



SHIRE OF MENZIES

Minutes

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

28 OCTOBER 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

Council Meeting Date	Attended in Person	Electronic Attendance	Leave of Absence	Apologies	Absent
28 January 2021	Cr G Dwyer Cr K Mader Cr S Baird	Cr J Dwyer (Kambalda) Cr J Lee (MAC) 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 I 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)			
26 August 2021	Cr G Dwyer Cr K Mader	Cr J Dwyer (Southern Cross) Cr I Baird (Wongary) Cr S Baird (Wongary)			
30 September 2021	Cr G Dwyer Cr J Dwyer Cr K Mader Cr I Baird Cr S Baird			Cr J Lee	

TABLE OF CONTENTS

1	DECLARATION OF OPENING	6
1.1	ELECTION OF SHIRE PRESIDENT.....	6
1.2	ELECTION OF DEPUTY SHIRE PRESIDENT	6
1.3	SEATING OF THE COUNCILLORS.....	7
2	ANNOUNCEMENT OF VISITORS	7
3	RECORD OF ATTENDANCE	7
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	7
5	PUBLIC QUESTION TIME	7
6	APPLICATION BY MEMBERS	8
7	DECLARATIONS OF INTEREST	8
8	NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS.....	8
9	CONFIRMATION/RECEIVAL OF MINUTES.....	8
10	PETITIONS/DEPUTATIONS/PRESENTATIONS	9
11	ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION	9
12	REPORTS OF OFFICERS.....	10
12.1	FINANCE REPORTS.....	10
12.1.1	Finance Report - September 2021.....	10
12.1.2	Payments for the Month of September 2021.....	13
12.1.3	Investment report for September 2021.....	16
12.2	ADMINISTRATION REPORTS.....	19
12.2.1	Appointments to committees.....	19
12.2.2	Public Places and Local Government Property Local Law	23
12.2.3	Health Local Law	28
12.2.4	Amendment to Policy – 3.6 – Information Technology – Access and Use.....	35
12.2.5	Regional Economic Development (RED) grant submission.....	38
12.2.6	LRCI Phase 2 - Tjuntjuntjara CCTV.....	42
12.2.7	Old Post Office project.....	45
12.2.8	Stock grid replacement - Mt Celia Road.....	48
12.2.9	Chief Executive Officer leave	52
12.2.10	Christmas shutdown	55
13	INFORMATION REPORTS	58
13.1	ACTIONS PERFORMED UNDER DELEGATION FOR SEPTEMBER 2021.....	58
13.2	EHO REPORT FOR SEPTEMBER 2021	61
13.3	WORKS REPORT FOR AUGUST/SEPTEMBER 2021	63

13.4 WHS UPDATE FOR SEPTEMBER 2021	66
13.5 COMMUNITY SERVICES REPORT FOR SEPTEMBER 2021	68
14 ELECTED MEMBER MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	72
15 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING.....	72
15.1 RFT 08/21 TJUNTJUNTJARA ACCESS ROAD IMPROVEMENTS AND REPAIRS	72
15.2 RFT 06/21 DESIGN AND CONSTRUCT STAFF ACCOMMODATION	76
16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS.....	80
17 NEXT MEETING	80
18 CLOSURE OF MEETING	80

1 DECLARATION OF OPENING

The Chief Executive Officer, as the Presiding Officer, declared the meeting open at 1.00pm.

In accordance with the *Local Government Act 1995* s2.29, the Chief Executive Officer advised that the following declarations of office had been made prior to the meeting commencing:

Cr Jill Dwyer	18 October 2021
Cr Sudhir Sudhir	20 October 2021
Cr Greg Dwyer	21 October 2021
Cr Paul Warner	21 October 2021
Cr Andrew Tucker	21 October 2021

1.1 Election of Shire President

In accordance with Division 1 of Schedule 2.3 of the *Local Government Act 1995* the election of the Shire President was undertaken by the Chief Executive Officer, as the Presiding Officer.

The Presiding Officer called for nominations for the position of President.

There were two nominations received from Cr Greg Dwyer and Cr Paul Warner.

A secret ballot was conducted, with Cr Dwyer receiving four votes, and Cr Warner three votes.

Cr Dwyer was declared President for a term of two years and sworn in by Brian Joiner, Chief Executive Officer, to the position at 1.12pm.

1.2 Election of Deputy Shire President

In accordance with Division 2 of Schedule 2.3 of the *Local Government Act 1995* the election of the Deputy Shire President was undertaken by the newly elected Shire President.

The President called for nominations for the position of Deputy President.

There was one nomination previously received from Cr Ian Baird. No further nominations were received.

Cr Baird was declared Deputy President for a term of two years and sworn in by Brian Joiner, Chief Executive Officer, to the position at 1.17pm.

1.3 Seating of the Councillors

In accordance with Clause 8.1 draft Meeting Procedures Local Law 2021, councillors determined their positions at the Council table by consensus.

2 ANNOUNCEMENT OF VISITORS

Council welcomed two visitors to the gallery.

3 RECORD OF ATTENDANCE

Councillors: Cr G Dwyer, Shire President
 Cr I Baird
 Cr J Dwyer
 Cr S Baird
 Cr P Warner
 Cr A Tucker
 Cr S Sudhir

Staff: Mr B Joiner, Chief Executive Officer
 Ms E Reitmajer, Executive Officer (Minutes)

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5 PUBLIC QUESTION TIME

Nil.

6 APPLICATION BY MEMBERS

COUNCIL DECISION:

Council Resolution Number:	CM-76
-----------------------------------	--------------

Moved: Cr J Dwyer **Seconded:** Cr I Baird

That Council approve the leave of absence requested by Cr Jill Dwyer for the 25 November 2021 Ordinary Council Meeting.

Carried	7 / 0
----------------	--------------

7 DECLARATIONS OF INTEREST

The CEO declared an impartiality interest in Item 12.2.9 as it related to a condition of his employment.

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 30 September 2021.
(Provided under Separate Cover)

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 30 September 2021 be confirmed as a true and correct record.

12 REPORTS OF OFFICERS

12.1 Finance Reports

12.1.1	Finance Report - September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM494
DATE OF REPORT	September 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">1. Monthly Financial Reports September 2021 [12.1.1.1 - 20 pages]2. FIS - Financial Information Schedule September 2021 [12.1.1.2 - 16 pages]

SUMMARY:

Statutory Financial Reports are submitted to Council as a record of financial activity for the year to 30 September 2021.

BACKGROUND:

The *Local Government (Financial Management) Regulations 1996 r34* 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 to timing differences for the purpose of keeping Council informed of the current financial position.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Local Government Act 1995 s6.4

Local Government (Financial Management) Regulations 1996, r34

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 receives the Statement of Financial Activity for the period ending 30 September 2021 as attached and notes any material differences.

COUNCIL DECISION:

Council Resolution Number:	CM-78
-----------------------------------	--------------

Moved: **Cr P Warner** **Seconded:** **Cr I Baird**

That Council receives the Statement of Financial Activity for the period ending 30 September 2021 as attached and notes any material differences.

Carried	7 / 0
----------------	--------------

12.1.2	Payments for the Month of September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM478
DATE OF REPORT	September 2021
AUTHOR	Chief Financial Officer, Antonio Giometti
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. List of Payments - September 2021 [12.1.2.1 - 5 pages]

SUMMARY:

The list of payments made for the month of September 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 September 2021 are attached.

CONSULTATION:

Antonio Giometti – Chief Financial Officer.

STATUTORY AUTHORITY:

Local Government (Financial Management) Regulations 1996 r13.

POLICY IMPLICATIONS:

Policy 4.7 – Creditors – Preparation for Payment.

FINANCIAL IMPLICATIONS:

\$468,457.73 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 receives the list of payments for the month of September 2021 totaling \$468,457.73 being:

1. Electronic Funds Transfer EFT 6258 – 6332, payments from Municipal Fund totaling \$304,650.22.
2. Direct Debit payments from the Municipal Fund totaling \$68,486.34.
3. Payroll payments from the Municipal Fund totaling \$95,321.17.
4. Credit Card payments of \$12,128.89 for the Statement Month of September are included in Direct Debits of \$68,486.34.

