)

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 PUBLIC QUESTION TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Cr A Tucker – from 30 June 2026 to 30 September 2026 (Previously approved, pursuant to Council Resolution 070/26)

Cr S Wessely - from 19 July 2026 to 19 October 2026 (Previously approved, pursuant to Council Resolution 091/26)

7 DISCLOSURES OF INTEREST

Name	Item No	Interest
Cr P Warner	13.2.7 Food Van Application	Financial
Cr S Sudhir	13.2.7 Food Van Application	Financial
Cr S Wessely	13.2.7 Food Van Application	Financial

8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

16.1 Behavioural Complaint

9 CONFIRMATION/RECEIVAL OF MINUTES

9.1 Confirmation of Minutes

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	109 / 26
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Moved: Cr S Sudhir Seconded: Cr S Wessely

That the Minutes of the Ordinary Council Meeting held on 23 July 2026 be confirmed as a true and correct record.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil

10 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

11 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

President's Report – August 2026

Our new lot of trees has arrived, water has been put in place, and planting has now begun. It's great to see this project getting underway and improving our community.

The new lights at Kookynie have also been installed, another great improvement for the town.

This is Rob Stewart's last Council meeting, and we would like to thank Rob for his guidance, support and help during his time with us. We wish Rob all the very best for the future and hope his bike trip to Cairns goes well. Safe travels, Rob!

Thank you for everything, Rob, and enjoy the adventure!

Paul Warner
Shire President

12 REPORTS OF COMMITTEES

Nil

13 REPORTS OF OFFICERS

13.1 Finance Reports

13.1.1	List of Monthly Payments - July 2026
LOCATION	Not Applicable
APPLICANT	Internal
DOCUMENT REF	NAM1699
DATE OF REPORT	05 August 2026
AUTHOR	Finance Officer, Samuel Mazza
RESPONSIBLE OFFICER	Acting Deputy CEO, Tien Tran
OFFICER DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. List of Payments - July 2026 [13.1.1.1 - 8 pages]

SUMMARY:

To receive the list of payments made for the month of July 2026.

BACKGROUND:

Payments have been made by electronic funds transfer (EFT), direct transfer from the Shire Municipal Bank account, and duly authorised as required by Council Policy. These payments have been made under delegated authority by the Chief Executive Officer and are reported to the Council.

COMMENT:

The EFT, Direct Debit, Credit Card and Payroll payments that have been made for the month of July 2026 are attached.

CONSULTATION:

Nil

STATUTORY AUTHORITY:

Regulation 13 of the Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS:

Policy 4.7 – Creditors Preparation for Payment.

FINANCIAL IMPLICATIONS:

A total of \$3,647,323.18 has been withdrawn from the Municipal Bank Account.

RISK ASSESSMENT:

The Shire may incur reputational damage if financial obligations are not met.

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025 - 2035 outlines the following Outcome, Strategy and Activity:

Outcome

8. An efficient and effective organisation.

Strategy

8.1 Maintain a high level of corporate governance, responsibility and accountability.

Activity

8.1.2 Demonstrate sound financial planning and management, seeking a high level of legislative compliance and effective internal controls.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	110 / 26
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Moved: Cr J Dwyer

Seconded: Cr I Baird

That the list of payments for the month of July 2026 totalling \$3,647,323.18 being:

- 1. Electronic Funds Transfer from EFT11420 to EFT11506, payments from Municipal Fund totalling \$1,410,919.75**
- 2. Direct Debit payments from the Municipal Fund totalling \$2,080,901.99**
- 3. Payroll payments from the Municipal Fund totalling \$137,643.79**
- 4. Credit Card payments for the Statement Month of June 2026 from the Municipal Fund totalling \$16,157.50**
- 5. Fuel Card payments from the Municipal Fund totalling \$870.39**
- 6. Cabcharge payment from the Municipal Fund totalling \$829.76**

be received.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil

13.1.2	Finance Report - July 2026
LOCATION	Not Applicable
APPLICANT	Internal
DOCUMENT REF	NAM1700
DATE OF REPORT	07 August 2026
AUTHOR	Acting Deputy CEO, Tien Tran
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
OFFICER DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. Statement of Financial Activity - July 2026 [13.1.2.1 - 26 pages] 2. Financial Information Schedule - July 2026 [13.1.2.2 - 9 pages]

SUMMARY:

To receive the Statement of Financial Activity for the period ended 31 July 2026.

BACKGROUND:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 (the Regulations) requires a local government to prepare each month a statement of financial activity reporting on the revenue and expenditure, including:

- a. The annual budget estimates;
- b. Budget estimates to the end of the month;
- c. The actual amounts of expenditure, revenue, income to the end of the relevant month;
- d. Material variances between the comparable amounts between budget estimates to the end of the month and the year-to-date amount of expenditure, revenue and income to the end of the relevant month;
- e. Net current assets.

Regulation 35 of the Regulations requires a local government to prepare each month a statement of financial position of the local government as at the last day of the previous month and the last day of the previous financial year.

COMMENT:

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

CONSULTATION:

No external consultation occurred during the preparation of this report

STATUTORY AUTHORITY:

Local Government (Financial Management) Regulations (1996):
Regulation 34 requires the local government to prepare and provide a statement of financial activity as at the end of the relevant month.

Regulation 35 requires the local government to prepare and provide a statement of financial position as at the end of the relevant month.

POLICY IMPLICATIONS:

There is no policy related to the subject matter.

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

RISK ASSESSMENT:

Applying the Council's Risk Management matrix, should the statutory process required not be followed there is a minor risk of reputational damage. As it is unlikely that the Council would ignore the statutory process there is a low overall consequence. However, should the officer's recommendation not be applied, the Council will be in contravention of Regulation 34 of the Regulations.

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025-2035 outlines the following Outcome, Strategy and Activity:

Outcome

8. An efficient and effective organisation.

Strategy

8.1. Maintain a high level of corporate governance, responsibility and accountability.

Activity

8.1.2 Demonstrate sound financial planning and management, seeking a high level of legislative compliance and effective internal controls.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	111 / 26
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Moved: Cr S Sudhir

Seconded: Cr I Baird

That the Statement of Financial Activity for the period ending 31 July 2026, as attached, be received.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely

Against: Nil

13.2 Administration Reports

13.2.1	Lighting Management and Dark Sky Policy
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM1701
DATE OF REPORT	5 August 2026
AUTHOR	Community Development Manager Sean McGay
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To consider the adoption of a Lighting Management and Dark Sky Policy that will provide guidance on light spill and dust management for development proposals located within identified dark sky and astrotourism locations, or in locations where deemed applicable.

BACKGROUND:

The Shire of Menzies has been proactively developing a dark sky tourism initiative since August 2024 and is participating in the Astrotourism Towns Project led by Astrotourism WA. Dark sky tourism is adding a new economic layer to the local tourism industry by harnessing WA's world-class dark night sky to increase overnight visitation.

