



**SHIRE OF MENZIES**

# **Minutes**

**FOR THE ORDINARY MEETING OF COUNCIL  
TO BE HELD ON**

**26 AUGUST 2021**

**Commencing at 1.00 pm**

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

## **DISCLAIMER**

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

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

## **FINANCIAL INTEREST**

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

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

### **Councillors should declare an interest:**

- a) In a written notice given to the Chief Executive Officer (CEO) before the meeting; or
- b) At the meeting, immediately before the matter is discussed.

A member who has declared an interest must not:

- Preside at the part of the meeting relating to the matter; or
- Participate in or be present during the discussion of decision-making procedure relating to the matter unless the member is allowed to do so under Section 5.68 or 5.69 of the *Local Government Act 1995*.

**Councillor Attendance**  
**Shire of Menzies Council Meetings**

<b>Council Meeting Date</b>	<b>Attended in Person</b>	<b>Electronic Attendance</b>	<b>Leave of Absence</b>	<b>Apologies</b>	<b>Absent</b>
28 January 2021	Cr G Dwyer Cr K Mader Cr S Baird	Cr J Dwyer (Kambalda) Cr J Lee (MAC Office) Cr I Baird (Wongary)	Cr J Dwyer Cr V Ashwin		
25 February 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader	Cr J Lee (MAC Office)	Cr V Ashwin	Cr S Baird	
25 March 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader Cr S Baird Cr J Lee		Cr V Ashwin		
29 April 2021	Cr G Dwyer Cr J Dwyer Cr K Mader	Cr I Baird (PT) Cr J Lee (MAC)		Cr S Baird	
27 May 2021	Cr G Dwyer Cr K Mader Cr I Baird Cr S Baird	Cr J Dwyer (Kambalda East)		Cr J Lee	
24 June 2021	Cr G Dwyer Cr J Dwyer Cr K Mader Cr I Baird Cr S Baird	Cr J Lee (MAC)			
29 July 2021	Cr G Dwyer Cr K Mader Cr J Lee Cr J Dwyer	Cr I Baird (Wongary) Cr S Baird (Wongary)			

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## 1 DECLARATION OF OPENING

The President declared the meeting open at 1308.

## 2 ANNOUNCEMENT OF VISITORS

Nil.

## 3 RECORD OF ATTENDANCE

Councillors: Cr G Dwyer, Shire President  
Cr I Baird, Deputy Shire President (Video, Wongary)  
Cr J Dwyer (Phone, Southern Cross)  
Cr K Mader  
Cr S Baird (Video, Wongary)

Apologies: Cr J Lee

Staff: Mr B Joiner, Chief Executive Officer  
Ms D Bower, Executive Officer (Minutes)

## 4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Public question time OCM 29 July 2021:

Mr Sudhir of the Menzies Hotel asked:

1. If there is any support for essential service providers?

*Response: An opportunity was provided for businesses to apply for grants of up to \$10,000 from the Shire. The Menzies Hotel did not apply for a grant even though the availability of the grants was discussed directly with yourself. The Shire also provided assistance during the first COVID wave to ensure that essential products were available, through the Menzies Hotel shop, to local residents.*

2. If there is any allocation of funding for restoration of buildings that have a tourism purpose?

*Response: The Shire of Menzies has \$1,560,000 allocated in this year's budget to the restoration and maintenance of buildings that have a tourism purpose. The Shire will normally only fund restoration of Shire owned buildings and facilities.*

3. What business consultation occurs before supporting other similar businesses in town?

*Response: Businesses requesting Shire support can do so by submitting a formal request. Any such request would be considered by Council at a Council meeting in open session. Officers would consult with any affected businesses before providing a recommendation to Council.*

4. What support is available for services that are essential for the community (e.g. fuel)?

*Response: This question is similar to Question 1 and a response has been provided.*

5. What future planning is occurring to boost tourism in Menzies?

*Response: The Shire has employed a person to the new position of Community Development Specialist. This role is focused on developing industry and tourism within the region to secure the economic future of the Shire. In addition, Council is considering a request from officers at the 26 August 2021 OCM for funding of a tourism development strategy and destination marketing plan.*

## **5 PUBLIC QUESTION TIME**

Nil.

## **6 APPLICATION BY MEMBERS**

Nil.

## **7 DECLARATIONS OF INTEREST**

Cr S Baird declared an Impartiality Interest to Item 12.2.10 as he is on the Board of PTAC.

## **8 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

Nil.

## **9 CONFIRMATION/RECEIVAL OF MINUTES**

CONFIRMATION of the Minutes of the Ordinary Council Meeting held on 29 July 2021.

*(Provided under Separate Cover)*

## **OFFICER RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 29 July 2021 be confirmed as a true and correct record.

## **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-43</b>
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**Moved:**        **Cr J Dwyer**

**Seconded:**    **Cr K Mader**

**That the Minutes of the Ordinary Meeting of Council held on 29 July 2021 be confirmed as a true and correct record.**

<b>Carried</b>	<b>5 / 0</b>
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## **10 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

## **11 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION**

### **PRESIDENT'S REPORT AUGUST 2021**

At the Northern Goldfields Working Group meeting in Kalgoorlie on 30 July 2021, Southern Parks and DFES addressed the Group. Mr Lyndsay Stockdale gave a talk on water options for the Northern Goldfields and Australia. Councillors J Dwyer, Mader and the Chief Executive Officer (CEO) also attended the presentation following the GVROC meeting.

Along with most of Australia, I participated in the 2021 Census on the night of Tuesday 10 August, 2021 and we now await the release of the data for the Shire of Menzies.

The CEO and I met with Mr Marcus Falconer from Australia's Golden Outback during his visit to the Menzies Shire on 12 August 2021. We discussed general matters but in particular, tourism in the Menzies Shire.

A Briefing Session on 19 August 2021 was attended by all Councillors with video conferencing becoming a well-used, accepted and convenient practice.

The CEO and I met with Mr Wilson Tucker MLC, from the Daylight Savings Party, on 26 August 2021 in Kalgoorlie for discussions on a range of issues including housing, tourism and the mining industry.



Vaccinations for Covid-19 are taking place across the Goldfields and I urge those who are wishing to have the injection to do so (be that at Menzies, Lenora or Kalgoorlie)

#### **OFFICER RECOMMENDATION**

That the President's Report for the month of July 2021 be received.  
Presidents report was not available to the Members at the time of the meeting.

## 12 REPORTS OF OFFICERS

### 12.1 Finance Reports

12.1.1	Finance Report	
LOCATION	Shire of Menzies	
APPLICANT	Internal	
DOCUMENT REF	NAM448	
DATE OF REPORT	18 August 2021	
AUTHOR	Chief Financial Officer, Antonio Giometti	
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti	
DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	<ol style="list-style-type: none"><li>1. Monthly Financial Reports July 2021 V 2 [12.1.1.1 - 20 pages]</li><li>2. FIS - Financial Information Schedule July 2021 [12.1.1.2 - 31 pages]</li></ol>	

#### SUMMARY:

Statutory Financial Reports are submitted to Council as a record of financial activity for the year to 31 July 2021.

#### BACKGROUND:

The Financial Management *Regulation 34* requires Local Government entities to prepare each month a Statement of Financial Activity reporting on the sources and application of funds, as set out in the Annual Budget under *Regulation 22(1)(d)*:

- The annual budget estimates
- Budget estimates to the end of the month to which the statement relates. Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates
- Any material variations between year to date for 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
- Include the net current assets, and
- Any other relevant reporting notes

#### COMMENT:

This report contains 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 Council informed of the current financial position.

**CONSULTATION:**

Nil.

**STATUTORY AUTHORITY:**

*Local Government Act 1995 section 6.4*

*Local Government (Financial Management) Regulation 1996, 34*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As detailed in the attachment.

**RISK ASSESSMENT:**

Nil.

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council Receive the Statement of Financial Activity for the period ending 31 July 2021 as attached and note any material differences.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-44</b>
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**Moved: Cr J Dwyer**

**Seconded: Cr K Mader**

**That Council Receive the Statement of Financial Activity for the period ending 31 July 2021 as attached and note any material differences.**

<b>Carried</b>	<b>5 / 0</b>
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<b>12.1.2</b>	<b>List of monthly payments for July 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM447</b>
<b>DATE OF REPORT</b>	<b>18 August 2021</b>
<b>AUTHOR</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. List of Payments July 2021 [ <b>12.1.2.1</b> - 6 pages]

### **SUMMARY:**

The list of payments made for the Month of July 2021 be received by Council.

### **BACKGROUND:**

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

### **COMMENT:**

The EFT, Direct Debit, Credit Card and Payroll payments that have been made for the Month of July 2021 are attached.

### **CONSULTATION:**

Antonio Giometti – Chief Financial Officer.

### **STATUTORY AUTHORITY:**

*Local Government (Financial Management) Regulations 1996 Regulation 13.*

### **POLICY IMPLICATIONS:**

Policy 4-7 – Creditors – Preparation for Payment

### **FINANCIAL IMPLICATIONS:**

\$419,102.43 withdrawn from Municipal Bank Account.

**RISK ASSESSMENT:**

Nil.

**STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

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

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council receive the list of payments for the Month of July 2021 totaling \$419,102.43 being:

1. Electronic Funds Transfer EFT 6115 – 6184, payments from Municipal Fund totaling \$377,371.57.
2. Direct Debit payments from the Municipal Fund totaling \$41,730.86.
3. Payroll payments from the Municipal Fund totaling \$87,496.36.
4. Credit Card payments of \$3,633.91 for the Statement Month of July are included in Direct Debits of 41,730.86.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-45</b>
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**Moved: Cr K Mader**

**Seconded: Cr I Baird**

**That Council receive the list of payments for the Month of July 2021 totaling \$419,102.43 being:**

- 1. Electronic Funds Transfer EFT 6115 – 6184, payments from Municipal Fund totaling \$377,371.57.**

2. **Direct Debit payments from the Municipal Fund totaling \$41,730.86.**
3. **Payroll payments from the Municipal Fund totaling \$87,496.36.**
4. **Credit Card payments of \$3,633.91 for the Statement Month of July are included in Direct Debits of 41,730.86.**

<b>Carried</b>	<b>5 / 0</b>
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<b>12.1.3</b>	<b>Investment Report - July 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM 449</b>
<b>DATE OF REPORT</b>	<b>09 August 2021</b>
<b>AUTHOR</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

This item recommends Council receives the investment report for the month of July 2021.