COUNCIL DECISION:

Council Resolution Number:	CM-79
-----------------------------------	--------------

Moved: Cr J Dwyer Seconded: Cr S Baird

That Council receives the list of payments for the month of September 2021 totaling \$468,457.73 being:

1. **Electronic Funds Transfer EFT 6258 – 6332, payments from Municipal Fund totaling \$304,650.22.**

2. **Direct Debit payments from the Municipal Fund totaling \$68,486.34.**
3. **Payroll payments from the Municipal Fund totaling \$95,321.17.**
4. **Credit Card payments of \$12,128.89 for the Statement Month of September are included in Direct Debits of \$68,486.34.**

Carried	7 / 0
----------------	--------------

12.1.3	Investment report for September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM479
DATE OF REPORT	30 September 2021
AUTHOR	Chief Financial Officer, Antonio Giometti
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

This item recommends Council receives the investment report for the month of September 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 30/09/2021:

INSTITUTION / ACCOUNT TYPE	SUM	TERM	DATE OF MATURITY	INTEREST RATE	RISK ASSESSMENT
NAB – Municipal	\$5,942,574.73	Open	Open		Medium
NAB – Reserve Fund – Cash Maximiser	\$12,303,547.36	Open	Open	0.010%	Medium
NAB – Cash Maximiser	\$29,473.33	Open	Open	0.010%	Medium

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Local Government Act 1995

- 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 1996

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:

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

12.2 Administration Reports

12.2.1	Appointments to committees
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM481
DATE OF REPORT	07 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

This paper is provided to fulfill the statutory requirement for Council to make appointments to Committees after each election.

BACKGROUND:

Council is required to make appointments to Committees following each ordinary election. This process also gives Council an opportunity to review each Committee in regard to their make-up or whether they are no longer required.

Council has one (1) internal Committee and is represented on six (6) external Committees and Working Groups.

The Shire President may be a member of any Committee that they wish to be a member. Each Council member is entitled to be a member of at least one (1) Committee. The CEO or their nominated representative may be a member of any Committee having an employee representation.

COMMENT:

Councilors should note that attendance on external committees obligates the Member to represent the Council's view on matters, not their own personal view.

If there are more nominees than available Committee positions, then a vote is used to decide membership of the Committee.

The Lake Ballard Management Advisory Committee has not met in recent times however it is expected that this group will be reconstituted in the future.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Local Government Act 1995

5.9. Committees, types of

(1) *In this section —*

other person means a person who is not a council member or an employee.

(2) *A committee is to comprise —*

(a) *council members only; or*

(b) *council members and employees; or*

(c) *council members, employees and other persons; or*

(d) *council members and other persons; or*

(e) *employees and other persons; or*

(f) *other persons only.*

5.10. Committee members, appointment of

(1) *A committee is to have as its members —*

(a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*

(b) *persons who are appointed to be members of the committee under subsection (4) or (5).*

*** Absolute majority required.**

(2) *At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*

(4) *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

(5) *If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*

(a) *to be a member of the committee; or*

(b) *that a representative of the CEO be a member of the committee,*

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Failure to nominate Councilors to each Committee would be a breach of the <i>Local Government Act 1995</i> .	Low.	Ensure all Committees have a nominee.

STRATEGIC IMPLICATIONS:

- 4.1 A strategically focused Council, leading our community.
- 4.1.1 Provide strategic leadership and governance.
- 4.1.2 Effectively represent, promote and advocate for the community and district.
- 4.1.3 Encourage and support community engagement and collaboration.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council endorses the following Committee appointments:

1. Audit and Risk Committee – Cr____, Cr____, and Cr_____.
2. GVROC – Cr____(primary), Cr____(deputy) and the CEO (proxy).
3. Regional Roads Group – Cr____(primary), Cr____(deputy) and the CEO.
4. Niagara Dam Working Party – Cr____(primary) and Cr____(deputy).
5. Local Emergency Management Committee – Cr____(primary), Cr____(deputy) and the CEO.

- 6. Lake Ballard Management Advisory Committee – Cr____(primary), Cr____(deputy) and the CEO.
- 7. Northern Goldfields Working Group – Cr____(primary), Cr____(deputy) and the CEO.

COUNCIL DECISION:

Council Resolution Number:	CM-81
-----------------------------------	--------------

Moved: Cr J Dwyer Seconded: Cr P Warner

That Council endorses the following Committee appointments:

- 1. **Audit and Risk Committee – Cr Greg Dwyer, Cr Jill Dwyer, Cr Ian Baird and Cr Sudhir Sudhir.**
- 2. **GVROC – Cr Jill Dwyer (primary), Cr Paul Warner (deputy) and the CEO (proxy).**
- 3. **Regional Roads Group – Cr Greg Dwyer (primary), Cr Paul Warner (deputy), Cr Ian Baird (proxy) and the CEO.**
- 4. **Local Emergency Management Committee – Cr Greg Dwyer (primary), Cr Paul Warner (deputy) and the CEO.**
- 5. **Lake Ballard Management Advisory Committee – Cr Greg Dwyer (primary), Cr Jill Dwyer (deputy), Cr Sudhir Sudhir (deputy) and the CEO.**
- 6. **Northern Goldfields Working Group – Cr Greg Dwyer (primary) and the CEO.**
- 7. **Housing and Building Committee – Cr Greg Dwyer, Cr Jill Dwyer, Cr Paul Warner, Cr Andrew Tucker and Cr Sudhir Sudhir.**

Carried	7 / 0
----------------	--------------

12.2.2	Public Places and Local Government Property Local Law
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM486
DATE OF REPORT	14 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. 211014 Places Property 2021 v 5 [12.2.2.1 - 28 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 Activities in Thoroughfares and Public Places Local Law 2007, and adopt a new Public Places and Local Government Property Local Law.

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

COMMENT:

The *Local Government Act 1995* requires the following statements:

Purpose – to make provisions for the management of public places, thoroughfares and all local government property.

Effect – to repeal an existing local law, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance.

The draft local law repeals the Activities in Thoroughfares and Public Places Local Law 2007. This local law adopted a 2000 local law from Shire of Kojonup and now is quite out of date.

The proposed local law:

- complies with legislative changes made over the past 14 years;

- clearly extends Council’s legal capacity to control and manage to buildings, housing, etc, and specifically includes buildings and structures owned by the Shire which are on non-Shire lands, such as the signs and toilets on the Lake Ballard Reserve which is not vested in Council;
- provides for Council control over public places not owned or vested in the Shire, but accessible to the public, such as Lake Ballard Reserve; and
- Allows for the installation of signs to control activities on lands under Shire control. For instance, the placement of a sign at the entry to Niagara Dam Reserve or Lake Ballard Reserve limiting vehicles to roadways or made access routes is legally enforceable.

The local law also makes provisions for “restricted local government property” which includes the depot, housing etc. Under the provision of this local law, access to these areas is permitted only by invitation of the tenant, with the permission of the CEO or by emergency personnel in pursuit of their duties or other lawful purpose (eg Western Power or Water Corporation meter readers).

Several things to note:

- As with all local laws, the definitions of person or position are very specific – reference to Council, CEO etc, specifically means the Council in session, or the CEO and the function prescribed cannot be further delegated. If flexibility is required, the provisions need to refer to “local government” for the ability to delegate, or to “authorised person” if a broader implantation is appropriate;
- Definitions for “public place”, “thoroughfare” and “local government property” etc are also very specific; and
- “shall” is mandatory, whereas “may is discretionary”.

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 Department 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; and
- submission of all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for its 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 for public submissions.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Outdated requirements potentially resulting in enforcement being inconsistent with legislation or inability to adequately exercise controls over local government property.	Medium	Staff awareness of resulting changes in the new local law.

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

2. Provide copies, in accordance with section 3.12 (3) of the *Local Government Act 1995*, to the Minister for Local Government and any other person requesting it, of the proposed Public Places and Local Government Property Local Law.

Carried	7 / 0
---------	-------

12.2.3	Health Local Law
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM487
DATE OF REPORT	14 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. 211014 Health Local Law v 4 [12.2.3.1 - 45 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 Health Local Law.

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

COMMENT:

The *Local Government Act 1995* requires the following statements:

Purpose – to provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community.