Tourism WA's Dark Sky Tourism Market Research Study[1] indicates that 35% of the Australian population are "astro-enthusiasts" with 71% of this market anticipating to spend the same or more than a typical holiday. Additionally, Tourism WA's Visitor Experience and Expectations Research (VEER) 2023-24[2] indicated that almost all visitors (95%) stated that they are interested in a dark sky tourism activity. Both reports indicate a large market with strong desire.

Astrotourism locations in the Shire are listed on the Astrotourism WA and Trails WA websites that promote the Shire of Menzies as a dark sky tourism destination. The Shire has held a variety of stargazing events attracting visitors to stay overnight and to engage the community with the night sky. An observing pad, Giant Planisphere interpretive signage and stargazing lounge have been installed at Mt Owen. This site is proving popular and is used regularly for stargazing and the use of the Shire telescope.

With the strong interest and potential for significant growth in dark sky tourism, Astrotourism WA recognises the need to ensure the dark sky asset is protected from artificial light at night.

Light pollution is a global issue caused by excessive or poor use of artificial light at night. Light pollution disrupts normal wildlife behaviours, affects the human sleep cycle (circadian rhythm) and hides the view of the stars.

Responsible lighting management ensures that only the right amount of light is used, and only where it is needed. By using good lighting practices, unnecessary lighting and upward light are eliminated. Good practices reduce over-lighting, glare and lighting that spills out beyond its intended area of use.

The WA Planning Commission (WAPC) included a model local planning policy (LPP) in the 2022 Position Statement: Dark Sky and Astrotourism which may be used to provide specific development standards for development applications in a local context.

The model LPP has been adapted to create the attached Lighting Management and Dark Sky Policy, attached to this report, for adoption.

[1] Tourism WA Dark Sky Tourism Market Research Study, March 2021

[2] Tourism WA Visitor Experience and Expectations Research (VEER) 2023-24, August 2024

COMMENT:

Economically developing the Shire of Menzies is a Desired Outcome in the Shire's Council Plan 2025-2035, along with maintaining the natural environment.

For example, there have been discussions with the Shire from third parties about constructing accommodation and/or workshops in the town of Menzies – endorsing a Lighting Management and Dark Sky Policy will address both Desired Outcomes, allowing for economic development and preserving the Shire's natural environment.

CONSULTATION:

Astrotourism WA

STATUTORY AUTHORITY:

Local Government Act (1995)

Planning and Development (Local Planning Schemes) Regulations 2015

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Some developers may find submitting plans associated with the policy onerous	Low	Support developers when they are drafting their plans

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025-2035 outlines the following Outcome and Strategy:

2. A healthy and safe community.

2.3 Support community health and wellbeing initiatives.

3. An innovative, diverse and prosperous economy.

3.2 Continue to work with industry and stakeholders for the economic development of the district.

4. An attractive destination for visitors.

4.1 Promote our natural attractions and heritage sites as part of a regional approach.

4.2 Maintain and enhance our local attractions.

5. A well maintained, attractive built environment servicing the needs of the community.

5.1 Maintain the integrity of our cultural and heritage assets and places.

5.2 Maintain and enhance our roads, built infrastructure, parks and reserves.

6. A natural environment for the benefit and enjoyment of current and future generations.

6.1 Encourage community and visitors to keep our district clean and tidy.

6.2 Promote reduced environmental impact within the Shire.

6.3 Effective biosecurity management within the Shire.

7. A strategically focused Council, leading our community.

7.2 Effectively represent, promote and advocate for the community and district.

8. An efficient and effective organisation.

8.1 Maintain a high level of corporate governance, responsibility and accountability.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	112 / 26
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Moved: Cr J Dwyer

Seconded: Cr I Baird

That Policy 8.2 - Lighting Management and Dark Sky, as follows:

'Objective

This policy seeks to:

- **Preserve and protect the night sky for future generations through environmentally-responsible outdoor lighting and dust management.**
- **Provide a basis for decision-making and establishment of principles to achieve night sky protection.**
- **To identify and protect wildlife from the effects of light pollution.**

Policy Statement

To provide guidance on light spill and dust management for development proposals located within identified dark sky and astrotourism locations, or in locations where Shire of Menzies deems applicable.

This policy is adopted under deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which enables Shire of Menzies to prepare local planning policies for any matter related to the planning and development of the Scheme area. The local planning policy can only have effect where consistent with the deemed provisions and local planning scheme.

Definitions/Abbreviations

Name of area	Additional Provisions
Asymmetric	Asymmetric beams allow light to be concentrated in one direction and prevents the need for light fittings to be mounted such that they are aimed above the horizontal.
Colour temperature	The correlated colour of a light source ranging from cool (blue) to warm (red), measured in Kelvin (K). A low correlated colour temperature such as 2500K will have a warm appearance whilst 6500K will appear cold.
Dark Sky Principles	Principle 1: Eliminate light spill Principle 2: Avoid over lighting Principle 3: Use energy efficient bulbs Principle 4: Ensure lights are not directed towards reflective surfaces Principle 5: Use warm white colours
Development	As defined in the <i>Planning and Development Act (2005)</i> .
Observatory	Any structure or land containing permanent optical and/or radio telescopes that are fixed or erected and used for scientific, tourism, business, defence and/or educational purposes. Includes permanent observatories, land that is frequently used for the above purposes, and those observatories listed in the Dark Sky and Astrotourism Position Statement.
Regulations	Means the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Scheme	Means the [INSERT SCHEME].
Symmetric	Symmetric beams are produced by fittings that distribute light equally in all directions and is typically seen in floodlighting. Flood lighting can be detrimental to the night sky and contribute toward artificial sky glow.

Policy Provisions

1. Specified exemptions

This policy does not apply to:

- 1.1 Development exempt under Clause 61 of the Regulations.
- 1.2 Residential development of Single Houses (including the development, extension or ancillary structures on the same lot).
- 1.3 A change of land use unless there is a works component, which is not exempt under this policy.

Unless located within a special control area.

2. Development standards

2.1 General

Lighting Management

2.1.1 A lighting management plan is to be submitted with all applications subject to this policy. Where a lighting management plan is not submitted, Shire of Menzies may, at its discretion, refuse to accept the application under clause 63 of the Regulations. Alternatively, Shire of Menzies may apply a condition requiring a lighting management plan, prior to commencement of development. This may include any details relevant to the ensuring that the application is consistent with Dark Sky Principles, at the Local Government's discretion. Where no external lighting is proposed, this should be stated.

2.1.2 All lighting must:

- be pointed downward to prevent upward light spill
- be shielded such that only the intended area to be lit is illuminated, and any light spill created by the luminaire which is not directed to the intended area is effectively shrouded. (see the Western Australian Planning Commission's Dark Sky Position Statement for examples)
- be commensurate with the intended use of the land and to the minimum standard to ensure safety and security, but no greater
- be switched off or on a timer so that lighting is off/minimal between the hours of 10pm and 4am
- use energy-efficient lighting bulbs/systems (i.e. LED)
- use warm white or filtered LEDs with a correlated colour temperature (CCT) of less than 2500K
- be asymmetric (when floodlighting is required)
- only face surfaces with low reflective properties in accordance with Table 1.