### **BACKGROUND:**

The Chief Executive Officer has delegated authority to invest funds into interest bearing accounts under Delegation 2.5 – Investment of Surplus Funds.

### **COMMENT:**

Below are the current investments for the Shire of Menzies as at 31/07/2021.

<b>INSTITUTION / ACCOUNT TYPE</b>	<b>SUM</b>	<b>TERM</b>	<b>DATE OF MATURITY</b>	<b>INTEREST RATE</b>	<b>RISK ASSESMENT</b>
NAB – Municipal	\$3,229,572.48	Open	Open		Medium
NAB – Reserve Fund – Cash Maximiser	\$12,303,338.38	Open	Open	0.010%	Medium
NAB – Cash Maximiser	\$29,472.84	Open	Open	0.010%	Medium

### **CONSULTATION:**

Nil

### **STATUTORY AUTHORITY:**



## **Local Government Act**

2.7 (2) *Without limiting subsection (1), the council is to —*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

### **3.1. General function**

- (1) *The general function of a local government is to provide for the good government of persons in its district.*

### **6.14 Power to invest**

## **Local Government (Administration) Regulations**

### **19C. Investment of money, restrictions on (Act s. 6.14(2)(a))**

- (1) *In this regulation —*

**authorised institution** means —

- (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
- (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
  - (a) *deposit with an institution except an authorised institution;*
  - (b) *deposit for a fixed term of more than 3 years;*
  - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
  - (d) *invest in bonds with a term to maturity of more than 3 years;*
  - (e) *invest in a foreign currency.*

## **POLICY IMPLICATIONS:**

Council Policy 4.9 - Investments

Delegation 2.5 – Investment of Surplus Funds

## **FINANCIAL IMPLICATIONS:**

Nil.

## **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
There is always a certain risk in investment of funds as banking institutions are no longer the stable and unfailing institutions they once were.	Medium	Close management of investment.  Close attention to financial markets and information.

<p>The proposal is to closely manage the Shire's investments and avoid the possibility of loss on the investment.</p> <p>At the same time this proposal still seeks the safest and not necessarily the most profitable return on investments.</p>		<p>Diversity of investments as much as possible.</p>
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#### **STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

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

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER RECOMMENDATION:**

That Council receives the investment report for the month of July 2021.

#### **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-46</b>
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**Moved: Cr K Mader**

**Seconded: Cr I Baird**

**That Council receives the investment report for the month of July 2021.**

<b>Carried</b>	<b>5 / 0</b>
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## 12.2 Administration Reports

12.2.1	Repeal Local Law 2021	
LOCATION	Shire of Menzies	
APPLICANT	Internal	
DOCUMENT REF	SS	
DATE OF REPORT	02 August 2021	
AUTHOR	Chief Executive Officer, Brian Joiner	
RESPONSIBLE OFFICER	CEO, Brian Joiner	
DISCLOSURE OF INTEREST	Nil	
ATTACHMENT	1. 210725 Repeal Local Law v 1 [12.2.1.1 - 1 page]	

### SUMMARY:

This matter was considered as part of the 2021 Local Laws Review presented and adopted by Council at the Ordinary Council Meeting held 27 May 2021.

### BACKGROUND:

This local law is to repeal six very old local laws.

This agenda item is the commencement of the statutory process to do so.

### COMMENT:

The Local Government Act requires the following statements –

Purpose – to revoke old local laws no longer having relevance.

Effect – revocation of outdated requirements and local laws.

The local laws are well out of date, and no longer applicable. Some of the circumstances existing at the time of adoption of the local laws are no longer applicable.

The statutory process is the same for making, amending or revoking a local law -

- Local public notice inviting public comment – minimum of 6 weeks
- During this time, submit to Dept of Local Government.

- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law
- final adoption of the amendment local law by Council
- publication in the Government Gazette
- local public notice to be given of the adoption, publication and commencement date of the local law
- submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the draft until after it has been formally adopted, Gazetted etc.

### **CONSULTATION:**

Niel Mitchell, Consultant.

### **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*  
 - s.3.12 – *Procedure for making local laws*

### **POLICY IMPLICATIONS:**

Nil.

### **FINANCIAL IMPLICATIONS:**

Minor costs for advertising when required.

### **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Continuation and potential inadequacy of increasingly out of date local laws.	High.	Revocation of local laws that are extremely out of date.  Development and adoption of new or amendment local laws where appropriate

## **STRATEGIC IMPLICATIONS:**

4.2 An efficient and effective organisation.

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

## **VOTING REQUIREMENTS:**

Simple Majority

## **OFFICER RECOMMENDATION:**

That Council:

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Repeal Local Law 2021 –

Purpose – to revoke old local laws no longer having relevance.

Effect – revocation of outdated requirements and local laws.

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Repeal Local Law 2021.

## **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-47</b>
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**Moved:** Cr J Dwyer

**Seconded:** Cr K Mader

That Council:

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Repeal Local Law 2021 –

**Purpose – to revoke old local laws no longer having relevance.**

**Effect – revocation of outdated requirements and local laws.**

- 2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Repeal Local Law 2021.**

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.2</b>	<b>Bush Fire Brigades Amendment Local Law 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>02 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. 210728 BFB Local Law 2015 Amend 2021 v 1 tracked [<b>12.2.2.1</b> - 7 pages]</li> <li>2. 210728 BFB Amend Local Law 2021 draft v 1 [<b>12.2.2.2</b> - 1 page]</li> </ol>

### **SUMMARY:**

This matter was considered as part of the 2021 Local Laws Review presented and adopted by Council at the Ordinary Council Meeting held 27 May 2021.

### **BACKGROUND:**

This local law is to amend the Bush Fire Brigades Local Law 2015, enabling broader discretions to be exercised.

This agenda item is the commencement of the statutory process to do so.

### **COMMENT:**

The Local Government Act requires the following statements –

Purpose – to amend the Bush Fire Brigades Local Law so as to permit greater flexibility

Effect – amendment by removing mandatory training and specified dates to be met by bush fires brigades

In preparing the Amendment Local Law, it was noted that removal of several dates within the local law would allow for greater flexibility and remove some potential constraints on brigades.

The statutory process is the same for making, amending or revoking a local law -

- Local public notice inviting public comment – minimum of 6 weeks
- During this time, submit to Dept of Local Government and Dept of Fire and Emergency Services.
- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law
- final adoption of the amendment local law by Council
- publication in the Government Gazette
- local public notice to be given of the adoption, publication and commencement date of the local law
- submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the draft until after it has been formally adopted, Gazetted etc.

#### **CONSULTATION:**

Niel Mitchell, Consultant.

#### **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*  
 - s.3.12 – *Procedure for making local laws*

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Minor costs for advertising when required.

#### **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Mandated training likely to discourage otherwise experienced and competent people from volunteering.	High.	Training to remain a high priority. Assist volunteers to attend / participate in training Pursue local or joint



		training initiatives
Removal of specified dates.	Low.	Administrative requirements to be notified to Council at any time.

## **STRATEGIC IMPLICATIONS:**

1.1 An engaged and inclusive community.

1.1.1 Facilitate, encourage and support community volunteers, groups, events and initiatives.

4.2 An efficient and effective organisation.

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

## **VOTING REQUIREMENTS:**

Simple Majority

## **OFFICER RECOMMENDATION:**

That Council:

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Bush Fire Brigades Amendment Local Law 2021 –

Purpose – to amend the Bush Fire Brigades Local Law so as to permit greater flexibility.

Effect – amendment by removing mandatory training and specified dates to be met by bush fires brigades.

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and the Minister for Fire and Emergency Services and any other person requesting it, of the proposed Bush Fire Brigades Amendment Local Law 2021.

## **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-48</b>
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**Moved: Cr K Mader**

**Seconded: Cr S Baird**

**That Council:**

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Bush Fire Brigades Amendment Local Law 2021 –

**Purpose – to amend the Bush Fire Brigades Local Law so as to permit greater flexibility.**

**Effect – amendment by removing mandatory training and specified dates to be met by bush fires brigades.**

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and the Minister for Fire and Emergency Services and any other person requesting it, of the proposed Bush Fire Brigades Amendment Local Law 2021.

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.3</b>	<b>Meeting Procedures Local Law 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>03 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. Meeting Procedures 2021 v 2 [12.2.3.1 - 22 pages]

### **SUMMARY:**

This matter was considered as part of the 2021 Local Laws Review presented and adopted by Council at the Ordinary Council Meeting held 27 May 2021.

### **BACKGROUND:**

This local law is to adopt a new local law.

This agenda item is the commencement of the statutory process to do so.

### **COMMENT:**

The Local Government Act requires the following statements –

Purpose – for management of meetings of the local government.

Effect – to provide for the conduct of Council, committee and electors meetings.

This local law is very largely based on the WA Local Government Model, with some amendments or additions for circumstances not in the model, or to ensure its relevance to Council. These include –

- A requirement to re-establish committee every two years at the same time the tenure of committee members terminates under the Act.
- Removal of the prohibition on speaking twice, but increasing the powers of the presiding person to control the meeting.

There is a penalty clause that can be implemented through court action, not by infringement, where the behaviour of a person is disruptive to a meeting or consistently non-compliant with the local law. This penalty provisions does not apply to Council or committee members since disciplinary action –

- against Council members is through the complaint provisions of the Local Government Act, and
- in relation to committee members, Council may cause their membership of the committee to be revoked, Council may amend the committee terms of reference or disband the committee entirely, or overturn committee decisions.