Effect – to allow health related issues to be controlled so as to provide an acceptable standard for the maintenance of public health in the community, and create remedies and offences for non-compliance.

Origins

The proposed Health Local Law uses the Health Local Law originally developed by the former City of Perth in the early 1990's and successively updated by local governments to suit changing legislation and their individual circumstances as its historical basis.

WA Local Government Association does not have a model Health Local Law, so each local government must develop its own using others as the basis and for guidance. The proposed Health Local Law draws extensively on several recently Gazetted Health Local Laws including the Shire of Murray and the City of Greater Geraldton which both use City of Perth's Health Local Law as the foundation, through various iterations and local governments.

Initial work towards a new Health Local Law commenced in 2002 but was never Gazetted, and accordingly had no force in law. A proposed Health Local Law was also considered a number of years ago prior to the commencement of the Public Health Act 2016, as it was known that there would be significant changes to processes and provisions.

Prominent changes from health local laws made under the former *Health Act 1911* include:

- The almost full implementation of the *Public Health Act 2016*, but without the intended revised and updated Regulations that may impact health local laws;
- As there is no provision for local laws in the *Public Health Act 2016*, health local laws are now to be made using the authority and processes of the *Local Government Act 1995*, although standards and requirements may be set by the *Public Health Act 2016* and Regulations; and
- The *Local Government Act 1995* processes allow for infringements, broadened delegations subject to holding appropriate qualifications where necessary, and other flexibilities not possible under the former *Health Act 1911*. In particular, the only remedy for non-compliance under the former Health Act was to initiate legal action through the court system.

Effects

The core of the proposed Health Local Law is very similar to many others in the industry, but time has been taken to:

- remove matters not relevant, are duplicated, are superfluous or can be dealt with under other provisions of the local law or legislation;
- remove potentially conflicting provisions regarding giving notice of non-compliance or required works and placement of conditions on discretionary approvals, that are usually scattered throughout a Health Local Law implying that the conditions or actions may only be taken on that particular matter. Consolidation of these issues gives clear guidance to relevant persons that the matters apply to the whole of the local law, and prescribe the process necessary;
- ability to determine fees and charges in the annual budget in accordance with the *Local Government Act 1996* section 6.16 in the same manner and process

as other fees and charges imposed, rather than specifying them in the local law;

- provide for a range of remedies other than being limited to prosecution. These include –
 - o provisions for infringements,
 - o issue of formal notice requiring works to be done,
 - o for the Shire to enter and carry out the works and recover as a debt if non-compliant (similar to section 3.26 of the *Local Government Act 1995*),
 - o possible suspension of licence for non-compliance,
 - o if still not compliant then termination of licence, and ultimately prosecution;
- ensure appropriate use of terms such as Council, local government, authorised person etc. In general, the ability to delegate to CEO and therefore subsequent further delegation has been used where appropriate, in preference to limiting a decision or action to Council or a specified role. And further, if it is appropriate for an authorised person to undertake the task, this has been used in preference to delegation -
 - o Please note that many matters may still only be undertaken by an appropriately qualified person, being an environmental health officer or building surveyor;
- accordingly, dependant on the severity or potential public health risk or the non-compliance, a scaled response from the Shire is possible, and in a much more timely fashion than the months and costs needed for legal action to be undertaken.

Public Health Act 2016

The *Public Health Act 2016* has not yet been proclaimed in full, although the parts that remain unproclaimed are limited.

The 32 regulations made under the *Health Act 1911* remain in force. It is intended that these be substantially reviewed and then consolidated to about 18 regulations under the *Public Health Act 2016*. Expanded application of the new regulations is also anticipated. Some of these are expected to impact on the proposed Health Local Law 2021, which once proclaimed will over-ride Local Law provisions and necessitate amendment of the relevant clauses. Impact is expected to include but are not limited to:

- housing
- lodging houses
- offensive trades

It is not known when draft regulations will be available for comment, and it would be some time after that before they are proclaimed and in force.

Notes

Some particular matters for noting:

- Australian Standards - references are made to Australian Standards. These do not have to be held by the Shire at time of Gazettal, but will have to be obtained if any resident wants to see what the AS contains, and must be made available to the person free of charge;
- the term EHO is not used in the local law. Appointment as an EHO means the person is automatically an authorised person under the *Public Health Act 2016*, and there may be occasions where a person who is not an EHO can be appointed to act, for example, it doesn't require an EHO to count the number of sheep being kept in a back yard or the number of cats at a residence;
- Parts 8 to 13 – modified from usual to remove gaps, repetition, inconsistency of wording or implied requirements;
- Part 13 allows for a response to non-compliance to be progressively implemented;
- Schedule – rather than specify every penalty for non-compliance, only lists those that are not standard under the local law. Item 11 of the Local Law stipulates a standard penalty for non-compliance of \$200;
- As with all local laws, the definitions of person or position are very specific – reference to Council, CEO etc, specifically means the Council in session, or the CEO and the function prescribed cannot be further delegated. If flexibility is required, the provisions needs to refer to “local government” for the ability to delegate, or to “authorised person” if a broader implantation is appropriate;
- In this local law, “authorised person” automatically includes an environmental health officer appointed to the Shire. It may also mean other person appointed by the Council or by CEO under delegated powers where specialist qualifications are not required; and
- “shall” is mandatory, whereas “may” is discretionary.

Process

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 Department 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; and
- submission of all necessary documents to Parliamentary Joint Standing Committee on Delegated Legislation for its 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 for public comment.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Inadequate means of control of local public health and building matters.	Medium	Staff awareness of resulting changes in the new local law.

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 Health Local Law:
 Purpose – to provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community
 Effect – to allow health related issues to be controlled so as to provide an acceptable standard for the maintenance of public health in the community, and create remedies and offences for non-compliance.
2. Provide copies, in accordance with section 3.12 (3) of the *Local Government Act 1995*, to the Minister for Local Government and any other person requesting it, of the proposed Health Local Law.

COUNCIL DECISION:

Council Resolution Number:	CM-83
-----------------------------------	--------------

Moved: Cr J Dwyer **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 Health Local Law:**
Purpose – to provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and well-being of the community
Effect – to allow health related issues to be controlled so as to provide an acceptable standard for the maintenance of public health in the community, and create remedies and offences for non-compliance.

2. Provide copies, in accordance with section 3.12 (3) of the *Local Government Act 1995*, to the Minister for Local Government and any other person requesting it, of the proposed Health Local Law.

Carried	7 / 0
---------	-------

12.2.4	Amendment to Policy – 3.6 – Information Technology – Access and Use
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM488
DATE OF REPORT	15 October 2021
AUTHOR	Executive Officer, Eve Reitmajer
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. DRAFT Policy 3.6 Information Technology - Access and Use - Amended 28 October 2021 - with mark up [12.2.4.1 - 13 pages]

SUMMARY:

This item recommends adoption of the amended Policy – 3.6 - Information Technology Access and Use.

BACKGROUND:

The current policy includes a schedule (d) on email use, however it does not define the type of email accounts that are to be used for Council business. Further, the current policy references Shire of Menzies employees only.

Proposed amendments include a requirement to use Shire email accounts only for Council business, and inclusion of Elected Members throughout the policy statement and schedules where appropriate.

COMMENT:

The objectives of the amendments to this policy are to assist statutory compliance, support transparent, open and accountable government and improve IT security in the context of intensifying cyber-attacks and vulnerability.

Currently, employees use official Shire email accounts, however Elected Members are not required to. WALGA recommends that Council Members use Local Government email accounts, primarily as it assists in ensuring Council Members comply with their responsibilities to keep Local Government records, in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan, and to comply with FOI requests under the *Freedom of Information Act 1992*.

It should be noted, these statutory obligations apply to all Council Member communications that relate to their role, regardless of whether they are using a personal email account or a Local Government account. If Council Members use their

personal account for Local Government business, they risk their personal emails being subject to a search as a result of an FOI request.

Keeping a separation between their personal account (used for personal matters), and Local Government account (used for Council business), is also beneficial for Council Members. It allows them to maintain some privacy, and, in the unfortunate circumstance that they become the target of negative correspondence from the community, quarantines this to their official Local Government account.