Table 1: Surface reflectivity

Surface	Reflective properties	Surface	Reflective properties
Natural grass and vegetation	Low	Uncoloured concrete	High
Painted surface (dark)	Low	Painted surface (light)	High
Pre-coloured factory metal (dark)	Low	Artificial grass (sand base)	High
Brick (dark)	Low	Pre-coloured factory metal (light)	High

Raw or stained timber	Medium	Brick (light)	High
Stone surface	Medium	Zincalume steel (unpainted)	High

Dust Management

2.1.3 Where development may result in the generation of dust, applications should include a dust management plan as part of an application for development approval. Where a dust management plan is not submitted, Shire of Menzies may apply a dust condition requiring a management plan, prior to commencement of development. The dust management plan should be consistent with the Department of Water and Environmental Regulation's *A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities* (March 2011).

2.2 Commercial/Industrial/Mixed Use/Non-residential

2.2.1 In addition to the general provisions of this policy, a condition will be applied requiring compliance with *Australian Standard 4282-2019: Control of obtrusive effects of outdoor lighting*.

2.3 Signage

2.3.1 In addition to the general provisions of this policy, internally or externally lit signage should comply with the internationally accepted limits in accordance with Table 2.

Table 2: Signage luminosity

Illuminated areas (square metres)	Maximum luminance at a point (candela per square metre)
More than 10	300
2 to 10	600
0.5 to 2	800
Less than 0.5	1000

Maintenance of Policy

An official copy of the updated Council Policy Manual is to be retained by the Chief Executive Officer, and all Council policies must be updated on the Shire's website.'

be adopted.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil

Item 13.2.2, Small Town Conference: Attendance, was withdrawn on the authority of the CEO.

13.2.2	Small Town Conference: Attendance
LOCATION	Not Applicable
APPLICANT	Internal
DOCUMENT REF	NAM1702
DATE OF REPORT	12 August 2026
AUTHOR	Acting Chief Executive Officer, Rob Stewart
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To recommend the attendance of Shire President Cr Paul Warner, at the 2026 National Small Town Reinvention Conference to be held at Longreach, Queensland from 6 September to 11 September 2026.

BACKGROUND:

Content will include presentations from the CEO of the Foundation for Rural and Regional Renewal, attraction and retention of healthcare, small town ageing in place options, tours of nearby small towns and a visit to Winton's Dark Sky Community.

COMMENT:

The complexity of the role of Councillor and the demands placed on Councillors for constant awareness and learning, has been recognised by the Council and adequate funding has been provided in the Annual Budget for attendance at conferences and other professional development training.

CONSULTATION:

No external consultation has taken place. Nevertheless, it is understood that representatives from the Shires of Laverton and Leonora are planning to attend this conference.

STATUTORY AUTHORITY:

Local Government Act 1995 provides at section 2.5 (3):

‘The local government has the legal capacity of a natural person.’

POLICY IMPLICATIONS:

Council Policy 1.9 - Attendance at Events applies.

Council Policy 1.10 – Elected Members Ongoing Professional Development applies. Note that Policy 1.10 provides that generally, no more than two elected members may attend a particular conference outside of Western Australia.

FINANCIAL IMPLICATIONS:

Airfares return Kalgoorlie to Longreach per person	- approximately \$2,800.00
Accommodation per person	- \$300.00/night
Registration per person	- \$1,185.00
Meals	- According to Policy 1.12 Events and Professional Development Expenses, the policy includes the provision of all meals at the accommodation provider; however, no specific costing details are provided

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Should a Councillor not participate in ongoing professional development, their level of skill may decline.	Low	Should an appropriate opportunity for ongoing professional development be available, endorse attendance in accordance with council policies.

STRATEGIC IMPLICATIONS:

The Shire’s Council Plan 2025-2035 outlines the following Outcome and Strategy:

7. A strategically focused Council, leading our community.

7.1 Provide strategic leadership and governance.

7.2 Effectively represent, promote and advocate for the community and district.

Accordingly, the officer’s recommendation aligns with the Shire’s Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Cr Paul Warner, be authorised to attend the 2026 National Small Town Reinvention Conference to be held at Longreach, Queensland from 6 September to 11 September 2026 with costs of accommodation, meals, registration and travel to be charged to accounts M0104 - Members Travel and Accommodation and M0105 - Members Conference.

Revoking or changing decisions (Section 5.25 of the Local Government Act 1995)

The Presiding Member noted that before a motion to revoke a decision of the Council could be considered, Regulation 10 of the Local Government (Administration) Regulations 1996 required support by at least one third of members of the Council. Therefore, three councillors would need to indicate their support.

Cr J Dwyer, Cr S Wessely and Cr I Baird then indicated their support.

13.2.3	Transfer of Land to the Shire for Unpaid Rates	
LOCATION	Not Applicable	
APPLICANT	Internal	
DOCUMENT REF	NAM1703	
DATE OF REPORT	23 July 2026	
AUTHOR	Acting Deputy CEO, Tien Tran	
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart	
OFFICER DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	1. CONFIDENTIAL REDACTED - List of land in process of reverting to the Crown [13.2.3.1 - 1 page] 2. Menzies Map [13.2.3.2 - 1 page] 3. Kookynie Map [13.2.3.3 - 1 page]	

SUMMARY:

To consider the revocation of Resolution 2053 made at the Ordinary Meeting of the Council held on 17 December 2020 and the pursuit of the transfer of the land to the Shire of Menzies under sections 6.64 and 6.71 of the *Local Government Act 1995*, once all statutory requirements are satisfied.

BACKGROUND:

At the Ordinary Meeting of the Council held on 17 December 2020, the Council resolved to proceed under section 6.74 of the *Local Government Act 1995* to have 35 rateable properties reverted in the Crown due to unpaid rates exceeding three years.

Since then, two lots have been withdrawn due to fencing encroachment, leaving 33 lots. The statutory process was commenced, including preparation and issue of Form 2 and Form 3 notices indicating the Council's intention to transfer the land to the Crown, and submission of statutory declarations to the Department of Planning, Lands and Heritage.

However, the process could not be completed as the Department of Local Government, Sport and Cultural Industries required proof of whether property owners are deceased,

which cannot practicably be satisfied. As a result, the intended transfer to the Crown has stalled entirely since July 2024.

COMMENT:

Since the revestment process has not been completed due to onerous evidentiary requirements, it is now proposed to pursue transfer of the land to the Shire under sections 6.64 and 6.71 of the *Local Government Act 1995*.

This pathway involves offering the land for sale by public auction and, should no sale be completed within 12 months, the land may be transferred to the Shire in fee simple. This is expected to take approximately 18 to 24 months.

This approach will enable the land to remain under the Shire's control and potentially become an asset in the future, which will then be available for the Shire's operational requirements or for sale to interested parties who wish to settle and contribute to the town.

Notably, in September 2024, the Department of Planning, Lands and Heritage also suggested that the Shire should pursue the pathway of taking possession of the land to sell or transfer it to itself.

Accordingly, it is appropriate that Resolution 2053 be revoked and this revised direction be endorsed.