The statutory process is the same for making, amending or revoking a local law -

- Local public notice inviting public comment – minimum of 6 weeks .
- During this time, submit to Dept of Local Government.
- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- final adoption of the amendment local law by Council.
- publication in the Government Gazette.
- local public notice to be given of the adoption, publication and commencement date of the local law.
- submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the draft until after it has been formally adopted, Gazetted etc.

## **CONSULTATION:**

Niel Mitchell, Consultamnt.

## **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*

- *s.3.12 – Procedure for making local laws*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Minor costs associated with advertising.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Meetings that may be difficult to manage.	Medium.	Training and awareness of provisions to be provided to elected members.
Disruptive member of the public.	Medium.	Members of the public to be clearly advised of unacceptable behaviour when necessary.

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting

submissions during a minimum 6-week time frame, that it intends to make a Meeting Procedures Local Law 2021 –

Purpose – for management of meetings of the local government.

Effect – to provide for the conduct of Council, committee and electors meetings.

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Meeting Procedures Local Law 2021.

#### **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-49</b>
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**Moved: Cr J Dwyer**

**Seconded: Cr K Mader**

#### **That Council:**

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Meeting Procedures Local Law 2021 –

**Purpose – for management of meetings of the local government.**

**Effect – to provide for the conduct of Council, committee and electors meetings.**

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Meeting Procedures Local Law 2021.

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.4</b>	<b>Dogs Local Law 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>03 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. 210803 Dogs Local Law v 2 [12.2.4.1 - 6 pages]

### **SUMMARY:**

This matter was considered as part of the 2021 Local Laws Review presented and adopted by Council at the Ordinary Council Meeting held 27 May 2021.

### **BACKGROUND:**

This local law is to repeal the Dogs Local Law 2007, and adopt a new Dogs Local Law.

This agenda item is the commencement of the statutory process to do so.

### **COMMENT:**

The Local Government Act requires the following statements –

Purpose – to make provisions about the impounding, the number that may be kept on premises, the manner of keeping dogs and create offences for non-compliance.

Effect – to repeal existing Dogs Local Law 2007 and provide for the controls of dogs within the district and impose penalties for non-compliance.

The local law complies with recent legislative changes relating to assistance animals and some specific control measures required of owners. It does not prescribe the requirements for kennels, but does permit the flexibility for kennels to be approved under the Dog Act s.27 at Council's discretion.

The statutory process is the same for making, amending or revoking a local law -

- Local public notice inviting public comment – minimum of 6 weeks.
- During this time, submit to Dept of Local Government.
- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- Final adoption of the amendment local law by Council.
- Publication in the Government Gazette.
- Local public notice to be given of the adoption, publication and commencement date of the local law.
- Submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the draft until after it has been formally adopted, Gazetted etc.

## **CONSULTATION:**

Niel Mitchell, Consultant.

## **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*  
 - s.3.12 – *Procedure for making local laws*

## **POLICY IMPLICATIONS:**

Nil.

## **FINANCIAL IMPLICATIONS:**

Minor costs associated with advertising.

## **RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
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Outdated requirements potentially resulting in enforcement being inconsistent with legislation.	Medium.	Staff awareness of resultant changes in the new local law.
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## **STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.2 An efficient and effective organisation.

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

## **VOTING REQUIREMENTS:**

Simple Majority

## **OFFICER RECOMMENDATION:**

That Council:

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Dogs Local Law 2021 –

Purpose – to make provisions about the impounding, the number that may be kept on premises, the manner of keeping dogs and create offences for non-compliance.

Effect – to repeal existing Dogs Local Law 2007 and provide for the controls of dogs within the district and impose penalties for non-compliance.

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Dogs Local Law 2021.

## **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-50</b>
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**Moved: Cr K Mader**

**Seconded: Cr I Baird**

**That Council:**

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Dogs Local Law 2021 –

**Purpose – to make provisions about the impounding, the number that may be kept on premises, the manner of keeping dogs and create offences for non-compliance.**

**Effect – to repeal existing Dogs Local Law 2007 and provide for the controls of dogs within the district and impose penalties for non-compliance.**

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Dogs Local Law 2021.

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.5</b>	<b>Cemeteries Local Law 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>12 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. 210812 Cemetery v 2 [12.2.5.1 - 11 pages]

### **SUMMARY:**

This matter was considered as part of the 2021 Local Laws Review presented and adopted by Council at the Ordinary Council Meeting held 27 May 2021.

### **BACKGROUND:**

This local law is to adopt a new local law.

This agenda item is the commencement of the statutory process to do so.

### **COMMENT:**

The Local Government Act requires the following statements –

Purpose – to provide for the management of cemeteries within the district and create offences for non-compliance.

Effect – to provide for the management and control of cemeteries.

While having its origin in the WA Local Government Association model, this local law is very different to that model and all other cemetery local laws known. The reason for this is that the intention of the local law –

- ☐ is not to regulate burials, other than a near irreducible minimum, and control interment of ashes to a very limited extent,
- ☐ but to manage behaviour within cemeteries. to protect the gravesites, headstones etc, and to give Council the legal basis to infringe or prosecute those responsible for damage etc.
- ☐

- Accordingly, many of the provisions usually found in a cemetery local law have either been removed entirely or cut down to very abbreviated statements that allow for Council to adopt a policy if necessary and when required. This policy would then instruct staff on the requirements or standards for approval of the matter applied for and gives Council the discretion to vary these if appropriate.
- 
- There are a number of matters that Council should be aware of –
- Definitions – the term “Board” is used since the Cemeteries Act applies not just to local governments that have responsibilities for cemeteries but also to a number of independent Boards such as the Metropolitan Cemeteries Board and others. Accordingly, the Act and the draft local law use the following definitions that need some explanation –
  - o Board – used the same way as the term “local government” is in other local laws. It means the organisation, so that where a matter must be reported on it means hand it in at the front counter or submit by email etc. However, where a decision is required, consistent with Dept of Local Government Guidelines, it should be read as being the highest possible decision making level, which is the Council. However, in line with the Guidelines these decisions can be delegated to the CEO unless specified. This is consistent with clause 1.3 of the draft local law where all matters have been delegated to the CEO unless specified, or otherwise instructed by Council.
  - o By resolution of the Board – in effect, this term means the Council at a meeting, and the decision cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session, and is not to be interpreted as being able to be delegated to CEO, nor to mean the organisation.
  - o Council, CEO or other specific position – can’t be removed from that position or role, nor over-ridden.
  - o Authorised person – an authorised person’s function and powers are defined by the local law and is not to be confused with a delegation. A delegation relates to decision, whereas and authorisation relates to an action. The CEO may delegate power to a senior staff member to make decisions, but this does not include acting as an authorised person to issue infringements (as an example).
- All cemeteries are now closed to burials, but some are still listed as cemetery reserves, and some are listed by Landgate as historic cemeteries. The effect is the same.

- o Burials are no longer permitted, except with the approval of the Minister for Local Government in accordance with the Cemeteries Act, and so there is still some possibility of a burial being permitted, although provably very low. Accordingly, there is provision that by resolution of the Board, the requirements and standards for such a burial can be adopted when needed. If they are needed, one option would be to adopt the provisions of another local government's Cemetery Local Law as the policy, and this then becomes the instructions to staff concerning the requirements.
- o Abbreviated requirements for interment of ashes apply, and provisions are included separating the two cemetery reserves (Menzies and Kookynie) from the 11 historic cemeteries.
- o Similarly, provisions for headstones, plaques etc are removed, and can be adopted by resolution of the Board if necessary.
- Penalties – the level of both general penalty and modified penalties permitted under the Act are pathetic and constitute next to no level of deterrent at all. The draft local law suggests the maximum penalties allowed under the Act, with the exception of the daily penalty upon conviction. This could be increased from a maximum of \$20 per day to a maximum \$50 per day if desired. Following prosecution, this could amount to a sizeable sum if non-compliance continues for an extended period. The daily penalty would be set by the Court in the event of a successful prosecution.
- Liability for damage, notice to correct and undertaking remedial works – clauses 8.6, 8.7 and 8.8 are the real power of the Council where damage has occurred. Similar to an infringement notice or a prosecution, this also relies on knowing the identity of the offender. These clauses allow Council, where the offender is known to –
  - o Issue a notice to repair, pay for repairs or carry out works needed for compliance with the local law. Generally, if there is damage, it is suggested that paying for reinstatement or repairs is most appropriate as Council would then control the standard of works, but if in the case of a non-complying headstone or plaque, there is no reason why Council needs to be involved.
  - o If the recipient of the notice does not comply with the notice, they can be infringed or prosecuted.
  - o Council may carry out the works and recover the cost as a debt, applying interest to the outstanding amount if necessary, or taking legal action. This is consistent with the provisions of the Local Government Act s.3.25 and 3.26 in relation to notices issued concerning Schedule 3.1 matters.

The statutory process is the same for making, amending or revoking a local law -

- Local public notice inviting public comment – minimum of 6 weeks.
- During this time, submit to Dept of Local Government.
- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- final adoption of the amendment local law by Council.
- publication in the Government Gazette.
- local public notice to be given of the adoption, publication and commencement date of the local law.
- submission all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for their review.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the draft until after it has been formally adopted, Gazetted etc.

#### **CONSULTATION:**

Niel Mitchell, Consultant.

#### **STATUTORY AUTHORITY:**

*Local Government Act 1995 –*  
 - s.3.12 – *Procedure for making local laws*

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Minor costs associated with advertising.

#### **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Management of burials in a cemetery permitted by the Minister.	Very Low	Council to approve requirements for a burial if necessary.
Management of internment of ashes.	Low.	Basic provisions included in draft local law. Council has discretion to approve additional or alternative arrangements.
Management of memorials etc.	Low.	Basic provisions included in draft local law. Council has discretion to approve additional or alternative arrangements.
Inappropriate behaviour, damage to plants, memorials etc.	Medium.	Provisions for remedial action and cost recovery included in local law.