While this is WALGA’s recommendation, it is not a mandatory requirement and it is open to individual Local Governments to adopt policies in this area.

From an IT perspective, the use of official email addresses would allow for greater levels of security and data retention. It would assist in preventing business email compromise (BEC) by allowing for two factor authentication on emails and email security to pick up attempted BEC attacks and alert the email recipient before any action was taken.

CONSULTATION:

Chief Executive Officer.
WALGA.
IT consultant.

STATUTORY AUTHORITY:

Nil

POLICY IMPLICATIONS:

Amendment to the current Policy 3.6 - Information Technology Access and Use

FINANCIAL IMPLICATIONS:

Nil

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Implement and maintain risk management strategies through policies, procedures, processes and controls to protect Shire assets	Medium	Implementation of appropriate and effective internal controls to assist in legislative compliance, minimise the risk of fraudulent transactions and embody a culture of integrity

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.

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council adopt the amended Policy 3.6 - Information Technology Access and Use.

COUNCIL DECISION:

Council Resolution Number:	CM-84
-----------------------------------	--------------

Moved: Cr P Warner Seconded: Cr I Baird

That Council adopt the amended Policy 3.6 - Information Technology Access and Use.

Carried	7 / 0
----------------	--------------

12.2.5	Regional Economic Development (RED) grant submission
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM485
DATE OF REPORT	11 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

This report seeks Council approval for submission of a Regional Economic Development (RED) grant application for building a business incubator project in the town of Menzies.

BACKGROUND:

The business incubator project is a concept that will provide premises for small businesses to operate within the town of Menzies and service the local area. The project provides a facility that will allow up to four (4) businesses to conduct operations in a cost-effective manner to test demand for services/product.

The building concept involves a facility with workshop space and self-contained accommodation:

Figure 1 – Building Front.



Figure 2 – Building Rear.



The project is estimated to cost \$633,643 ex GST based on preliminary estimations. Budget has not been allocated within FY 2021/22 however the building reserve is forecast to have a \$1.994M balance at the end of the financial year.

A RED grant application has been developed requesting a grant of \$250,000 towards the project. If the grant was successful, the Shire would contribute \$383,643 ex GST toward the project.

The Regional Economic Development (RED) Grants Program is a \$40.8 million over seven years State Government initiative that invests in local projects to stimulate economic growth and development in regional Western Australia. It is part of the State Government's job-creating investment across regional WA.

Delivered locally by the State's nine Regional Development Commissions, up to \$250,000 is available for individual projects that promote sustainable jobs, partnerships, productivity, skills and capability, as well as stimulate new investment and industry diversification.

The grants will boost investment in local regional projects that contribute to population and economic growth initiatives and innovation pilots, and importantly, are driven by the community.

COMMENT:

Consultation with local businesses has found a high level of support for the business incubator project.

Several trade providers were sounded out about whether they would be interested in the project. All of them thought it was a project they would be interested in being involved in as a concept. There is potential for at least half of the building having tenants in the first year.

The business incubator would provide sustainable jobs in the town of Menzies and provide industry that does not exist at this time. This would also provide capability in support of the mining sector in the Shire.

As the aims of the business incubator closely align with the purpose of the RED grant it is considered appropriate to submit a grant application. Whitney Consulting will be completing the application on behalf of the Shire.

CONSULTATION:

Justin Lee, Menzies Aboriginal Corporation.
Megan Irving, Menzies Community School.
Tara Whitney, Consultant.
Various businesses.

STATUTORY AUTHORITY:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The grant application will cost \$5980 to prepare and submit. Budget for the project is yet to be allocated.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Grant is successful but Council decides not to proceed.	Low.	Prior Council approval for grant submission.

STRATEGIC IMPLICATIONS:

- 1.1 An engaged and inclusive community.
 - 1.1.3 Provide, maintain and improve community facilities.

- 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.
 - 2.1.3 Advocate for reliable essential utility services to the district.

- 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 endorses the submission of an application for RED grant funding for the business incubator project.

COUNCIL DECISION:

Council Resolution Number:	CM-85
-----------------------------------	--------------

Moved: Cr J Dwyer Seconded: Cr I Baird

That Council endorses the submission of an application for RED grant funding for the business incubator project.

Carried	7 / 0
----------------	--------------

12.2.6	LRCI Phase 2 - Tjuntjuntjara CCTV
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM495
DATE OF REPORT	19 October 2021
AUTHOR	Chief Financial Officer, Antonio Giometti
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

The Tjuntjuntjara provision of CCTV under the Local Roads and Community Infrastructure Program (LRCI) Phase 2 has a budget of \$70,000 allocated, which will need to be increased to \$110,000.

BACKGROUND:

The Department of Infrastructure, Transport, Regional Development and Communications under its LRCI Phase 2 funding has provided a grant of \$378,633 to the Shire of Menzies allocated to the following projects:

- Tjuntjuntjara CCTV (PE113) - \$70,000
- Marmion Village Access Road (IO005) - \$200,000
- Marmion Village Reserve Improvements (PC005) - \$90,000
- Recreation Reserve R17455 Outdoor Exercise Equipment (PC005A) - \$18,633

The cost to complete the Tjuntjuntjara CCTV has been investigated through a site visit to be approximately \$110,000. The shortfall of \$40,000 can be covered from the re-allocation of the \$18,633 from PC005A and the balance \$21,367 allocated from the PC005. Projects PC005 and PC005A could have the funds reallocated through LRCI Phase 3.

COMMENT:

The Tjuntjuntjara CCTV project is important to the community providing a significant benefit to security. The community school will also purchase equipment to add to the Shire installed system. WA Police are highly supportive of the project.

LRCI Phase 3 has not been allocated and there is sufficient funding to reinstate PC005A and top up PC005 if required.

The deadline for completion of LRCI Phase 2 projects has been extended until 30 June 2022.

CONSULTATION:

Chief Executive Officer.
External Consultant.

STATUTORY AUTHORITY:

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

POLICY IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

As discussed with no net impact to financial position.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

1.2 A healthy and safe community.

1.2.1 Support provision of emergency and essential services.

4.2 An efficient and effective organisation.

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

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council approves an increase in funding for the Tjuntjuntjara CCTV Project (PE113) by \$40,000 to a total of \$110,000 with the additional funds transferred from Marmion Village Reserve Improvements (PC005) \$21,367 and Recreation Reserve R17455 Outdoor Exercise Equipment (PC005A) \$18,633.

COUNCIL DECISION:

Council Resolution Number:	CM-86
-----------------------------------	--------------

Moved: Cr J Dwyer **Seconded:** Cr I Baird

That Council approves an increase in funding for the Tjuntjuntjara CCTV Project (PE113) by \$40,000 to a total of \$110,000 with the additional funds transferred from Marmion Village Reserve Improvements (PC005) \$21,367 and Recreation Reserve R17455 Outdoor Exercise Equipment (PC005A) \$18,633.

Carried	4 / 3
----------------	--------------

Councillors Warner, Tucker and Sudhir asked for their names to be recorded as voting against the motion.

12.2.7	Old Post Office project
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM497
DATE OF REPORT	19 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. Old Post Office Building - Council Discussion Report [12.2.7.1 - 13 pages]

SUMMARY:

This paper provides an options report so Council can provide direction on proposals for restoration of the Old Post Office building.

BACKGROUND:

There has been numerous reports and discussion on what to do with the Old Post Office and the attached paper is for Council to review high-level options and the CEO to obtain Council guidance on the direction it wishes to take with the facility.

The Old Post Office has been subject to numerous historical papers and investigations. The latest being:

- a Council Report in November 2019 that identified potential costs exceeding \$1m plus GST.
- a Conservation Management Strategy in April 2021.

COMMENT:

The attached report provides several options for Council to consider. A 'do nothing' option has not been provided as the building requires repairs to maintain the integrity of the structure. Further delays are a safety risk to the Shire and will increase the cost of repairs.

The Shire will provide accommodation for the current tenant under any of the options at the same rental rate that is in place.

CONSULTATION:

Nil. Community consultation may be undertaken after a full investigation is completed.