CONSULTATION:

McLeods Lawyers

STATUTORY AUTHORITY:

Local Government Act 1995

- Section 6.64: Power to take possession and lease, sell, or transfer land;
- Section 6.71: Transfer to local government following unsuccessful sale process;
- Schedule 6.3: Procedures for sale or transfer of land for unpaid rates.

Local Government (Administration) Regulations 1996

- Regulation 10: Revoking or changing decisions

Local Government (Financial Management) Regulations 1996

- Regulations 72 to 75: Forms and notices required for recovery of unpaid rates
- Regulation 77 — Notice to owners and publication in the Government Gazette

POLICY IMPLICATIONS:

Policy 4.6 – Debt Recovery – Outstanding Rates and Sundry Debtors

FINANCIAL IMPLICATIONS:

Outstanding rates and charges associated with the 33 lots, amounting to \$326,078.71 as at 3 August 2026, will be written off upon completion of the transfer process. This will improve the accuracy of the Shire's financial records by removing long-standing unrecoverable accounts from the rates debtor balance.

Should ownership of the land ultimately transfer to the Shire, the properties may generate future revenue through lease, development or sale.

On the other hand, ownership may also carry future financial obligations, including on-going maintenance cost.

Lastly, administrative costs associated with completing the statutory process may be significant and will be reviewed and incorporated into the upcoming budget review.

RISK ASSESSMENT:

Risk	Level	Mitigation
Unrecoverable debts remain on the Shire's books, distorting financial reporting.	Medium	Progress transfer to Shire ownership to enable debt write-off as soon as statutory requirements are met.
Transfer may not proceed if legislative or regulatory requirements are not satisfied.	Medium	Obtain legal advice where required and ensure full compliance with the Local Government Act 1995 and associated regulations.

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025-2035 outlines the following Outcome and Strategy:

7. A strategically focused Council, leading our community.

7.1 Provide strategic leadership and governance.

8. An efficient and effective organisation.

8.1 Maintain a high level of corporate governance, responsibility and accountability.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Recommendation 1: Absolute Majority pursuant to Regulation 10(2) of the Local Government (Administration) Regulations 1996.

Recommendation 2: Absolute Majority pursuant to Regulation 10(3) of the Local Government (Administration) Regulations 1996.

OFFICER RECOMMENDATION 1/COUNCIL DECISION:

Council Resolution Number	113 / 26
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Moved **Cr S Sudhir** **Seconded** **Cr J Dwyer**

That Resolution 2053 made at the Ordinary Council Meeting held on 17 December 2020:

‘That Council of the Shire of Menzies proceed with action under section 6.74 of the Local Government Act and Financial Management Regulations to have revested in the Crown, the lots identified in Attachment A having outstanding rates for a period of more than 3 years and totalling \$197,289.28 as at 25 September 2020 other than those west of the railway and 52 & 54 Mahon Street.’

be revoked.

Carried by Absolute Majority	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil

OFFICER RECOMMENDATION 2/COUNCIL DECISION :

Council Resolution Number	114 / 26
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Moved **Cr J Dwyer** **Seconded** **Cr I Baird**

That the process to transfer the 33 lots identified in the attached schedule to the Shire of Menzies under sections 6.64 and 6.71 of the *Local Government Act 1995*, subject to all statutory requirements being satisfied, be commenced.

Carried by Absolute Majority	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil

13.2.4	Adoption of Policy 1.13 - Privacy and Responsible Information Sharing	
LOCATION	Not Applicable	
APPLICANT	Internal	
DOCUMENT REF	NAM1704	
DATE OF REPORT	20 July 2026	
AUTHOR	Acting Deputy CEO, Tien Tran	
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart	
OFFICER DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	Nil	

SUMMARY:

To consider the adoption of Policy 1.13 Privacy and Responsible Information Sharing (PRIS), which establishes the Shire's framework for managing personal information and information sharing in compliance with the *Privacy and Responsible Information Sharing Act 2024 (WA)*.

BACKGROUND:

The PRIS Act received Royal Assent on 6 December 2024 and commenced on 1 July 2026. It creates a mandatory privacy and information sharing framework for all Western Australian public sector entities, including local governments.

As the Shire collects, holds and uses personal information across core operations such as rates administration, regulatory services, community development, employment, customer enquiries and records management, a formal policy is required to meet statutory obligations.

Policy 1.13 has been developed specifically to align the Shire's practices with the PRIS Act and supporting legislation.

COMMENT:

Policy 1.13 sets out binding principles, roles and responsibilities for the lawful, transparent and secure collection, use, disclosure, protection and sharing of personal information. It covers:

- Information security and recordkeeping
- Use and disclosure of personal information

- Unique identifiers and de-identified information
- Privacy complaints and mandatory breach reporting

The policy applies to Elected Members, employees, contractors, volunteers and all persons acting on behalf of the Shire.

Adoption will enable the Shire to:

- Demonstrate compliance with the PRIS Act and associated legislation
- Ensure consistent, lawful information handling across all operations
- Strengthen governance, accountability and risk management
- Provide clear guidance to all staff and stakeholders
- Maintain community confidence in the Shire's management of personal information

CONSULTATION:

No external consultation occurred during the preparation of this report.

STATUTORY AUTHORITY:

Privacy and Responsible Information Sharing Act 2024 (WA)

Information Commissioner Act 2024 (WA)

Local Government Act 1995 – Section 2.7(2)(b): Local governments are responsible for determining their own policies.

POLICY IMPLICATIONS:

This policy forms part of the Shire's corporate governance framework and complements existing Codes of Conduct. It does not override but reinforces statutory obligations.

FINANCIAL IMPLICATIONS:

There are no direct financial implications arising from the adoption of the policy.

RISK ASSESSMENT:

Risk Rating: Low

Adoption of this policy supports compliance with legislative obligations and mitigates privacy and information handling risks. Failure to adopt it may expose the Shire to non-compliance, inconsistent practices, and reputational harm.

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025-2035 outlines the following Outcome and Strategy:

7. A strategically focused Council, leading our community.

7.1 Provide strategic leadership and governance.

8. An efficient and effective organisation.

8.1 Maintain a high level of corporate governance, responsibility and accountability.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That the attached Policy 1.13 - Privacy and Responsible Information Sharing (PRIS) be adopted.

COUNCIL DECISION:

Council Resolution Number:	115 / 26
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Moved: Cr I Baird

Seconded: Cr J Dwyer

That Policy 1.13 - Privacy and Responsible Information Sharing (PRIS), as follows:

'Objective

To ensure the Shire of Menzies manages personal information responsibly and shares information lawfully, transparently and securely in accordance with the *Privacy and Responsible Information Sharing Act 2024 (WA)* and applicable legislation.

Policy Statement

DEFINITIONS

Personal Information

Information or an opinion about an identified or reasonably identifiable individual.

Sensitive Information

Personal information requiring additional protection under legislation, such as health, racial or ethnic origin, religious beliefs, criminal history or political opinions.

Unique Identifier

A number, code or identifier assigned to an individual for administrative or operational purposes.

De-identified Information

Information that has been modified so an individual can no longer be reasonably identified.