#### **STRATEGIC IMPLICATIONS:**

1.1 An engaged and inclusive community.

1.1.3 Provide, maintain and improve community facilities.

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

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

4.2 An efficient and effective organisation.

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

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER RECOMMENDATION:**

That Council;

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Cemeteries Local Law 2021 –

Purpose – to provide for the management of cemeteries within the district and create offences for non-compliance.

Effect – to provide for the management and control of cemeteries.

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Cemeteries Local Law 2021.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-51</b>
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**Moved: Cr J Dwyer**

**Seconded: Cr I Baird**

**That Council;**

1. In accordance with section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make a Cemeteries Local Law 2021 –

Purpose – to provide for the management of cemeteries within the district and create offences for non-compliance.

Effect – to provide for the management and control of cemeteries.

2. Provide copies, in accordance with section 3.12 (3) of the Local Government Act, to the Minister for Local Government and any other person requesting it, of the proposed Cemeteries Local Law 2021.

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.6</b>	<b>Public health and wellbeing plan 2021-2025</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>03 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. Draft Shire of Menzies Public Health Plan Report 24 th August 2021 [ <b>12.2.6.1</b> - 14 pages]

#### **SUMMARY:**

Council engaged the services of Mr Llew Withers in late 2018 to undertake the preparation of Councils Public Health Plan. Unfortunately Covid-19 delayed preparation of this plan to this point.

#### **BACKGROUND:**

The State Government through the new Public Health Act 2016 requires that each local authority produce a public health plan that applies to its district. The requirement to produce the plan comes into effect two years after the Public Health Act 2016 is finalised. That is the State is currently transitioning between the Health Act 1911 and new Public Health Act 2016 which, when completed, will require the individual public health plans to be completed within two years.

Council engaged Mr Withers in an effort to beat the rush for consultants as there are very few working in this field currently. The WA Health Department is aware that many local governments are developing their local plans before the Public Health Act 2016 is finalised and is highly supportive of this occurring.

#### **COMMENT:**

The local plan is required to be consistent with the State Public Health Plan whilst responding to local public health risks and must:

- Identify the public health needs of the local government district.
- Include an examination of data relating to health status and health determinants in the local government district.

- Establish objectives and policy priorities for the promotion and protection of public health in the local government district.
- Describe the development and delivery of public health services in the local government district, and
- Include a report on the local governments performance of its functions under the Act.

Mr Withers has met with previous Council management a number of times while arranging consultation surveys, assessing responses and preparing the plan.

#### **CONSULTATION:**

Consultation was carried out in accordance with requirements.

#### **STATUTORY AUTHORITY:**

*Public Health Act 2016.*

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Nil immediate.

#### **RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

#### **STRATEGIC IMPLICATIONS:**

1.1 An engaged and inclusive community.

1.1.2 Welcoming to all residents, strengthen community cohesiveness and participation.

1.2 A healthy and safe community.

1.2.3 Support community health and wellbeing initiatives.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. Endorse the Shire of Menzies Public Health and Wellbeing Plan 2021 – 2025; and
2. Submit a copy of the Shire of Menzies Public Health and Wellbeing Plan to the Health Department of WA, Director Environmental Health, Dr Michael Lindsay.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-52</b>
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**Moved: Cr J Dwyer**

**Seconded: Cr K Mader**

That Council:

1. **Endorse the Shire of Menzies Public Health and Wellbeing Plan 2021 – 2025; and**
2. **Submit a copy of the Shire of Menzies Public Health and Wellbeing Plan to the Health Department of WA, Director Environmental Health, Dr Michael Lindsay.**

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.7</b>	<b>Unconfirmed GVROC Council meeting minutes July 2021</b>	
<b>LOCATION</b>	<b>Shire of Menzies</b>	
<b>APPLICANT</b>	<b>Internal</b>	
<b>DOCUMENT REF</b>	<b>SS</b>	
<b>DATE OF REPORT</b>	<b>03 August 2021</b>	
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>	
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>	
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. Unconfirmed Minutes GVROC Council Meeting 30 07 21 [<b>12.2.7.1</b> - 24 pages]</li> <li>2. Action Sheet GVROC Meeting 30 July 2021 [<b>12.2.7.2</b> - 2 pages]</li> </ol>	

#### **SUMMARY:**

This item recommends Council accepts the unconfirmed Minutes from the GVROC meetings of 29 July 2021.

#### **BACKGROUND:**

The Shire of Menzies is a member of the Goldfields Voluntary Regional Organisation of Councils (GVROC).

The unconfirmed minutes of each of the meetings are attached for Councillor information.

#### **COMMENT:**

The GVROC secretariat does not provide confirmed Minutes of the Meetings. Members are advised if the Minutes are amended at any future meetings.

Significant changes to the confirmed minutes will be provided to Council.

#### **CONSULTATION:**

Nil.

#### **STATUTORY AUTHORITY:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Council pays membership fees to the GVROC and contributes to projects organised by the NGWG.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council Accepts the unconfirmed Minutes from the GVROC meetings of 29 July 2021.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-53</b>
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**Moved:**        **Cr J Dwyer**

**Seconded:**        **Cr K Mader**

**That Council Accepts the unconfirmed Minutes from the GVROC meetings of 29 July 2021.**

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.8</b>	<b>RFT 03/21 Unsealed Road Maintenance Grading Tender</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>05 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. CONFIDENTIAL - Menzies RFT 03-2021 Unsealed Road Grading Tender Confidential Tender Assessment Report ( Ver 2) [ <b>12.2.8.1</b> - 20 pages]

### **SUMMARY:**

RFT 03/21 was issued for unsealed road maintenance grading and, if requested, minor road works. This paper nominates a preferred tenderer for Council approval.

### **BACKGROUND:**

Council operational budgets for FY 2021/22 include allocations for grading and maintenance of gravel roads that are not maintained by internal Shire staff. In general, the roads included are those that are east of the Goldfields Highway.

Tenders were advertised on 19 June 2021 and closed on 06 July 2021.

Four (4) tenders were received and opened in the presence of Brian Joiner (CEO), Garth Marland (Works Manager) and Bruce Lorimer (Consultant). The tenders were received from:

- Lambron Contracting Pty Ltd.
- Leschenault Excavations Pty Ltd.
- Northern Goldfields Earthmoving.
- Remote Civils Australia.

### **COMMENT:**

Tenders were assessed by Brian Joiner (CEO), Garth Marland (Works Manager) and Bruce Lorimer (Consultant).

The detailed evaluation report and assessment summary form a confidential attachment to this report.

The tender assessment panel assessed each tender in relation to the following:

- Compliance with the Condition of Tendering (Compliance Criteria);
- Responses provided addressing the Qualitative Criteria set out in the Request for Tender (Qualitative Criteria); and
- Price (Price Criteria).

One tender was assessed as non-compliant as no Form of Tender was submitted. The other three (3) tenders were assessed as compliant.

The qualitative criteria for the assessment was:

Qualitative Criteria	Weighting
Relevant Experience	20%
Key Personnel	10%
Resources	10%
Work Health & Safety Management	10%
Quality Management	10%

Respondents were required to complete a 'price schedule' with the final basis of the tender being the schedule of rates. Indicative hours for each machine/personnel/activity were applied to come up with a total indicative cost of works.

Raw price scores were then scaled to take into account a Price weighting of 40%.

A regional price preference was available however none of the respondents qualified.

The following overall scores were achieved by the respondents:

Tenderer	Conforming	Relevant experience 20%	Key Personnel 10%	Tenderers Resources 10%	WH&S 10%	Quality Management 10%	Price 40%	Total Score out of 5	Rank
Lambron	Yes	0.47	0.25	0.20	0.22	0.18	2.00	3.32	1
2	Yes	0.63	0.30	0.30	0.30	0.32	0.63	2.48	2
3	Yes	0.60	0.23	0.33	0.28	0.22	0.00	1.67	3
4	No	-	-	-	-	-	-	-	-

From the panel assessment, Lambron Contracting Pty Ltd was determined to be the most suitable respondent.

## CONSULTATION:

Garth Marland, Works Manager.  
Bruce Lorimer, Consultant.

## STATUTORY AUTHORITY:

*Local Government (Functions and General) Regulations Reg. 11(2)(C) and Reg, 18(4) and Reg. 20(1).*

*Local Government Act 1995 s5.42 Delegation of powers and duties to the Chief Executive Officer.*



**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Operational maintenance of unsealed roads is incorporated in the 2021/22 FY budgets. Works is allocated to the preferred tenderer to remain within the budgets.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Expenditure exceeds allocated operational budget.	Medium.	Works manager overseeing allocation of works. Works schedules provided in advance.

**STRATEGIC IMPLICATIONS:**

1.1 An engaged and inclusive community.

1.1.3 Provide, maintain and improve community facilities.

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

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

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council:

1. Award tender RFT 03/21 Unsealed Road Maintenance Grading and (if requested) Minor Works, to Lambron Contracting Pty Ltd in accordance with the tendered schedule of rates; and

2. Delegates formation of the contract to the Chief Executive Officer in accordance with the tendered schedule of rates subject to any variations of a minor nature.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-54</b>
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**Moved: Cr J Dwyer**

**Seconded: Cr K Mader**

**That Council:**

1. **Award tender RFT 03/21 Unsealed Road Maintenance Grading and (if requested) Minor Works, to Lambron Contracting Pty Ltd in accordance with the tendered schedule of rates; and**
2. **Delegates formation of the contract to the Chief Executive Officer in accordance with the tendered schedule of rates subject to any variations of a minor nature.**

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.9</b>	<b>Tourism development strategy and destination marketing plan</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>09 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

To obtain budget allocation for the development of a Tourism Development Strategy and Destination Marketing Plan.

### **BACKGROUND:**

The Shire of Menzies has an economy predominantly based on mining. However, it is one of the few local government areas within the Goldfields that has a world class tourism showpiece through the Lake Ballard sculptures.