STATUTORY AUTHORITY:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The financial implications are estimated on the various options; however, it should be noted that any approach is going to require the pursuit of additional grants to complete the project.

Council has budgeted funds in FY 2021/22 as project BC020 that could be used for the completion of investigations on the desired future use.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Failure of the structure.	Medium.	Timely completion of restoration work.

STRATEGIC IMPLICATIONS:

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.

4.1 A strategically focused Council, leading our community.

4.1.1 Provide strategic leadership and governance.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorses further work on Option ____ with a full investigation and cost report to be prepared for this option.

COUNCIL DECISION:

Council Resolution Number:	CM-87
-----------------------------------	--------------

Moved: Cr J Dwyer **Seconded:** Cr S Baird

That Council endorses further work on Option Four (4) with a full investigation and cost report to be prepared for this option.

Carried	7 / 0
----------------	--------------

12.2.8	Stock grid replacement - Mt Celia Road
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM496
DATE OF REPORT	20 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. Stock Grid Review - East 2021 [12.2.8.1 - 2 pages]

SUMMARY:

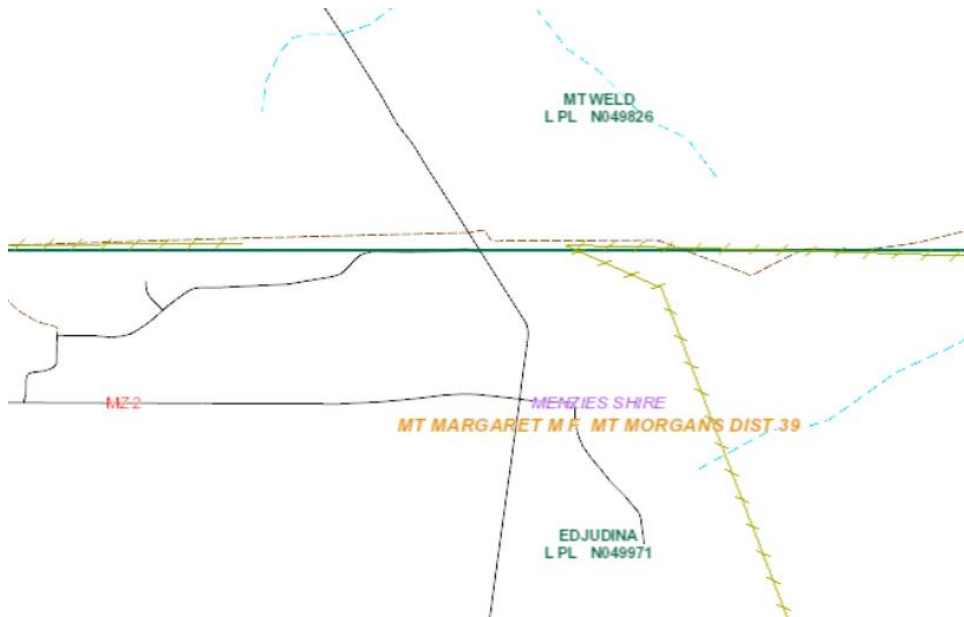
This report is a request for Council approval to replace a stock grid on Mt Celia Road.

BACKGROUND:

Council Policy 12.6 requires the CEO to prepare a report to Council for the retention and removal of stock grids.

The Works Manager has completed a review of all stock grids to the East of the Goldfields Highway (Attached as 12.2.8.1) and has recommended the immediate replacement of the stock grid at SLK 28.80 on Mt Celia Road which is the entrance to Mt Celia Station (border with Eadjudina Station).





The stock grid to be replaced has a grid that is badly rusted and the concrete is badly broken. Fences on either side of the grid are of a good standard and maintained.

The Shire has been discussing a replacement policy for stock grids but this still requires community consultation.

COMMENT:

Although consultation on a new stock grid policy may result in changes to the policy it is considered a safety issue to keep the existing grid at SLK 28.80 on Mt Celia Road. This grid requires immediate replacement and is therefore covered by the existing Policy 12.6.

Approximately 50% of the grids assessed are recommended for removal. Under Policy 12.6 the CEO will now write to the station owners advising of the Shire's intention to remove these stock grids.

With Council elections completed the consultation session for a new stock grid policy will be scheduled in Menzies for 08 November 2021.

CONSULTATION:

Garth Marland, Works Manager.

STATUTORY AUTHORITY:

Local Government Act 1995

POLICY IMPLICATIONS:

Policy 12.6 - Retention of Stock Grids.

FINANCIAL IMPLICATIONS:

The FY 2021/22 Budget has \$60,000 allocated for grids under GRIDCAP. The replacement of one (1) grid would require most of that allocated with the Shire providing a grid and base that is currently on inventory.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Damage to vehicles as the grid deteriorates.	Medium.	Replacement of failed grid.

STRATEGIC IMPLICATIONS:

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:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Approves replacement of the stock grid at SLK 28.80 on Mt Celia Road;
2. Notes the intention to write to station owners regarding removal of multiple stock grids noted within the attached report; and
3. Notes the date for consultation on a replacement stock grid policy.

COUNCIL DECISION:

That Council tables the report pending further information.

12.2.9	Chief Executive Officer leave
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM498
DATE OF REPORT	11 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	The CEO declares an impartiality interest as the item deals with a condition of his employment.
ATTACHMENT	Nil

SUMMARY:

This item requests Council to approve leave for the Chief Executive Officer (CEO) and appoint an Acting CEO for the leave period.

BACKGROUND:

The CEO is requesting leave from 24 December 2021 to 07 January 2022 inclusive which comprises eight (8) working days. The officer has sufficient leave credits to cover the requested period.

COMMENT:

Policy 5.1 requires Council approval for CEO leave that exceeds one (1) week.

As the Shire has no nominated DCEO or Council approved officer for CEO leave replacement, Council will need to appoint an Acting CEO for the period of leave.

Council policy 5.1, under the Model Standards, was adopted 27 May 2021. This allows any employee to be appointed as Acting CEO provided Council deems them to be suitably qualified and experienced.

Appointments by Council to act as Chief Executive Officer will have delegations in accordance with the Council resolution.

Officers acting in the role of Chief Executive Officer, for periods longer than 5 working days, will be eligible to be paid higher duties for the period of acting.

The Works Manager, Mr Garth Marland, will be remaining in Menzies over the Christmas period.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Local Government Act (1995).

POLICY IMPLICATIONS:

Policy 5.1 Acting Chief Executive Officer.

FINANCIAL IMPLICATIONS:

Nil – higher duties allowances were included within the budget.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

4.2 An efficient and effective organisation.

4.2.3 Provide a positive and safe workplace.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Authorises the Chief Executive Officer’s leave between 24 December 2021 and 07 January 2022 inclusive.
2. Appoints _____ as Acting Chief Executive Officer, deemed to be suitably qualified and experienced person, for the period of the Chief Executive Officer’s leave with full delegations of the position.

3. Notes that a higher duties allowance of 10% above current salary will be paid to _____ while acting as Chief Executive Officer which is within the SAT Band 4 range.

COUNCIL DECISION:

Council Resolution Number:	CM-90
-----------------------------------	--------------

Moved: Cr S Sudhir

Seconded: Cr I Baird

That Council authorises the Chief Executive Officer's leave between 24 December 2021 and 07 January 2022 inclusive.

Carried	7 / 0
----------------	--------------

The Council resolution differed from the Officer Recommendation as Council wanted to look at an interim CEO for the leave period, as an option.

12.2.10	Christmas shutdown
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM484
DATE OF REPORT	11 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil.
ATTACHMENT	Nil

SUMMARY:

This item recommends the dates for the closure of the Shire office, Visitors Centre and Depot during the Christmas / New Year period.

BACKGROUND:

It is normal practice for local governments to close for business over the Christmas / New Year period with minimal staff either working or on call to attend to urgent business.

Due to travel restrictions over the past two (2) years, many staff have excess annual leave credits. A shut down reduces the annual leave liability for the Shire. Staff will utilise annual leave credits for the shutdown period.

COMMENT:

The requirements for Shire services reduce over the Christmas period as people leave the district for holidays. Many of the businesses in the Goldfields also have a shutdown period over Christmas.