Notifiable Information Breach

A personal information breach that must be reported under applicable legislation because it is likely to cause serious harm to an individual or meets mandatory notification requirements.

1. PRIS PRINCIPLES

The Shire is committed to managing personal information and sharing information in accordance with the following principles:

- Lawful – authorised by legislation and applicable requirements.
- Necessary – required to support a legitimate purpose or function.
- Proportionate – limited to the information reasonably required.
- Transparent – communicated clearly through appropriate processes and notices.
- Secure – protected from unauthorised access, disclosure or misuse.
- Accurate – maintained as relevant, complete and up to date.
- Responsible – considers privacy risks and potential impacts on individuals.
- Accountable – documented appropriately and capable of review.

2. COLLECTION OF PERSONAL INFORMATION

The Shire collects personal information where reasonably necessary to perform its functions, deliver services, administer local government operations, comply with legislative obligations and support community wellbeing and safety.

Personal information may be collected through service requests, applications, correspondence, complaints, community engagement activities, employment processes, use of Shire facilities and services, digital platforms, CCTV systems, website analytics and other authorised business activities.

The Shire will only collect sensitive information where authorised by law, reasonably necessary to perform its functions or where consent is required and has been obtained.

Where practicable, personal information will be collected directly from the individual concerned.

3. USE AND DISCLOSURE OF PERSONAL INFORMATION

The Shire will only use or disclose personal information for the purpose for which it was collected, for a related purpose an individual would reasonably expect, or where otherwise authorised or required by law.

Personal information may be used to deliver services, administer local government functions, undertake compliance activities, and meet legislative obligations.

The Shire may disclose personal information to government agencies, contractors, service providers or other authorised entities where necessary to perform its functions or where required or permitted by law.

4. INFORMATION SECURITY AND RECORD KEEPING

The Shire will take reasonable administrative, physical and technical measures to protect personal information from misuse, loss, unauthorised access, modification, disclosure or destruction.

Records containing personal information will be created, maintained, retained and disposed of in accordance with applicable legislation, approved retention and disposal authorities, and the Shire's records management practices.

5. UNIQUE IDENTIFIERS AND DE-IDENTIFIED INFORMATION

The Shire may assign unique identifiers to individuals, records and transactions where necessary to administer its functions, deliver services, meet legislative obligations and maintain accurate records.

Where appropriate, the Shire may use de-identified or aggregated information for planning, reporting, statistical analysis and service improvement purposes.

6. ACCESS AND CORRECTION OF PERSONAL INFORMATION

Individuals may request access to, or correction of, their personal information held by the Shire, subject to any legislative limitations.

The Shire will take reasonable steps to ensure personal information is accurate, complete and up to date, and will manage access and correction requests in accordance with applicable legislation.

7. ROLES AND RESPONSIBILITIES

Elected Members

- Provide strategic governance and policy direction.
- Maintain the confidentiality of personal information.
- Have no operational role in privacy or information sharing decisions.

Chief Executive Officer

- Ensures the Shire meets its PRIS obligations.
- Establishes appropriate governance, oversight and compliance arrangements.
- Promotes a culture of responsible information handling.

Managers and Authorised Officers

- Make information sharing decisions within their delegated authority.
- Monitor and support compliance with PRIS requirements by staff within their area of responsibility.
- Assess and manage associated risks.
- Escalate complex or high-risk matters to the CEO.

All Employees, Contractors and Volunteers

- Comply with this policy and applicable legislative requirements.
- Handle personal information responsibly and maintain confidentiality.
- Seek advice when unsure and report suspected privacy breaches.
- Document information sharing decisions where required.

8. COMPLAINTS AND BREACHES

The Shire takes privacy complaints and information breaches seriously and will investigate suspected or confirmed incidents in a timely manner.

Where an information breach occurs, the Shire will take reasonable steps to contain the incident, assess potential impacts, minimise harm, and comply with applicable reporting and notification requirements.

Where an incident meets the threshold of a notifiable information breach, the Shire will notify affected individuals, the Information Commissioner, and any other relevant authorities as required by law.

9. LEGISLATIVE REFERENCES

- Privacy and Responsible Information Sharing Act 2024 (WA)
- Information Commissioner Act 2024 (WA)
- Freedom of Information Act 1992 (WA)
- State Records Act 2000 (WA)

be adopted.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely

Against: Nil

13.2.5	Review of Policy 5.1 Acting Chief Executive Officer or Temporary Employment of CEO
LOCATION	Not Applicable
APPLICANT	Internal
DOCUMENT REF	NAM1705
DATE OF REPORT	30 July 2026
AUTHOR	Acting Chief Executive Officer, Rob Stewart
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To review existing Policy 5.1 Acting Chief Executive Officer or Temporary Employment of CEO due to amendments to the Council's Organisation Chart endorsed by the Council at its meeting held on 18 June 2026. At that meeting the Organisation Chart was amended by deleting references to the position of Chief Financial officer and replacing those references with Deputy Chief Executive Officer.

BACKGROUND:

Policy 5.1 Acting Chief Executive Officer was adopted by Absolute Majority in May 2023. The main objective of the policy is to provide for the appointment of an Acting Chief Executive Officer when the substantive CEO is on short periods of leave such as annual leave.

COMMENT:

This report recommends amending the existing policy by deleting references to the position of Chief Financial Officer and replacing those references with Deputy Chief Executive Officer.

CONSULTATION:

Nil

STATUTORY AUTHORITY:

Local Government Act 1995:

Section 5.39C requires a policy to be adopted by absolute majority relating to the appointment of an Acting CEO for a term not exceeding one year.

Section 5.39C provides that a local government may amend the policy by an absolute majority.

Section 5.42 provides that the local government may delegate to the CEO the exercise of any of its powers

Local Government (Administration) Regulation 1996:

Regulation 18A refers to appointments of Acting CEO for periods up to one year.

POLICY IMPLICATIONS:

The delegation under section 5.42 of the Local Government Act 1995 will complement the policy of appointing an Acting Chief Executive Officer

FINANCIAL IMPLICATIONS:

There are no financial implications should the officer's recommendation be adopted.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
The existing policy refers to a position that is no longer in existence.	Low	To amend the existing policy to refer to the correct title of the position.

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025-2035 outlines the following Outcome and Strategy:

8. An efficient and effective organisation.

8.1 Maintain a high level of corporate governance, responsibility and accountability.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	116 / 26
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Moved: Cr I Baird

Seconded: Cr J Dwyer

That amended Policy 5.1 Acting Chief Executive Officer or Temporary Employment of CEO, as follows:

‘Objective

To establish a policy in accordance with Section 5.39C of the Local Government Act 1995 relating to the appointment of an Acting or Temporary Chief Executive Officer for periods up to one year of planned or unplanned leave or an interim vacancy in the substantive office of Chief Executive Officer.

Policy Statement

When the CEO is on planned or unplanned leave, or the CEO’s employment with the local government has ended, an Acting or temporary CEO is to be appointed in accordance with this policy to fulfil the functions of the CEO as detailed in Section 5.41 of the Local Government Act 1995 and other duties as set down in the Act and associated Regulations.