A concept has been developed to provide an innovative tourism strategy that focuses on attracting world class artists and their work to Menzies and surrounding areas.

By developing a tourism strategy that embraces the treasures the Shire of Menzies has on its doorstep, and further developing the connection of art and environment, the area will have a unique selling point that will attract visitors from across the globe.

The proposal is for:

- Tourism Development Strategy – research and development of a 4-year tourism strategy.
- Destination Marketing Plan – Research and development of a 4-year marketing plan.
- New Initiative Project Plans – Write and design project plans for each new initiative.

### **COMMENT:**

The Shire of Menzies is ideally situated to improve its tourist visitation. Without a strategy and plan the Shire risks wasting resources through ill-conceived ideas.

There is common agreement that leveraging off the Lake Ballard sculptures is a way that the Shire can grow tourism without similar initiatives elsewhere. Other places

with greater tourist potential within the Shire include Niagara Dam and historic townships, to name a few.

Development of the strategy and plan allows the community to be involved in having a say towards tourism growth in the future.

**CONSULTATION:**

N/A

**STATUTORY AUTHORITY:**

N/A

**POLICY IMPLICATIONS:**

N/A

**FINANCIAL IMPLICATIONS:**

Total cost is \$47,500 ex GST. An allocation of \$47,500 to GL 2130287 TOUR – Other expenses is required from operating surplus is required thereby reducing budgeted return to Reserves. It is anticipated that cost savings in other areas will be made over the year, negating any impact.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

**STRATEGIC IMPLICATIONS:**

2.1 An innovative, diverse and prosperous economy.

2.1.1 Support local business and encourage further investment in the district.

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

2.2 An attractive destination for visitors.

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

2.2.2 Maintain and enhance our local attractions.

2.2.3 Continue to provide and maintain visitor support services.

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council Approve a funding allocation of \$47,500 ex GST to GL 2130287 TOUR – Other Expenses.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-55</b>
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**Moved:**        **Cr J Dwyer**

**Seconded:**        **Cr K Mader**

**That Council Approve a funding allocation of \$47,500 ex GST to GL 2130287 TOUR – Other Expenses.**

<b>Carried</b>	<b>5 / 0</b>
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<b>12.2.10</b>	<b>Oak Valley Road - Tjuntjuntjara Access</b>
<b>LOCATION</b>	<b>Tjuntjuntjara</b>
<b>APPLICANT</b>	<b>External</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>13 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

To provide Council with a request from Paupiyala Tjarutja Aboriginal Corporation (PTAC) for funding of a maintenance grade of Oak Valley Road.

### **BACKGROUND:**

The Shire of Menzies receives funding from the State and federal Governments to maintain the access road into the Tjuntjuntjara Community. RFT 02/21 was awarded on 06 May 2021 for \$627,002 for upgrades and repairs to the Tjuntjuntjara Access Road. Due to contractor availability, this work is only just commencing.

For the remainder of this FY there is another \$702,669 of funding for works on the Access Road consisting of RRG, R2R and Council funds. An RFT is shortly to be issued for this work.

PTAC has requested support from Council of \$100,000 to conduct a maintenance grade on the Oak Valley Road which provides access to the community from the east. The Oak Valley Road is 191km long to the point where it crosses the South Australian border.

### **COMMENT:**

The Oak Valley Road is not on the Shire's inventory and is not deemed a significant road. As such, it is not eligible for RRG funding. R2R funding might be available to use, on application to the Department of Infrastructure. Shire funding currently allocated to the Tjuntjuntjara Access Road is a co-contribution amount to RRG and R2R works. Shire funding of works on the Oak Valley Road would have to be as a co-contribution or as a separate budget allocation.

The Tjuntjuntjara Access Road is the primary access road to the community and an application for any special funding from the WA Government under schemes covering 'orphan roads' would need a compelling business case.

Although the Tjuntjuntjara Access Road is the primary access road, the community's food supplies come in via the Oak Valley Road. PTAC has advised that the haulage contractor will cease deliveries if the road is not improved. Although the road distance to Kalgoorlie is shorter the community has existing contracts in place for supply and delivery of essential supplies from South Australia.

**CONSULTATION:**

Moray Ralph, CEO PTAC.

**STATUTORY AUTHORITY:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Reduction of \$100,000 from GL 4120146 – Tjuntjuntjara Access Road (R2R) to a new GL for the Oak Valley Road. Reallocation only with no impact on budget position.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

**STRATEGIC IMPLICATIONS:**

1.1 An engaged and inclusive community.

1.1.3 Provide, maintain and improve community facilities.

1.2 A healthy and safe community.

1.2.1 Support provision of emergency and essential services.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council Approve:

1. An application to the Department of Infrastructure to allocate \$100,000 of R2R funding to the Oak Valley Road; and
2. Reducing GL 4120146 by \$100,000 and creating a new GL with a budget of \$100,000 for the Oak Valley Road works.

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-56</b>
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**Moved:**        **Cr J Dwyer**

**Seconded:**    **Cr I Baird**

**That Council Approve an operational expenditure donation of \$30,000 to PTAC for maintenance on the Oak Valley Road.**

<b>Carried</b>	<b>5 / 0</b>
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Reason: Co-contribution to the same amount as Pila Nguru Aboriginal Corporation.



<b>12.2.11</b>	<b>Shire of Menzies Local Planning Strategy and Local Planning Scheme No 2</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>13 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"> <li>1. Schedule of Submissions [<b>12.2.11.1</b> - 2 pages]</li> <li>2. Received submissions [<b>12.2.11.2</b> - 4 pages]</li> <li>3. Schedule of Modifications [<b>12.2.11.3</b> - 1 page]</li> </ol>

## **SUMMARY:**

Council resolved at its 25 June 2020 meeting to adopt draft Shire of Menzies Local Planning Scheme No.2 and draft Shire of Menzies Local Planning Strategy for the purpose of advertising. The advertising period has now been completed and this report recommends that Council resolve to adopt the reviewed Scheme and Strategy subject to modifications arising from the submissions received during the advertising period, and forward them to the Western Australian Planning Commissions ('WAPC') seeking final approval.

## **BACKGROUND:**

A local planning scheme is a Shire's statutory planning document that establishes zones and establishes controls for the development of land. The current Shire of Menzies Local Planning Scheme No.1 was gazetted on 13 June 2003 and required review to ensure the Shire's statutory planning document was consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations').

The Regulations introduced a standardised state-wide template for the layout of Local Planning Schemes and the Shire's current Scheme No.1 required updating to ensure it was consistent with legislation. The review of the Scheme will ensure it remains contemporary and is also more robust to challenge in the event that Council finds itself subject to appeal.

The Shire of Menzies does not have a local planning strategy, this is a Shire's strategic planning document that provides much of the strategic background and explanatory reasoning for the scheme, and sets a vision for the Shire's planning aims for the next 10-15 year period.

Council resolved at its 27 July 2017 meeting to prepare a new Local Planning Scheme and Local Planning Strategy and subsequently resolved at its 30 November 2017 meeting to accept the quote from Urbis to prepare the new documents.

Council resolved at its 31 May 2018 meeting to receive the draft Local Planning Scheme and Local Planning Strategy in preparation for public consultation to be held at a date to be set and advise the CEO of matters for consideration prior to public consultation.

Since that time Shire staff liaised with the Department of Planning, Lands and Heritage regarding the format for the documents to meet statutory requirements.

A copy of the updated draft Shire of Menzies Local Planning Scheme No.2 (text and maps) was provided with the 26 June 2020 Council Agenda for consideration and a copy of the advertised Scheme is provided at <https://www.menzies.wa.gov.au/council-meetings/ordinary-council-meeting/ordinary-council-meeting-26-august-2021/123> (Note: an inline attachment has not been provided due to file size).

A copy of the advertised draft Shire of Menzies Local Planning Strategy been provided at <https://www.menzies.wa.gov.au/council-meetings/ordinary-council-meeting/ordinary-council-meeting-26-august-2021/123> (Note: an inline attachment has not been provided due to file size).

For comparative purposes the current Shire of Menzies Local Planning Scheme No.1 can be viewed at the following link to the Department of Planning, Lands & Heritage website:

<https://www.dplh.wa.gov.au/menzies>

#### **COMMENT:**

Draft Scheme No.2 does not represent a major overhauling of the existing Scheme No.1, rather a fine-tuning exercise with changes generally limited to the following:

- Updating the Scheme Text provisions to reference those as contained in the Regulations to ensure consistency and assist Council in statutory matters.
- Reconciling omissions and anomalies in the Scheme Text provisions.
- Inserting into the Zoning Table and Schedules the updated and standardised land use definitions as contained in the Regulations and the current Regulations review.
- Standardising the zonings upon the Scheme Map and their corresponding objectives in the Scheme Text with those in the Regulations.
- Minor modifications to the Scheme Maps around the Menzies townsite to correct land use anomalies and align with directions of the Strategy.