Minor maintenance, watering and rubbish collection is still required, and this will result in one works crew member being rostered for the period.

The caravan park is expected to be busier than in previous years with travel restrictions still in place. A staff member will be rostered 'on call' for any bookings or support required.

Closing at 5pm Thursday 23 December 2021 allows staff to travel on Friday if they are going out of the district for Christmas day.

CONSULTATION:

Nil.

STATUTORY AUTHORITY:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The shutdown improves the financial position of the Shire by reducing liability for annual leave.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

4.2 An efficient and effective organisation.

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

4.2.3 Provide a positive and safe workplace.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. Authorises a Christmas shutdown period between Friday 24 December 2021 and Monday 03 January 2022 inclusive.
2. Notes that some staff will be rostered to cover essential works and visitor services.

COUNCIL DECISION:

Council Resolution Number:	CM-91
-----------------------------------	--------------

Moved: Cr J Dwyer

Seconded: Cr I Baird

That Council:

- 1. Authorises a Christmas shutdown period between Friday 24 December 2021 and Monday 03 January 2022 inclusive.**
- 2. Notes that some staff will be rostered to cover essential works and visitor services.**

Carried	7 / 0
----------------	--------------

13 INFORMATION REPORTS

OFFICER RECOMMENDATION:

That Council receives the information reports en bloc.

COUNCIL DECISION:

Council Resolution Number:	CM-92
-----------------------------------	--------------

Moved: Cr I Baird **Seconded:** Cr P Warner

That Council receives the information reports en bloc.

Carried	7 / 0
----------------	--------------

13.1	Actions performed under delegation for September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM490
DATE OF REPORT	07 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. MGK Resources Pty Ltd L 29 157 160 [13.1.1 - 10 pages] 2. Ardea Exploration Pty Ltd M 39 1147 [13.1.2 - 4 pages]

SUMMARY:

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Common Seal

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Planning Approvals

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Health Approvals

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

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

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.

Date of decision	Decision ref:	Decision details	Applicant	Other affected person(s)

Ranger Related Dog Issues

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

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

Applications

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

Applicant Name	Application Type	Application Details
MGK Resources Pty Ltd	Miscellaneous	L29/157-160
Ardea Exploration Pty Ltd	Mining	M39/1147

13.2	EHO report for September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM492
DATE OF REPORT	11 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	CEO, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

To advise the council of the activities of the Environmental Health Officer / Building Surveyor for the month of September 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 a hotel kitchen and spoke with the manager who has advised that the hotel kitchen will be closed from the 13 July to 31 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 2008* section 109 - conduct of an unregistered food business and advances the health objectives of the 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.

13.3	Works report for August/September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM493
DATE OF REPORT	18 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Manager Works, Garth Marland
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

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

BACKGROUND:

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

COMMENT:

Maintenance Grading

Maintenance Grading has continued to be carried out west of the Goldfields Highway. This included work on Snake Hill Road, Evanston Menzies Road and Davyhurst Road. Grading has now moved to the western end of Evanston Menzies Road including branch roads in that area.

Tender Works

Following an inspection of the Cut Road, the Connie Sue Highway and the Tjunjuntjara Access Road by Katie Hall, Fraser Range Contractors and myself, work has commenced on these roads commencing with the Cut Road which needed work to enable access to the Connie Sue Highway.

Gravel pits and water bores were located, and a camp site determined for the contracting crew.

Work is now progressing on the Tjunjuntjara Access Road and to a bore in Hidden Valley.

Work has commenced on both Evanston Menzies Road (first 5km of seal) and Menzies North West Road (next 10 kms of seal).

Town Work and Garbage Runs

We continued to be short staffed for much of the month of August, but we are now back to a full contingent of outside staff.

Garbage runs have been carried out diligently. It has been necessary to push up rubbish at both tips on a regular basis as we are receiving more rubbish from outside sources than usual.

A proposal will be put to Council during October concerning the placement of a suitable machine at Kookynie waste facility for the purpose of maintaining cleaner conditions at the site.

Weeding and weed spraying has been carried out in town.

As the warmer weather approaches more watering of plants is required.

Land Fills

As mentioned above, Land Fills have received excessive amounts of rubbish from outside sources.

A request was received to place sleepers at both landfills by railway contractors. The request was refused.

Strong winds have caused rubbish to be strewn around the outskirts of the landfills, but at present I do not have sufficient personnel to rectify this.

We will soon need to extend the Menzies tip. The necessary preliminary works for this have been commenced.

Airstrips

Both Menzies and Kookynie airstrips have been regularly inspected.

Work is required to remove vegetation from both strips. This is not interfering with the operation capabilities of the strips but does need attending to.

Depot

Clean up at depot is continuing. Hazard reduction is on-going. Fencing has been carried out around the new office area and will soon be extended down beside the old post office yard. The large Peppercorn tree which was damaging the old post office building has been removed and the yard tidied.

A supplier has been selected for the offices and an order placed.

Tourist Sites and Truck Bay

This year has seen an increase in tourists visiting Lake Ballard and Niagara Dam. This has resulted in increased usage of toilet facilities, and we have had to clear the storage tanks on several occasions.

Dump points are often reported as being full, but usually prove to be blocked by persons placing items which are too large to pass through the entry grate or by excess paper.

The truck bay has proved popular with truck drivers and good comments are often heard on two-way radio. The shower has been improved and is a popular feature. The Caravan Park continues to be very well utilised.

Some gardening work is required at the Caravan Park.

Other Works

Staff are often asked to carry out extra works such as setting up tables, moving furniture, etc and they fit this into their time in a satisfactory manner.

We now have a considerable length of sealed road under our control and maintenance of this requires the purchase of an emulsion sprayer. A proposal and costing for this will be prepared for Council during October.

13.4	WHS update for September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM491
DATE OF REPORT	11 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

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

Replacing the majority of Fire Extinguishers and Fire Blankets (ordered and received). Cost effective to purchase new ones rather than have the old ones being hydrostatic tested every 5 years – Purchase new (9kg DCP) \$102 vs Hydrostatic Tested \$270. An additional 16 Fire Blankets will be provided to all shire employees renting shire properties.

Dangerous goods and hazardous chemical storage cabinets have been received (50%).

Mandatory signs for the depot have been ordered.

Supplies for the Electrical Test & Tag instrument have been ordered and received.

COVID-19 approved masks have been received for Shire employees for a possible lockdown/mask up situation. Disposable masks have been received for visitors.

Completed a monthly Workplace inspection audit, focusing on the Lady Shenton and Caravan Park this month. No significant issues arising.

Reviewing possible training organisations to provide on-site training for:

- Manual Handling;
- Fire Extinguisher training and
- Fire Warden training.

Completed additional Property Condition Reports for the former Police Station and Butcher's Shop.

Data entry of Hazard Reports, resolving some hazards that have been reported.

13.5	Community Services Report for September 2021
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	NAM480
DATE OF REPORT	13 September 2021
AUTHOR	Chief Financial Officer, Antonio Giometti
RESPONSIBLE OFFICER	Chief Financial Officer, Antonio Giometti
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	Nil

SUMMARY:

The purpose of this report is to advise Council of Community Service activities for the month of September 2021.