Through this policy and in accordance with Section 5.36(2)(a) of the Local Government Act 1995, the Council determines that the employee appointed to the substantive position of:

Deputy Chief Executive Officer

is considered suitably qualified to perform the role of Acting or Temporary Chief Executive Officer.

An employee appointed to temporarily act in the Deputy Chief Executive Officer position is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

Appointment of Acting CEO – Planned and unplanned leave for periods up to five weeks

The Chief Executive Officer is delegated to appoint the Deputy Chief Executive Officer

in writing as Acting Chief Executive Officer where the Chief Executive Officer is on planned or unplanned leave for periods not exceeding five weeks.

The Chief Executive Officer must appoint an Acting Chief Executive Officer for any leave period up to five weeks. The Chief Executive Officer must immediately advise all Councillors when and for what period of time the authorised officer is appointed as Acting Chief Executive Officer.

If the Deputy Chief Executive Officer is unable or unwilling to act in the position of Chief Executive Officer or if the CEO is unable to make an appointment of Acting Chief Executive Officer, the matter must be referred to the Council.

The Council may, by resolution, extend an Acting Chief Executive Officer's period of appointment beyond five weeks if the substantive Chief Executive Officer remains unavailable or unable to perform their functions and duties.

Appointment of Acting Chief Executive Officer – Substantive Vacancy

If the substantive Chief Executive Officer's employment ends, the Council, when determining to appoint a Temporary Chief Executive Officer may either:

by resolution appoint the Deputy Chief Executive Officer as the temporary Chief Executive Officer for the period until the substantive Chief Executive Officer has been recruited and commences their employment or

by resolution, appoint the Deputy Chief Executive Officer as the interim temporary Chief Executive Officer for the period of time until an external recruitment process for a temporary Chief Executive Officer can be completed or following an external recruitment in accordance with the principles of merit and equity prescribed in Section 5.40 of the Local Government Act 1995, appoint a temporary Chief Executive Officer for the period of time until the substantive Chief Executive Officer has been recruited and commences employment.'

be endorsed.

Carried by Absolute Majority	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely

Against: Nil

13.2.6	Review of Policy 5.6 Employees - Loyalty Pay
LOCATION	Not Applicable
APPLICANT	Internal
DOCUMENT REF	NAM1706
DATE OF REPORT	15 July 2026
AUTHOR	Acting Deputy CEO, Tien Tran
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
OFFICER DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To review Policy 5.6 Employees – Loyalty Pay, in accordance with the Council's annual rolling review of all policies.

BACKGROUND:

Policy 5.6 Employees – Loyalty Pay was last reviewed by the Council on 31 July 2025.

COMMENT:

The review has identified the following amendments to improve clarity and ensure the policy remains relevant to the Shire's financial considerations.

An objective statement has been added to clearly articulate the purpose of the policy.

The Loyalty Pay schedule has also been updated as follows:

- \$ 45.00 after 1 year of service
- \$ 88.00 after 2 years of service
- \$132.00 after 3 years of service
- \$175.00 after 4 years of service

The provision for annual increases based on the WALGA Local Government Cost Index has been removed. The amended policy instead provides for the amounts to be reviewed annually as part of the annual budget process. The amounts may be increased by a fixed dollar value or otherwise amended.

This approach allows consideration to be given to the Shire's financial position and market conditions before any adjustment is made.

Also, when percentage increases are applied, those at the higher rate receive a higher increase, which may not be seen as equitable. Potentially, the flat rate is fairer.

CONSULTATION:

No external consultation occurred during the preparation of this report.

STATUTORY AUTHORITY:

Section 2.7 of the Local Government Act 1995 provides that a local government has the power to determine its policies.

POLICY IMPLICATIONS:

This policy is being reviewed by the Council in accordance with Policy 1.11 Policy Review Schedule.

FINANCIAL IMPLICATIONS:

Loyalty Pay expenditure is funded through the annual operating budget. Any future adjustment to the payment amounts will be considered through the annual budget process.

RISK ASSESSMENT:

Risk rating: Low

The policy supports employee attraction and retention while providing a transparent framework for loyalty payments. Annual review of payment amounts through the budget process assists the Shire in managing financial sustainability risks.

STRATEGIC IMPLICATIONS:

The Shire of Menzies' Council Plan 2025 – 2035 outlines the following outcome and strategy:

Outcome

8. An efficient and effective organisation.

Strategy

8.1 Maintain a high level of corporate governance, responsibility and accountability.

Activity

8.1.2 Demonstrate sound financial planning and management, seeking a high level of legislative compliance and effective internal controls.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	117 / 26
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Moved: Cr J Dwyer

Seconded: Cr S Sudhir

That amended Policy 5.6 Employees – Loyalty Pay, as follows:

'Objective

To attract, retain and recognise permanent employees by providing a loyalty payment that rewards continuous service with the Shire.

Policy Statement

- 1. A Loyalty Pay, as provided for in the annual Budget, will be paid to all permanent full-time and part-time employees, except –
 - The Chief Executive Officer and other contracted staff;
 - Trainees and all casual staff.**
- 2. The Loyalty Pay is paid pro-rata according to full-time employment equivalent.**
- 3. Should a staff member be re-employed after termination, continuous service will restart from the new employment start date.**
- 4. The amounts, which are to be paid fortnightly in the employees' pay, are:
\$ 45.00 after 1 year of service
\$ 88.00 after 2 years of service
\$ 132.00 after 3 years of service
\$ 175.00 after 4 years of service**
- 5. The amounts will be reviewed annually as part of the annual budget process. The amounts may be increased by a fixed dollar value or otherwise amended having regard to the Shire's financial position and market conditions.'**

be endorsed.

Carried	5 / 0
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**For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil**

The Presiding Member Cr P Warner, Cr S Sudhir and Cr S Wessely left the meeting at 1.11pm.

The Acting CEO advised that a quorum was no longer present. The meeting was therefore suspended and resumed for consideration of the next agenda item 13.2.8 once a quorum was restored.

13.2.7	Food Van Application
LOCATION	Not applicable
APPLICANT	Internal
DOCUMENT REF	NAM1709
DATE OF REPORT	13 August 2026
AUTHOR	Acting Chief Executive Officer, Rob Stewart
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
DISCLOSURE OF INTEREST	Cr P Warner, Cr S Sudhir and Cr S Wessely each declared a Financial Interest in Item 13.2.7 – Food Van Application
ATTACHMENT	Nil

SUMMARY:

This report, to consider an application for the operation of a food van from various locations in the Shire of Menzies, was unable to be considered at the ordinary meeting of the Council held on 23 July 2026, due to the loss of a quorum.

Consequently, the matter is brought before the Council again to obtain a resolution.

The matter was referred to the Minister for Local Government through the Department of Local Government, Industry Regulation and Safety to request a quorum reduction pursuant to Section 5.17 of the Local Government Act. A telephone call from that Department advised that the matter would be referred for consideration, but that it would be unlikely to be approved as the Officer's Recommendation was to 'note' a proposed action, the power for which rested with the CEO pursuant to the Shire of Menzies Public Places and Local Government Property Local Law.