Council resolved at its 25 June 2020 meeting as follows:

*“That Council resolve to:*

- 1 Adopt Shire of Menzies Local Planning Scheme No.2 pursuant to Part 5 of the Planning and Development Act 2005 and forward, in accordance with Part 5*

- Division 3 Section 81 of the Planning and Development Act 2005, notice of the resolution to adopt and a copy of the Scheme to the Environmental Protection Authority to determine whether the Scheme should be formally assessed.*
- 2 Forward the Shire of Menzies Local Planning Scheme No.2, in accordance with Part 4 Division 2 Section 21 of the Planning and Development (Local Planning Schemes) Regulations 2015, to the Western Australian Planning Commission seeking its consent to advertise.*
  - 3 Adopt the Shire of Menzies Local Planning Strategy for advertising.*
  - 4 Forward a copy of the draft Shire of Menzies Local Planning Strategy to the Western Australian Planning Commission in accordance with Part 3 Regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015, and request consent for advertising of the Strategy for an extended period of 90 days (to enable concurrent advertising with the Scheme).*
  - 5 Delegate to the Chief Executive Officer to undertake minor modifications to the Shire of Menzies Local Planning Scheme No.2 and Local Planning Strategy that do not significantly alter the intent (including but not limited to; changes to format, spelling, grammar, numbering, drafting corrections; Model or Deemed provisions; updates necessitated by documents endorsed/adopted by either Council or the Commission in the interim period etc.) as may be required by the Western Australian Planning Commission or otherwise prior to its advertising consent being granted.*
  - 6 Upon receipt of the Western Australian Planning Commission's advice that the Shire of Menzies Local Planning Scheme No.2 and Local Planning Strategy can be advertised, and compliance with Part 5 Division 3 Section 82 of the Planning and Development Act 2005, proceed to advertise the Scheme in accordance with Part 4 Division 2 Section 22 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Strategy in accordance with Part 3 Regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
  - 7 At the conclusion of the advertising period return the draft Shire of Menzies Local Planning Scheme No.2 and Local Planning Strategy, and any received submissions, to Council for its further consideration.*
  - 8 Not proceed with Scheme Amendment No.9 to Scheme No.1 as this has been superseded by the preparation of a new Scheme and advise the Western Australian Planning Commission of this pursuant to Part 5 Division 2 clause 37(5) of the Planning and Development (Local Planning Schemes) Regulations 2015."*

Scheme No.2 was subsequently forwarded to the Environmental Protection Authority ('EPA') who determined on 5 August 2020 that it should not be assessed under Part IV of the *Environmental Protection Act 1986* and the Shire advised the WAPC of the EPA's determination and requested the WAPC's consent to advertise Scheme No.2 and the Strategy.

The WAPC liaised with the Shire regarding some requested modifications intended to align the draft Scheme with the WAPC's Regulations review, these were considered by the Shire to be minor in nature and were agreed to and undertaken. The WAPC then advised on 16 March 2021 of its consent to advertise Scheme No.2 and the Strategy.

## CONSULTATION:

The draft Scheme No.2 and Strategy were advertised as per Section 84 of the Act and Part 3 Regulations 13 and 22 of the Regulations for a period of 97 days, commencing on 27 March 2021 and concluding on 2 July 2021, and the advertising included the following actions:

- display of the Scheme and Strategy at the Shire office;
- display of the Scheme and Strategy at the WAPC office in Perth;
- display of the Scheme and Strategy on the Shire website;
- notice inviting comment in the Kalgoorlie Miner on 27 March 2021;
- correspondence inviting comment being sent to the following 32 state government agencies, neighbouring local governments and interested parties:
  - ATCO Gas;
  - Australian Gas Infrastructure Group;
  - Cooperative Bulk Handling;
  - Department of Biodiversity, Conservation and Attractions;
  - Department of Communities;
  - Department of Education;
  - Department of Finance;
  - Department of Fire & Emergency Services;
  - Department of Health;
  - Department of Jobs, Tourism, Science and Innovation;
  - Department of Lands;
  - Department of Local Government, Sport and Cultural Industries;
  - Department of Mines, Industry Regulation and Safety;
  - Department of Planning, Lands and Heritage;
  - Department of Primary Industries and Regional Development;
  - Department of Transport;
  - Department of Water and Environment Regulation;
  - Development WA;
  - Horizon Power;
  - Housing Authority;
  - Goldfields-Esperance Development Commission;
  - Land Information Authority Western Australia (Landgate);
  - Shire of Coolgardie;
  - Shire of Laverton;
  - Shire of Leonora;
  - Shire of Sandstone;
  - Shire of Yilgarn;
  - Main Roads WA;
  - Telstra;
  - Water Corporation;
  - Western Power.

At the conclusion of the advertising period 4 submissions had been received, all seeking only minor modifications to the Scheme.

A Schedule of Submissions has been provided as **Attachment 12.2.11.1** that identifies the respondents, the nature of their submissions, and provides individual comment and recommends a modification to the Scheme based upon the

submissions (if considered required). Regulations 14(3) and 28(1)(a) require that the Schedule of Submissions is forwarded to the WAPC with Council's resolution.

Copies of the submissions received have been provided as **Attachment 12.2.11.2**.

A Schedule of Modifications is also required to be prepared by Shire staff following Council's determination. The Schedule of Modifications will draw upon the individual recommendations of the Schedule of Submissions, and any required Council modifications and will list the suggested changes to the Scheme. Regulations 13(c) and 28(1)(c) require that the Schedule of Modifications is forwarded to the WAPC with Council's resolution.

A copy of the draft Schedule of Modifications has been provided as **Attachment 12.2.12.3**.

### **STATUTORY AUTHORITY:**

Section 88 of the *Planning and Development Act 2005* ('the Act') requires Local Governments to review their planning scheme every 5 years. Schemes are prepared and adopted under Part 5 of the Act and in compliance with the Regulations.

Regulations 11(1) and 11(2) of the Regulations requires that:

- "(1) A local government must prepare a local planning strategy in accordance with this Part for each local planning scheme that is approved for land within the district of the local government.*
- (2) A local planning strategy must —*
- (a) set out the long-term planning directions for the local government; and*
  - (b) apply any State or regional planning policy that is relevant to the strategy; and*
  - (c) provide the rationale for any zoning or classification of land under the local planning scheme."*

Regulations 11(1) and 11(2) require that:

- "(3) A local planning strategy may be prepared concurrently with the local planning scheme to which it relates."*

With the conclusion of the advertising period Council can now consider the submissions received and, if satisfied, subsequently forward the Scheme and Strategy to the WAPC, with or without request for modification to the advertised version. The WAPC and Minister for Planning may then resolve to either:

- approve Scheme No.2 and/or the Strategy; or
- require modification to Scheme No.2 and/or the Strategy; or
- refuse Scheme No.2 and/or the Strategy.

### **POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**RISK ASSESSMENT:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
N/A		

**STRATEGIC IMPLICATIONS:**

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

4.1.3 Encourage and support community engagement and collaboration.

4.2 An efficient and effective organisation.

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council Resolve to:

1. Note the submissions received during the formal advertising period of the draft Shire of Menzies Local Planning Scheme No.2 and Shire of Menzies Local Planning Strategy as outlined in the Schedule of Submissions provided as Attachment 12.3.2(c) pursuant to Regulations 14 and 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Adopt Shire of Menzies Local Planning Scheme No.2 pursuant to Regulation 25 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the modifications as outlined in the recommendations of the Schedule of Submissions and instruct Shire staff to accordingly prepare the Schedule of Modifications pursuant to Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

3. Adopt the Shire of Menzies Local Planning Strategy pursuant to Regulation 14 of the Planning and Development (Local Planning Schemes) Regulations 2015 without modification.
4. Forward to the Western Australian Planning Commission the following, pursuant to Section 87 of the *Planning and Development Act 2005* and Regulations 14 and 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - (a) Notice of Council's resolution to adopt Shire of Menzies Local Scheme No.2 and Shire of Menzies Local Planning Strategy;
  - (b) Schedule of Submissions made on Shire of Menzies Local Scheme No.2 and Shire of Menzies Local Planning Strategy;
  - (c) Schedule of Modifications made to Shire of Menzies Local Scheme No.2.
5. Request the Minister for Planning grant final approval to Shire of Menzies Local Planning Scheme No.2 and Shire of Menzies Local Planning Strategy.
6. Inform those parties who made a submission of its resolution.

#### **COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-57</b>
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**Moved: Cr J Dwyer**

**Seconded: Cr K Mader**

#### **That Council Resolve to:**

1. **Note the submissions received during the formal advertising period of the draft Shire of Menzies Local Planning Scheme No.2 and Shire of Menzies Local Planning Strategy as outlined in the Schedule of Submissions provided as Attachment 12.3.2(c) pursuant to Regulations 14 and 25 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
2. **Adopt Shire of Menzies Local Planning Scheme No.2 pursuant to Regulation 25 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the modifications as outlined in the recommendations of the Schedule of Submissions and instruct Shire staff to accordingly prepare the Schedule of Modifications pursuant to Regulation 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
3. **Adopt the Shire of Menzies Local Planning Strategy pursuant to Regulation 14 of the Planning and Development (Local Planning Schemes) Regulations 2015 without modification.**

4. Forward to the Western Australian Planning Commission the following, pursuant to Section 87 of the *Planning and Development Act 2005* and Regulations 14 and 28 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - (a) Notice of Council's resolution to adopt Shire of Menzies Local Scheme No.2 and Shire of Menzies Local Planning Strategy;
  - (b) Schedule of Submissions made on Shire of Menzies Local Scheme No.2 and Shire of Menzies Local Planning Strategy;
  - (c) Schedule of Modifications made to Shire of Menzies Local Scheme No.2.
5. Request the Minister for Planning grant final approval to Shire of Menzies Local Planning Scheme No.2 and Shire of Menzies Local Planning Strategy.
6. Inform those parties who made a submission of its resolution.

Carried	5 / 0
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## 13 INFORMATION REPORTS

### OFFICER RECOMMENDATION:

That Council receive the information reports en bloc.

### COUNCIL DECISION:

<b>Council Resolution Number:</b>	<b>CM-58</b>
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**Moved:** Cr J Dwyer

**Seconded:** Cr K Mader

That Council receive the information reports en bloc.

<b>Carried</b>	<b>5 / 0</b>
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<b>13.1</b>	<b>Actions performed under delegation for July 2021</b>	
<b>LOCATION</b>	<b>Shire of Menzies</b>	
<b>APPLICANT</b>	<b>Internal</b>	
<b>DOCUMENT REF</b>	<b>SS</b>	
<b>DATE OF REPORT</b>	<b>12 July 2021</b>	
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>	
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>	
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>	
<b>ATTACHMENT</b>	<ol style="list-style-type: none"><li>1. MGK Resources - L 29 154 [<b>13.1.1</b> - 3 pages]</li><li>2. Toucan Gold Pty Ltd L 29 155 [<b>13.1.2</b> - 4 pages]</li><li>3. Ardea Exploration Pty Ltd M 29 423 [<b>13.1.3</b> - 4 pages]</li><li>4. Coxsrocks Pty Ltd and Nexus Mt Celia Pty Ltd M 31 495 [<b>13.1.4</b> - 3 pages]</li></ol>	

### SUMMARY:

To report to the Council actions performed under delegated authority for the month of June 2021.