BACKGROUND:

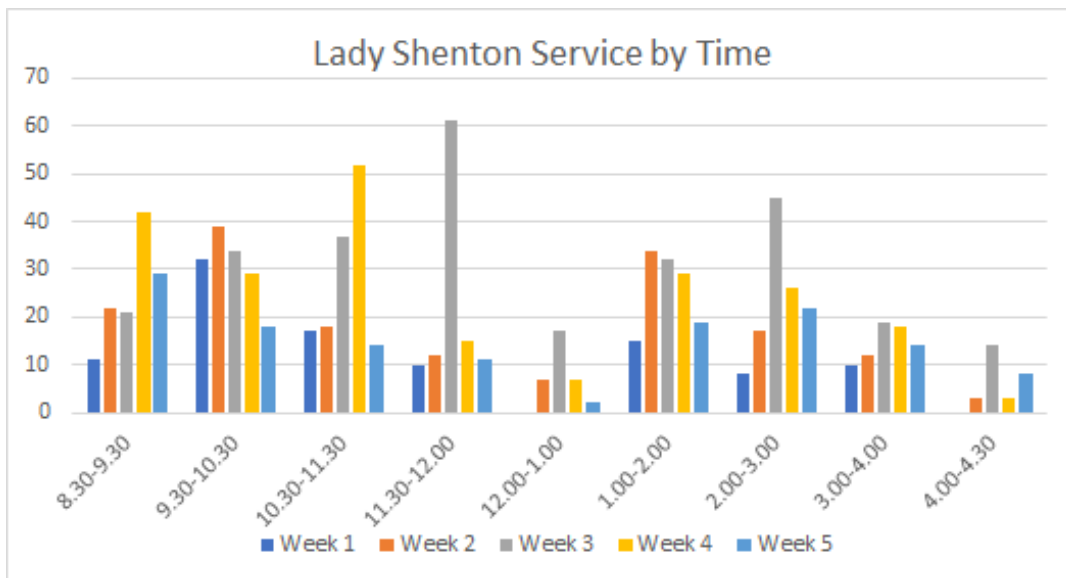
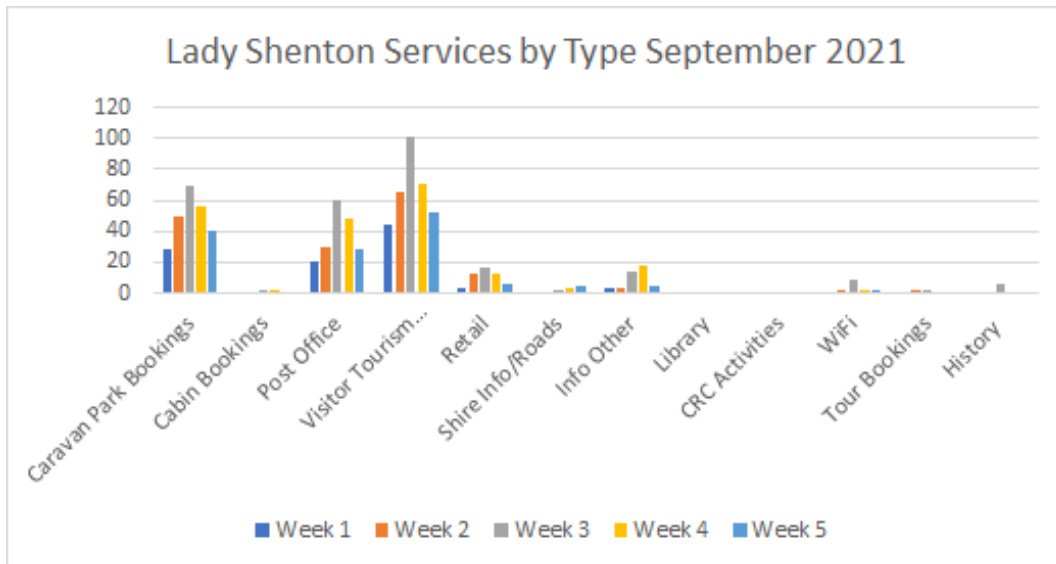
The Lady Shenton Building accommodates the Community Resource Centre, Menzies Visitor Centre and the Menzies Caravan Park management.

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:

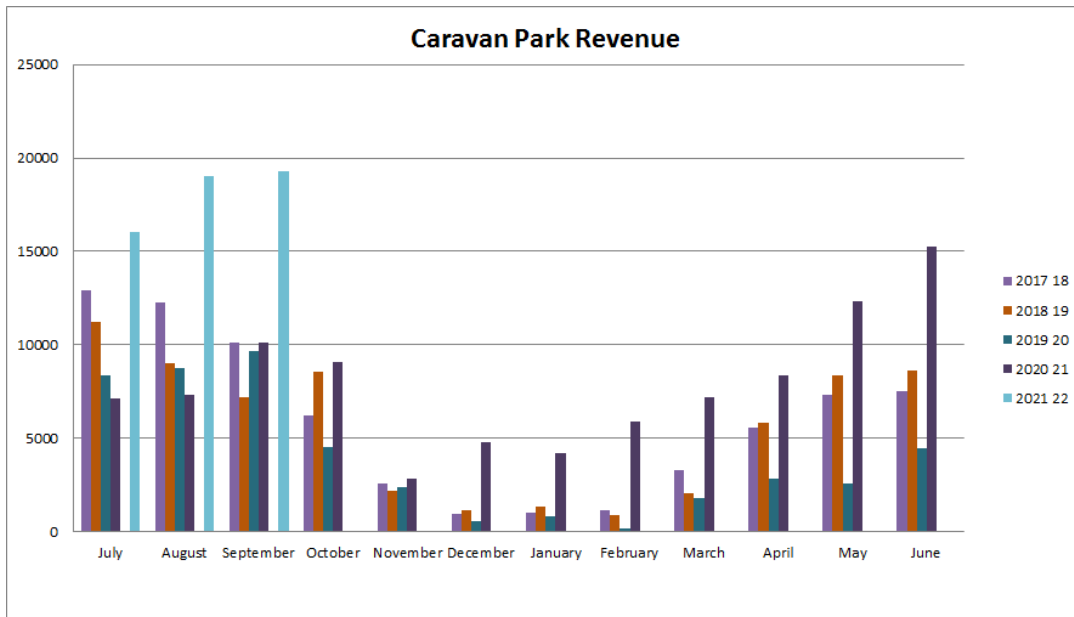
Lady Shenton

The Lady Shenton received 905 visitors in September 2021.



Caravan Park

Caravan Park booking was popular in September 2021 due to the two weeks school holidays and revenue increased from August 2021 to September 2021.



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

	Cabin A	Cabin B	Accounts	
Jul-21	\$ 1,440.00	\$ 2,380.00	\$ 3,062.41	\$ 6,882.41
Aug-21	\$ 1,000.00	\$ 2,580.00	\$ 2,782.02	\$ 6,362.02
Sep-21	\$ 1,920.00	\$ 3,180.00	\$ 1,486.36	\$ 6,586.36
Oct-21				\$ -
Nov-21				\$ -
Dec-21				\$ -
Jan-22				\$ -
Feb-22				\$ -
Mar-22				\$ -
Apr-22				\$ -
May-22				\$ -
Jun-22				\$ -
Total	\$ 4,360.00	\$ 8,140.00	\$7,330.79	\$ 19,830.79

	Caravan Park					
Jul-21	\$ 11,446.25	\$ 11,446.25				
Aug-21	\$ 14,330.91	\$ 25,777.16	26 Powered Sites			
Sep-21	\$ 12,389.04	\$ 38,166.20	6 Unpowered Sites			
Oct-21		\$ -	A Block 3 male and 3 Female Toilet and shower 1 Disabled			
Nov-21		\$ -	B Block 3 male and 3 Female Toilet and shower 1 Disabled			
Dec-21		\$ -	2 Washing machine & Dryers			
Jan-22		\$ -				
Feb-22		\$ -				
Mar-22		\$ -				
Apr-22		\$ -				
May-22		\$ -				
Jun-22		\$ -				
Total	\$ 38,166.20	\$ 75,389.61				

Youth Centre and General Community Services

After school youth engagement activities have been on hold, pending commencement of the new Community Engagement Officer, commencing mid-October 2021.

CONSULTATION

Community Development Specialist and Lady Shenton Visitors Centre & Community Resource Acting Centre Officer (whilst Centre Officer on leave).
Chief Financial Officer.

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

COUNCIL DECISION:

Council Resolution Number:	CM-93
-----------------------------------	--------------

Moved: Cr J Dwyer

Seconded: Cr I Baird

That Council accepts the new business.

Carried	7 / 0
----------------	--------------

15.1	RFT 08/21 Tjuntjuntjara Access Road improvements and repairs
LOCATION	Tjuntjuntjara
APPLICANT	Internal
DOCUMENT REF	NAM483
DATE OF REPORT	22 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. CONFIDENTIAL REDACTED - (Confidential) Previous Evaluation for RFT 02-21 Tjuntjuntjara Access Rd Improvements Tender Assessme [15.1.1 - 28 pages]

SUMMARY:

RFT 08/21 was issued for upgrades and repairs to the Tjuntjuntjara Access Road from Tjuntjuntjara (SLK 120) to SLK80 on the Tjuntjuntjara Access Road. This paper nominates a preferred tenderer for Council approval.