At the date of preparing this updated report (13 August 2026) no further response to the CEO's contact (letter emailed 3 August 2026) has been received.

BACKGROUND:

An application for the operation of a food van has been received from David and Sue Wessely. Ms Wessely is the former licensee of the Menzies Hotel, which has recently been sold. Ms Wessely was operating the food van from the hotel premises with appropriate approvals issued by the Council's contracted Environmental Health Surveyor.

COMMENT:

While operating from the hotel, the food van provided take away food often during hours when no other opportunity to purchase takeaway food was available. The operation of the food van in other locations now that the beer garden attached to the Menzies Hotel is unavailable, effectively maintains the *status quo*. That is, the food van was operating and now seeks to continue to operate but from other locations.

The application seeks approval to operate from Council property, being Lot 501 Reserve 29651 (carpark at the southern end of town), Lots 300 and 301 Reserve 49153 (Lake Ballard) and Lot 127 Reserve 5062 (Niagara Dam).

CONSULTATION:

The Acting CEO has received one verbal objection to the proposal to permit a food van to operate in Menzies.

STATUTORY AUTHORITY:

Food Act 2008:

The Food Van is registered under Section 110(6) of the Food Act 2008 as a Mobile Food Business (medium risk) with conditions, including that trading locations other than public events are to be authorised by the Shire of Menzies.

Public Places and Local Government Property Local Law

The Council's Public Places and Local Government Property Local Law 2022 at Part 3 specifies the type of activities that are required to have a licence, including: '...carry on any trading on local government property'.

The Local Law also authorises the CEO to approve an application for a licence (either conditionally or unconditionally) or refuse an application.

Notwithstanding the authority of the CEO to determine an application, the CEO by email informed councillors of his intent to approve a licence temporarily. As this intention was not met with unanimous approval, the opportunity is now taken to bring the matter to the Council for a decision: that is, raise no objections to the CEO using the authority contained in the Public Places and Local Government Property Local Law 2022, to either approve the application or refuse it.

POLICY IMPLICATIONS:

No Council Policy relates to the operation of Food Vans.

FINANCIAL IMPLICATIONS:

Although a fee for any licensed activity is mentioned in the Local Law, no such fee is incorporated into the current budget.

RISK ASSESSMENT:

There exists a low overall consequence should no member of the public be unable to access takeaway food. The café has recently extended its operating hours.

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025-2035 outlines the following Outcome and Strategy:

3. An innovative, diverse and prosperous economy.

3.1 Support and facilitate opportunities for new business development.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That the intention of the CEO to issue a conditional licence approval pursuant to the Public Places and Local Government Property Local Law 2022 to David and Sue Wessely for Lot 501 Reserve 29651 (carpark at the southern end of town), Lots 300 and 301 Reserve 49153 (Lake Ballard) and Lot 127 Reserve 5062 (Niagara Dam), be noted.

The Presiding Member Cr P Warner, Cr S Sudhir and Cr S Wessely returned to the meeting at 1.13pm.

13.2.8	Application to Camp on Private Land
LOCATION	56 Ballard Street, Menzies
APPLICANT	Mr John Warner
DOCUMENT REF	NAM1708
DATE OF REPORT	11 August 2026
AUTHOR	Acting Chief Executive Officer, Rob Stewart
RESPONSIBLE OFFICER	Acting Chief Executive Officer, Rob Stewart
OFFICER DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To consider an application from Mr John Warner to camp on private land situated at 56 Ballard Street Menzies.

BACKGROUND:

The applicant is the owner of Lot 653 (number 56) Ballard Street Menzies and has been living on the property for several months, although no building is situated there.

COMMENT:

Camping on private land is controlled by the Caravan Parks and Camping Ground Regulations 1997.

Camping on private land in excess of five days in any period of 28 consecutive days must be approved by the local government or, if the local government refuses approval, by the Minister for Local Government.

Regulation 11A (3) provides that:

'The approval is subject to the following conditions —

- (a) that any caravan or camp in which the person is camping on the land is maintained in such a condition that it is not a hazard to safety or health;*
- (b) that the land is maintained in such a condition that it is suitable for camping, particularly in relation to —*
 - (i) safety and health; and*
 - (ii) access to services;*
- (c) any other conditions specified by the local government in the approval.'*

Conditions that the Council may like to impose include:

Conditions of Approval

1. **Approval Period:** This approval authorises the occupation of one caravan on the subject land for a period of two years from the date of issue. Upon expiry of this period, the caravan must be removed from the property unless a further approval has been granted by the Shire.
2. **Occupancy:** The caravan shall only be occupied by the applicant and their immediate family and shall not be used for tourist, short-stay, rental or commercial accommodation purposes.
3. **Number of Caravans:** No more than one caravan and one associated annex (if approved) shall be located on the property at any time without the prior written approval of the Shire.
4. **Sanitary Facilities:** The occupier shall provide and maintain access to an approved toilet facility and wastewater disposal system to the satisfaction of the Shire and in accordance with all applicable health legislation. (The use of the dump point for a long period of time is unacceptable).
5. **Water Supply:** An adequate supply of potable water shall be available at all times for the duration of the approval.
6. **Waste Management:** All rubbish and waste generated from the occupation of the caravan shall be regularly removed and disposed of in an approved manner so as not to create a nuisance or health risk.
7. **Location on Site** The caravan shall be located only in the position shown on the approved site plan and shall maintain a minimum setback of two (2) metres from all property boundaries unless otherwise approved by the Shire.
8. **Fire Safety:** The occupier shall maintain the site to the satisfaction of the Shire's fire prevention requirements, including the establishment and maintenance of firebreaks where required.
9. **No Permanent Dwelling Rights:** This approval does not constitute approval for a permanent dwelling or residential development and does not exempt the landowner from obtaining any planning, building or health approvals required under other legislation.
10. **Amenity:** The use of the caravan shall not create a nuisance to adjoining landowners by reason of noise, smoke, dust, lighting, waste, or any other disturbance.
11. **Screening:** The caravan, associated structures, and any outdoor storage areas shall be screened from adjoining properties and public roads to the satisfaction of the Shire. Screening shall be established and maintained for the duration of the approval and may comprise existing vegetation, planted landscaping, fencing, or a combination thereof. The screening shall be of sufficient height and density to minimise the visual impact of the caravan and associated activities when viewed from neighbouring properties and public areas.
12. **Maintenance of Site:** The caravan site shall be always maintained in a neat and tidy condition. No accumulation of unserviceable vehicles, machinery, building materials, scrap metal, waste, or other materials shall occur on the land in a manner visible from adjoining properties or public roads.

13. **Compliance with Laws:** The approval holder shall comply with all relevant requirements of the Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Local Planning Scheme, local laws and any other applicable legislation.
14. **Revocation:** This approval may be amended or revoked by the Shire where any condition of approval is breached or where the occupation of the caravan creates a health, safety or environmental concern.