### COMMENT:

To increase transparency this report has been prepared for the Council to identify all actions performed under delegated authority for:

- Bushfire
- Common Seal
- Planning Approvals
- Building Permits
- Health Approvals
- Ranger Related Issues
- Mining / Exploration / Miscellaneous Applications

### **Bushfire**

The following decisions were undertaken by the Shire of Menzies pursuant to the Bushfire matters for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Common Seal**

The following decisions were undertaken by the Shire of Menzies pursuant to the Common Seal for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Planning Approvals**

The following decisions were undertaken by the Shire of Menzies pursuant to the Planning applications for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Health Approvals**

The following decisions were undertaken by the Shire of Menzies pursuant to Health approvals for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Building Permits (including Septic Tank approvals)**

The following decisions were undertaken by the Shire of Menzies pursuant to Building Permits (including Septic Tank approvals) for the month.

<b>Date of decision</b>	<b>Decision ref:</b>	<b>Decision details</b>	<b>Applicant</b>	<b>Other affected person(s)</b>

### **Ranger Related Dog Issues**

The following decisions were undertaken by the Shire of Menzies pursuant to Ranger related dog issues for the month.

<b><i>Date of decision</i></b>	<b><i>Decision ref:</i></b>	<b><i>Decision details</i></b>	<b><i>Applicant</i></b>	<b><i>Other affected person(s)</i></b>

### **Applications**

The following Mining/Prospecting/Exploration/Miscellaneous Applications were made for the month of January 2021.

<b>Applicant Name</b>	<b>Application Type</b>	<b>Application Details</b>
MGK Resources	Miscellaneous	L29/154
Toucan Gold Pty Ltd	Miscellaneous	L29/155
Ardea Exploration Pty Ltd	Mining	M29/423
Coxsrocks Pty Ltd and Nexus Mt Celia Pty Ltd	Mining	M31/495

<b>13.2</b>	<b>EHO report for July 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>04 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

To advise the council of the activities of the Environmental Health Officer / Building Surveyor for the month of July 2021.

### **BACKGROUND:**

The Environmental Health Officer / Building Surveyor undertakes inspections in the Shire of Menzies in relation to legislative requirements as set out in the Public Health Act 2016, Building Act 2011 and associated regulations.

### **COMMENT:**

The following is a report of the monthly activities extracted from the report to the Chief Executive Officer from David Hadden, Environmental Health Officer / Building Surveyor.

#### **Building:**

No building permits were processed during the month.

Reported to DMIRS on number of private pool barriers inspected in the last financial year in accordance with requirements created by the State Ombudsman.

#### **Health:**

Processed two applications for installation of waste water treatment systems (septic systems) at Anglo Gold Ashanti Tropicana mine site.

Inspected the hotel kitchen again and spoke with the manager who has advised that the hotel kitchen will be closed from the 13<sup>th</sup> July to 31<sup>st</sup> July 2021 to enable

renovation of the kitchen facilities to be carried out. A further inspection of the kitchen facilities will be carried out when renovation works have been completed.

Carried out an inspection of the Davyhurst and Riverina village camp kitchens and followed up with correspondence requesting listed items to be repaired. A follow up inspection of both camps will be carried out later.

The Health Department of WA is inviting local authorities to sign up to a Mobile Food Vendor Centralised Register. The Register allows essential information on temporary and mobile food businesses to be stored in a centralised location that can be accessed by participating local government enforcement agencies. The ability to access essential information on such registered and notified food businesses will help achieve compliance with Food Act section 109 - conduct of an unregistered food business and advances the health objectives of the Food Act. Environmental Health staff support the initiative but will confirm with individual local authorities before signing up to the register.

Dealt with many various enquiries relating to health services.

<b>13.3</b>	<b>Works report for July 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>16 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Manager Works, Garth Marland</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

This report provides a summary of works conducted by the Shire of Menzies.

### **BACKGROUND:**

The Shire's works crew conduct and supervise a range of works. This report provides visibility in regard to their works program and issues arising through the works section.

### **COMMENT:**

#### **Maintenance Grading**

Maintenance Grading has been carried out on Menzies Sandstone Road from Walling Rock back to Snake Hill. Grading mainly to repair areas with damaged surface has been carried out on Riverina Snake Hill Road. The grader is now back at Menzies Evanston Road and work will commence there in early August.

#### **Construction Works**

Tenders have been called for maintenance grading to the East of the Highway and several responses received. The report for award of tender has been submitted for Council at the August OCM..

A tender was accepted for works on the Connie Sue Highway and Tjuntjuntjara access road. The successful tenderer, Fraser Range Station, will need to carry out a maintenance grade on Cut Road within CKB in order to make the road suitable for mobilising to a camp site on the access road.

A tender has been awarded for the sealing of sections of Menzies Sandstone Road and Menzies Evanston Road and work is expected to be able to commence late August.

**Town Work and Garbage Runs.**

Outside staff have been hampered by being short part of the time due to leave by some members. However, they have kept up very well with garbage disposal and basic town work. Some catch up work will need to be completed in August as time and manpower allow.

**Land Fills**

Both Menzies and Kookynie landfills have been maintained by pushing in rubbish and covering with fill. Menzies landfill will shortly require extension, and this will be discussed with the EHO. Survey and fencing will be required.

**Airstrips**

Both Menzies and Kookynie airstrips have been regularly inspected. Cattle have been crossing Kookynie strip, but damage is minimal. The new windsock has been fitted at Menzies strip.

**Depot**

Work has continued, as time permits, on cleaning up and hazard reduction in depot. Short staffing has limited the work, but considerable progress has been made.

**Tourist Sites and Truck Bay**

The pumps in the BioMac system at the Caravan Park stopped working. An inspection revealed blocking by plastic tap fitting introduced through the individual grey water points in the park. Pumps were removed, cleaned and replaced by staff. There have been no further problems.

Dump point at Niagra dam has needed clearing on two occasions due to blockage of inlet. Composting toilets also needed some clearing to prevent build up. It has been suggested that flushing with water regularly would help.

A price was requested for a hot tap at the Truck Bay as the shower has been known to be used as a toilet and hot water facilitates cleaning.

**Other Works**

Staff have continued to lend a hand with movement of furniture in Shire homes as and when required.

<b>13.4</b>	<b>WHS Update for July 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM450</b>
<b>DATE OF REPORT</b>	<b>18 August 2021</b>
<b>AUTHOR</b>	<b>Manager Governance &amp; Minor Projects, Jan Hancock</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

#### **SUMMARY:**

To report to Council on the WHS actions undertaken to improve safety and reduce organisational risk during the month of July 2021.

#### **BACKGROUND:**

WHS Committee meetings are now being held quarterly to align with reporting to the Audit Committee.

#### **COMMENT:**

To ensure that Council has appropriate oversight of safety management activities this information report is produced with key activities undertaken.

CEO continues to attend the Weekly Management and Works Crew Safety Meetings.

19 – 23 July – Core Advisors on site.

#### **Completed Tasks:**

WHS Monitor Support Desk via Core is available for all Monitor queries (functionality, training, knowledge base and training materials).

CEO invited to present at the LG Goldfields Forum to be held on 2 & 3 September 2021 on the WHS journey that the Shire of Menzies has undertaken and the success achieved.

Introduction by Core to Shire staff on the WHS Monitor System.

Hazard and Incident report training with WHS Representatives.

Test and tag scope of work provided by Core for RFQ issue.



Fire equipment register under construction.

Continuation of plan for storing chemical/hazardous substances.

Continuation of depot storage and housekeeping plan.

Labelling as required of products for identification purposes (labels have peeled off, torn or weathered).

<b>13.5</b>	<b>Community services report July 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>SS</b>
<b>DATE OF REPORT</b>	<b>18 August 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>Chief Financial Officer, Antonio Giometti</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<b>Nil</b>

### **SUMMARY:**

The purpose of the report is to advise Council of Community Service Activates for the month of June 2021.

### **BACKGROUND:**

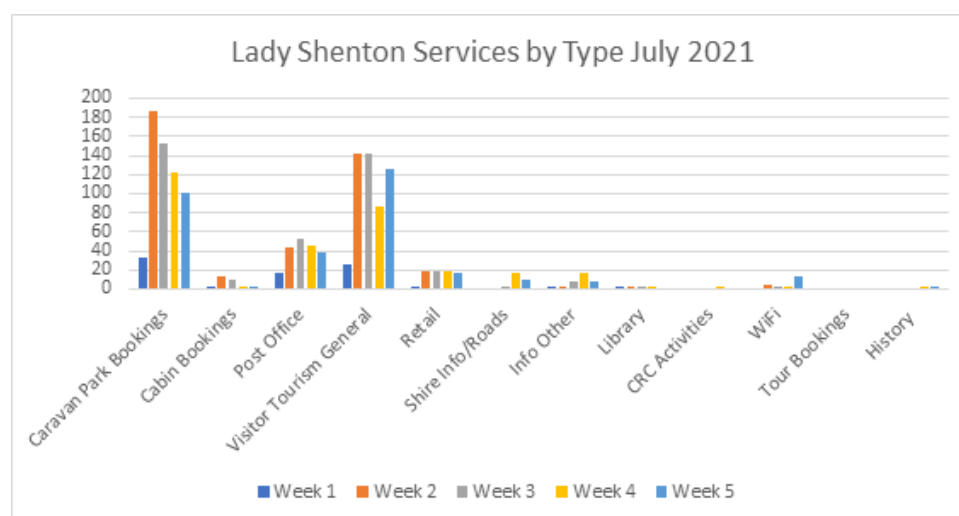
The Lady Shenton Building accommodates the Community Resource Centre, Menzies Visitor Centre and the Menzies Caravan Park management.