BACKGROUND:

Council budgets for FY 2021/22 included allocations for projects from R2R and RRG which were for upgrades and repairs to the Tjuntjuntjara Access Road.

Tenders were advertised on 06 October 2021 and closed on 21 October 2021 at 2.00pm. Advertisements were placed in The West Australian and Kalgoorlie Miner newspapers.

The tender box was opened by CEO Brian Joiner in the presence of Executive Officer Eve Reitmajer. One tender was received from Fraser Range Station.

COMMENT:

The tender was assessed internally by the CEO and Works Manager, and externally by consultant Katie Hall. As there was only one tender, and they are currently conducting works for the Shire, the panel was confident the company had the capability to deliver the work at the required standard.

An evaluation report had been provided by Greenfields regarding the capacity for Fraser Range to deliver an identical project (attached at 15.1.1). As there was only one (1) tenderer and the work is similar in nature to the current contract, it was not deemed necessary to have another report produced. The evaluation report and assessment summary form a confidential attachment to this report.

The schedule of rates provided by Fraser Range provided a slight increase over the schedule of rates provided for the current work being conducted.

The panel evaluation determined that Fraser Range Station was suitable for award of the tender.

If any of the provisional items described within the tender are required, the value of the contract may need to be varied.

It is recommended that the Council delegate responsibility to the Shire's Chief Executive Officer to negotiate any provisional items included in the RFT Pricing Schedule to a value of 10% of the total contract value as required.

CONSULTATION:

Katie Hall, Consultant.
Garth Marland, Works Manager.

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:

Tenders are based on a schedule of rates so work can be adjusted to remain within the allocated budget of \$631,785.

It is noted that \$70,884 was allocated from funding pools to provide access to the water bore at Hidden Valley. This was considered essential to complete current works and the works to be awarded under this RFT.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
N/A		

STRATEGIC IMPLICATIONS:

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. Awards RFT 08/2021 for the Tjuntjuntjara Access Road Improvements and Repairs to Fraser Range Station as tendered;
2. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and

3. Delegates authority to the Chief Executive Officer to negotiate any provisional items included in the RFT Pricing Schedule to a value of 10% of the total contract value as required.

COUNCIL DECISION:

Council Resolution Number:	CM-94
-----------------------------------	--------------

Moved: Cr J Dwyer

Seconded: Cr S Baird

That Council:

1. **Awards RFT 08/2021 for the Tjuntjuntjara Access Road Improvements and Repairs to Fraser Range Station as tendered;**
2. **Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and**
3. **Delegates authority to the Chief Executive Officer to negotiate any provisional items included in the RFT Pricing Schedule to a value of 10% of the total contract value as required.**

Carried	7 / 0
----------------	--------------

15.2	RFT 06/21 Design and Construct Staff Accommodation
LOCATION	Shire of Menzies
APPLICANT	Internal
DOCUMENT REF	{custom-field-document-reference}
DATE OF REPORT	25 October 2021
AUTHOR	Chief Executive Officer, Brian Joiner
RESPONSIBLE OFFICER	Chief Executive Officer, Brian Joiner
DISCLOSURE OF INTEREST	Nil
ATTACHMENT	1. CONFIDENTIAL REDACTED - 920 Menzies Confidential Tender Assessment Report RFT 06-2021 Staff Accommodation DC (Ver 1) [15.2.1 - 18 pages]

SUMMARY:

This report provides a recommendation to Council for award of RFT 06/21 for the construction of new staff accommodation.

BACKGROUND:

In FY 2020/21 Council budgeted \$520,000 for the construction of two (2) staff houses with two (2) bedrooms and one (1) bathroom. This did not go to tender, and the project funding was rolled over.

In FY 2021/22 Council budgeted an additional \$238,900 and approved an increase in project scope to include an additional house of the same specification.

A tender was issued on 28 August 2021 with advertisements in both the West Australian and Kalgoorlie Miner. Two (2) responses were received when tenders closed on 28 September 2021.

Both responses were assessed as being compliant and they were submitted by:

- CLPM Pty Ltd.
- Zenacon Pty Ltd.

COMMENT:

Tenders were assessed by a tender assessment panel that comprised:

- Brian Joiner, CEO.
- Shane Hearn, BMO.
- Bruce Lorimer, Consultant.

Each tender was assessed in relation to the following:

- Compliance with the conditions of tendering (compliance criteria);
- Responses provided addressing the qualitative criteria set out in the request for tender (Qualitative Criteria) - 60%; and
- Price (Price Criteria) - 40%.

The Qualitative Criteria used for the tender was:

Qualitative Criteria	Weighting
Relevant Experience	20%
Proposed Offering	20%
Project Program & Practical Completion	20%

The Confidential Tender Assessment Report forms an attachment to this report. A summary of the assessment is provided below:

Tenderer	Assess Yes / No	Relevant Experience	Proposed Offering	Project Program & Practical Completion	Price	Total Score	Rank
		20%	20%	20%	40%	Out of 5	
CLPM Pty Ltd	Yes	0.77	0.60	0.80	0.00	2.17	2
Zenacon Pty Ltd	Yes	0.80	0.60	0.80	2.00	4.20	1

Based on the assessment the tender assessment panel resolved to recommend to Council that the tender be awarded to Zenacon Pty Ltd.

The tendered prices are over the current budget for the project. Within the original scope that included three (3) houses the shortfall in budget is \$246,508 (Ex GST).

The tender specification requested a price for an option of building four (4) houses. Although exceeding budget, this is a cost-effective method of increasing housing stock through economies of scale.

Officers have identified three (3) options that Council may wish to consider in awarding RFT 06/2021:

Option 1

That Council awards RFT 06/2021 for the Design and Construct of Staff Accommodation, for three (3) houses, to Zenacon Pty Ltd for \$1,005,408.29 (Ex GST) and approves a transfer of \$246,508.29 from the Building Reserve to Project BC010 New 2 x 1 Staff House – Building.

Option 2

That Council awards RFT 06/2021 for the Design and Construct of Staff Accommodation, for four (4) houses, to Zenacon Pty Ltd for \$1,291,442.91 (Ex GST) and approves a transfer of \$532,542.91 from the Building Reserve to Project BC010 New 2 x 1 Staff House – Building.

Option 3

That Council reject the tenders received for RFT 06/2021 Design and Construct of Staff Accommodation.

CONSULTATION:

Shane Hearn, BMO.
Bruce Lorimer, Consultant.

STATUTORY AUTHORITY:

Local Government Act 1995
Local Government (Functions and General) Regulations 1996 r.11

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The total budget for the project is \$758,900.

The tendered amount of \$1,005,408 (Ex GST) for three (3) houses results in a shortfall of \$246,508.

The tendered amount of \$1,291,442 (Ex GST) for four (4) houses results in a shortfall of \$532,542.

The Building Reserve has a balance of \$1,994,976 budgeted for the end of FY 2021/22. A transfer from the building reserve would be required to cover the shortfall.

RISK ASSESSMENT:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Housing supplied may not meet the expectations of Council.	Medium.	Reactivation of the Housing Committee.
Project costs exceed allocated budget.	Medium.	Negotiation of all variables before execution of contracts.

STRATEGIC IMPLICATIONS:

2.1 An innovative, diverse and prosperous economy.

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

4.2 An efficient and effective organisation.

4.2.2 Provide appropriate services to the community in a professional and efficient manner.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Awards RFT 06/2021 for the Design and Construct of Staff Accommodation, for four (4) houses, to Zenacon Pty Ltd for \$1,291,442.91 (Ex GST); and
2. Approves a transfer of \$532,542.91 from the Building Reserve to Project BC010 New 2 x 1 Staff House – Building; and
3. Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract; and
4. Delegates authority to the Chief Executive Officer to negotiate any provisional items included in the RFT Pricing Schedule to a value of 10% of the total contract value as required.

COUNCIL DECISION:

That Council tables the report pending further information.

16 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS

Nil.

17 NEXT MEETING

The next meeting will be held on 25 November at Menzies commencing at 1pm.

18 CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.28pm.