Advisory Note

The granting of this approval does not remove the requirement to obtain any separate planning, building, environmental health or other statutory approvals that may be required.

It should also be noted that the subject land is situated in a Special Control Area 'Water Supply Catchment'. Development of a house in the Control Area requires Development Consent. That is, a Building Licence cannot be issued with the Council's Development Consent being first given.

CONSULTATION:

The Shire's contracted Environmental Health Surveyor and a consultant town planner have been consulted regarding this matter.

STATUTORY AUTHORITY:

Local Government (Caravan Park and Camping Ground) Regulations 1997 apply.

POLICY IMPLICATIONS:

Council Policy 8.1 Compulsory Waste Collection Service shall apply to this approval. That is, a rubbish collection charge shall apply pursuant to the Waste Avoidance and Resource Recovery Act (2007)

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENT:

By issuing permission pursuant to the applicable regulations, the Council is mitigating the risk of uncontrolled camping within the district and avoiding the need for enforcement.

STRATEGIC IMPLICATIONS:

The Shire's Council Plan 2025-2035 outlines the following Outcome and Strategy:

7. A strategically focused Council, leading our community.

7.1 Provide strategic leadership and governance.

Accordingly, the officer's recommendation aligns with the Shire's Council Plan.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	118 / 26
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Moved: **Cr J Dwyer**

Seconded: **Cr S Wessely**

That:

Pursuant to Regulation 11A of the Local Government (Caravan Park and Camping Ground) Regulations 1997, approval is granted to Mr John Warner to camp at Lot 653 (Number 56) Ballard Street Menzies for a period of two years from the date of notification subject to:

- 1. Approval Period:** This approval authorises the occupation of one caravan on the subject land for a period of two years from the date of notification. Upon expiry of this period, the caravan must be removed from the property unless a further approval has been granted by the Shire.
- 2. Occupancy:** The caravan shall only be occupied by the applicant and their immediate family and shall not be used for tourist, short-stay, rental or commercial accommodation purposes.
- 3. Number of Caravans:** No more than one caravan and one associated annex (if approved) shall be located on the property at any time without the prior written approval of the Shire.
- 4. Sanitary Facilities:** The occupier shall provide and maintain access to an approved toilet facility and wastewater disposal system to the satisfaction of the Shire and in accordance with all applicable health legislation.
- 5. Water Supply:** An adequate supply of potable water shall be available at all times for the duration of the approval.
- 6. Waste Management:** All rubbish and waste generated from the occupation of the caravan shall be regularly removed and disposed of in an approved manner so as not to create a nuisance or health risk.

7. **Location on Site** The caravan shall be located only in the position shown on the approved site plan and shall maintain a minimum setback of [insert distance] metres from all property boundaries unless otherwise approved by the Shire.
8. **Fire Safety:** The occupier shall maintain the site to the satisfaction of the Shire's fire prevention requirements, including the establishment and maintenance of firebreaks where required.
9. **No Permanent Dwelling Rights:** This approval does not constitute approval for a permanent dwelling or residential development and does not exempt the landowner from obtaining any planning, building or health approvals required under other legislation.
10. **Amenity:** The use of the caravan shall not create a nuisance to adjoining landowners by reason of noise, smoke, dust, lighting, waste, or any other disturbance.
11. **Screening:** The caravan, associated structures, and any outdoor storage areas shall be screened from adjoining properties and public roads to the satisfaction of the Shire. Screening shall be established and maintained for the duration of the approval and may comprise existing vegetation, planted landscaping, fencing, or a combination thereof. The screening shall be of sufficient height and density to minimise the visual impact of the caravan and associated activities when viewed from neighbouring properties and public areas.
12. **Maintenance of Site:** The caravan site shall be always maintained in a neat and tidy condition. No accumulation of unserviceable vehicles, machinery, building materials, scrap metal, waste, or other materials shall occur on the land in a manner visible from adjoining properties or public roads.
13. **Compliance with Laws:** The approval holder shall comply with all relevant requirements of the Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997, Local Planning Scheme, local laws and any other applicable legislation.
14. **Revocation:** This approval may be amended or revoked by the Shire where any condition of approval is breached or where the occupation of the caravan creates a health, safety or environmental concern.

Advisory Note

The granting of this approval does not remove the requirement to obtain any separate planning, building, environmental health or other statutory approvals that may be required.

It should also be noted that the subject land is situated in a Special Control Area 'Water Supply Catchment'. Development of a house in the Control Area requires Development Consent. That is, a Building Licence cannot be issued with the Council's Development Consent being first given.

Carried	3 / 2
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For: Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Cr P Warner and Cr S Sudhir

14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15 NEW BUSINESS OF AN URGENT NATURE

Nil

16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS

Item 16.1 Behavioural Complaint

This agenda item is confidential in accordance with Section 5.23(4)(g) of the Local Government Act 1995 and Regulation 4A(b) of Local Government (Administration) Regulations 1996, which permits the meeting to be closed to the public, for business relating to the following:

- (b) a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint;

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	119 / 26
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Moved: Cr I Baird

Seconded: Cr J Dwyer

That in accordance with Section 5.23(4)(g) of the Local Government Act 1995 and Regulation 4A(b) of Local Government (Administration) Regulations 1996, the meeting be closed to members of the public to consider Item 16.1 'Behavioural Complaint'.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil

The meeting was closed to the members of the public at 1.15pm.

Item 16.1 Behavioural Complaint

OFFICER RECOMMENDATION/COUNCIL DECISION:

Council Resolution Number:	120 / 26
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Moved: Cr I Baird

Seconded: Cr S Wessely

That:

- a. Pursuant to Clause 12 (1) of the Local Government (Model Code of Conduct) Regulations 2021, the Council's finding in relation to the behavioural complaint against Cr Andrew Tucker is that a breach of the Regulations did occur
- b. Cr (Andrew) Tucker is required to offer a letter of apology to the complainant and the staff member affected
- c. Cr (Andrew)Tucker be advised that further breaches of the Council's Code of Conduct may result in a requirement to undertake one or more of either mediation, counselling, or training.
- d. Cr (Andrew) Tucker be advised that future breaches of the Council's Code of Conduct will result in the matter being compulsorily referred to the Office of the Inspector of Local Government as a major breach.
- e. Both the complainant and Cr (Andrew)Tucker be advised in writing of the findings of the Council and the Council's decision.
- f. The Council's decision be published on the Council's website.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely
Against: Nil

MEETING OPENED TO THE PUBLIC:

Council Resolution Number:	121 / 26
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Moved: **Cr I Baird** **Seconded:** **Cr S Wessely**

That the meeting be opened to the members of the public.

Carried	5 / 0
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For: Cr P Warner, Cr S Sudhir, Cr I Baird, Cr J Dwyer and Cr S Wessely

Against: Nil

The meeting was reopened to the members of the public at 1.17pm.

17 NEXT MEETING

The next meeting is to be held on Thursday 17 September 2026 at the Council Chambers, 124 Shenton Street, Menzies commencing at 1.00pm.

18 CLOSURE OF MEETING

The Shire President, as Presiding Member, declared the meeting closed at 1.22pm.