The Youth Centre Ngalipaku Building forms a key part of the Menzies Youth and Community Precinct and operates as a space to host youth and community events.

### **COMMENT:**

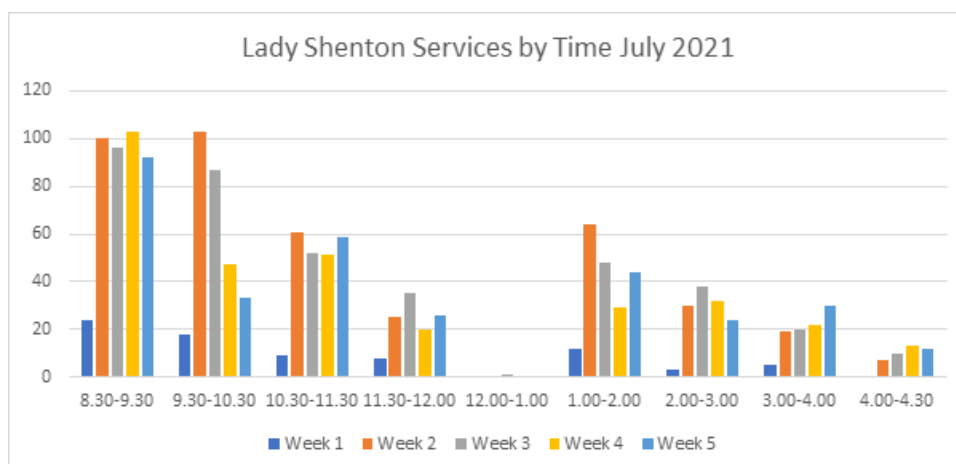
#### **Lady Shenton**

The Lady Shenton received 1 512 visitors in July 2021.

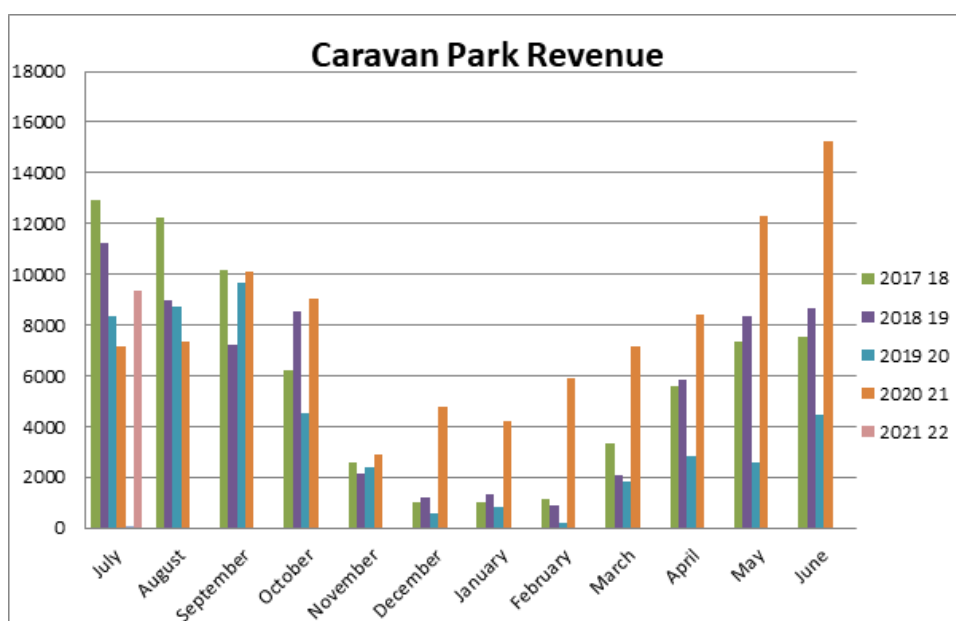


#### **Caravan Park**

Caravan Park Bookings was the most popular in July 2021.



Caravan park revenue decreased from June (2021) to July (2021).



Annual takings for the Menzies Caravan Park Year 2020 – 21:

	Cabin A	Cabin B	12A Walsh	29A Shenton	Accounts		Consultation	Number of Days
Jul-20		\$ 528.00	\$ 250.00	\$ 515.00		\$ 1,293.00		
Aug-20	\$ 352.00	\$ 638.00	\$ 625.00	\$ 195.00		\$ 1,810.00		
Sep-20	\$ 704.00	\$ 176.00	\$ 125.00	\$ 935.00		\$ 1,940.00	\$ 286.00	2
Oct-20	\$ 1,056.00	\$ 2,486.00	\$ 195.00			\$ 3,737.00	\$ 682.00	5
Nov-20	\$ 176.00	\$ 1,694.00				\$ 1,870.00	\$ 902.00	7
Dec-20	\$ 1,012.00	\$ 2,101.00			\$ 3,190.00	\$ 6,303.00	\$ 1,012.00	8
Jan-21	\$ 1,188.00	\$ 616.00			\$ 3,520.00	\$ 5,324.00	\$ 1,012.00	8
Feb-21	\$ 1,122.00	\$ 836.00			\$ 1,452.00	\$ 3,410.00	\$ 2,288.00	19
Mar-21	\$ 1,496.00	\$ 880.00				\$ 2,376.00	\$ 1,408.00	11
Apr-21	\$ 1,474.00	\$ 2,464.00				\$ 3,938.00	\$ 572.00	4
May-21	\$ 1,078.00	\$ 2,222.00			\$ 396.00	\$ 3,696.00	\$ 1,122.00	9
Jun-21	\$ 2,706.00	\$ 4,422.00			\$ 1,298.00	\$ 8,426.00	\$ 1,738.00	14
<b>Total</b>	<b>\$ 12,364.00</b>	<b>\$ 19,063.00</b>	<b>\$ 1,195.00</b>	<b>\$ 1,645.00</b>	<b>\$ 9,856.00</b>	<b>\$44,123.00</b>	<b>\$ 11,022.00</b>	<b>87</b>

	Caravan Park	
Jul-20	\$ 5,352.00	\$ 5,352.00
Aug-20	\$ 6,496.00	\$ 6,496.00
Sep-20	\$ 9,104.00	\$ 9,104.00
Oct-20	\$ 6,195.00	\$ 6,195.00
Nov-20	\$ 1,094.00	\$ 1,094.00
Dec-20	\$ 849.00	\$ 849.00
Jan-21	\$ 1,857.00	\$ 1,857.00
Feb-21	\$ 967.00	\$ 967.00
Mar-21	\$ 4,735.00	\$ 4,735.00
Apr-21	\$ 5,697.00	\$ 5,697.00
May-21	\$ 11,907.00	\$ 11,907.00
Jun-21	\$ 11,902.00	\$ 11,902.00
<b>Total</b>	<b>\$ 66,155.00</b>	<b>\$ 66,155.00</b>

26 Powered Sites		
6 Unpowered Sites		
A Block 3 male and 3 Female Toilet and shower 1 Disabled		
B Block 3 male and 3 Female Toilet and shower 1 Disabled		
2 Washing machine & Dryers		

### Youth Centre and General Community Services

After school youth engagement activities continue to have a steady attendance.

The weekly Badminton games held in the Menzies Town Hall continue to engage with a reasonable number of participants every week in July (2021).

<b>13.6</b>	<b>Compliance Calendar July 2021</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>NAM446</b>
<b>DATE OF REPORT</b>	<b>17 August 2021</b>
<b>AUTHOR</b>	<b>Manager Governance &amp; Minor Projects, Jan Hancock</b>
<b>RESPONSIBLE OFFICER</b>	<b>Manager Governance &amp; Minor Projects, Jan Hancock</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	1. Compliance Calendar July 2021 [ <b>13.6.1</b> - 2 pages]

### **SUMMARY:**

The Compliance Calendar tracks and centralises important dates and deadlines associated with the *Local Government Act 1995* and various other regulations and reporting obligations.

### **BACKGROUND:**

To enable the Shire to meet its obligations the Compliance Calendar, a living document, has been introduced.

Senior staff are required to update the Compliance Calendar on a monthly basis to indicate completed, or in progress tasks, providing Council with a clear record of the Shire's obligatory regulatory requirements.

### **COMMENT:**

All items on the Compliance Calendar for the month of July have been met, with the exception of the following items:

<b>ITEM</b>	<b>REASON FOR EXCEPTION</b>
Prepare an up-to-date information statement, adopted by the Council and publish	Freedom of Information Statement is in the process of being prepared with a report to Council in September 2021.
Prepare for annual audit & adopt Audit Committee dates - place dates on website	Process is just commencing and being handed over to the LG Best Practices consultant.
Annual Capital Works Services Program	Works Manager is in the process of discussing with CEO.
Prepare for elections, enrolment eligibility claims, review register	Accounts staff have been busy with Annual Rates issuance. Item tabled with

	Accounts staff and will be completed by the required deadline.
Check Dog registration renewal stock & reorder as required	Accounts staff have been busy with Annual Rates issuance. Item tabled with Accounts staff today, as time available to action.
Review fixed asset register	CFO is in the process of finding out when this was last done and when next due.
Review investment register	Reviewed monthly as a part of OCM reports. Post budget finalisation and review of forward works, review will be undertaken with the benefit of forward cashflow statement analysis.
Review Staff training Matrix	Staff training matrix to be established and will be an ongoing project.
Review Policy 4.1 Budget Adoption Timetable	Budget recently finalised. Reviewing other Local Government processes, along with contemporary practices.
Public access to information, website (All Managers), library (Antonio), office (All Managers). Ensure information under admin Reg 29 is available to public	Audit is underway and will be finalised by the end of August.

#### **14 ELECTED MEMBER MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

#### **16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS**

Nil.

#### **17 NEXT MEETING**

The next Ordinary Council Meeting will be held on 30 September 2021 at Tjuntjuntjara.

#### **18 CLOSURE OF MEETING**

The President declared the meeting closed at 1500.