



Minutes Ordinary Council Meeting

Friday
18th December 2015

2.00 pm





SHIRE OF SANDSTONE

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Mia Dohnt
Chief Executive Officer

04th January 2016

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SHIRE OF SANDSTONE
MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS,
SANDSTONE, ON THURSDAY 18TH DECEMBER 2015

1.0 DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr Bethel Walton, declared the meeting open at 2.00pm.

2.0 ATTENDANCE

2.1 PRESENT

B Walton	Shire President	District Ward
F May	Councillor	District Ward
D Bennett	Councillor	District Ward
C Hodshon	Councillor	District Ward
K Key	Councillor	District Ward

STAFF

M Dohnt	Chief Executive Officer
R Moss	Works Supervisor

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

2.4 VISITORS

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Cr D Bennett declared a financial interest in item 11.2.4 as she is a business owner in Sandstone

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

Prior to the confirmation of the minutes the Shire President reminded all present that if there was an error in the minutes it need to raised prior to the minutes being confirmed. Also if a Councillor was against a particular motion or wished for their name to be recorded they should ensure they raise this at the time of voting.

122/15 COUNCIL RESOLUTION

MOVED: Cr F May

SECONDED: Cr K Key

That the Minutes of the Ordinary Meeting of Council held on Thursday 26th November 2015 be confirmed as a true and accurate record of proceedings.

CARRIED

Voting 5/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Cr Beth Walton requested to bring an announcement for discussion

123/15 COUNCIL RESOLUTION

MOVED: Cr C Hodshon

SECONDED: Cr K Key

To allow discussion without prior notice.

CARRIED

Voting 5/0

Cr B Walton noted her concerns for the victims of the recent Esperance bushfires and suggested that Council make a donation to the Lord Mayors Disaster Relief Fund and ask for comments from Councillors.

124/15 COUNCIL RESOLUTION

MOVED: Cr C Hodshon

SECONDED: Cr K Key

That Council make a \$500 donation to the Lord Mayors Distress Relief Fund to assist the victims of the Esperance bushfires.

CARRIED

Voting 5/0

9.0 OFFICERS REPORTS

CHIEF EXECUTIVE OFFICER'S REPORT

Nil

FINANCIAL REPORTS

9.2.1 FINANCIAL STATEMENTS FOR MONTH OF NOVEMBER 2015

Agenda Reference: FIN 12/15 – 01
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 11th December 2015
Author: Mia Dohnt – Chief Executive Officer

Signature of Author: _____



Summary

The Monthly Statement of Financial Activity reports for the month ending 30th November 2015 is presented to Council for adoption.

Attachments

November 2015 Monthly Financial Report.

Background

The Financial Management Regulations require a monthly statement of financial activity to be presented to Council.

Comment

Council continues to be in a strong financial position.

Council's current operating surplus as at 30 September 2015 was \$3,056,737 but is still subject to change once the 2014/2015 financial report is finalised.

Summary of Funds – Shire of Sandstone as at: 30th November 2015

Municipal Cheque Account - On-line (BWA)	\$398,753
Municipal Investment Account – On-line (BWA)	\$640,943
Trust Fund (Bank West)	\$2,349
Municipal Term Deposit (Bank West)	\$639,905
Bankwest Middle Markets Account	\$5,002,816

There are minimal outstanding debtors.

Rate debtors as at 30th November 2015 were \$20,823.04.

Consultation

Nil

Statutory Environment

Local Government (Financial Management) Regulations 1996: Regulation 34(1) (a) and Regulation 17.

Policy Implications

Nil

Financial Implications

No significant financial trends are identified at this time.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation – Item 9.2.1

That Council adopt the Financial Activity report for the month of November 2015 as included in the attachments.

125/15 COUNCIL RESOLUTION

MOVED: Cr D Bennett

SECONDED: Cr K Key

That Council adopt the Financial Activity report for the month of November 2015 as included in the attachments.


CARRIED

Voting 5/0

9.2.2 ACCOUNTS PAID – NOVEMBER 2015

Agenda Reference: FIN 12/15 – 02
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 11th December 2015
Author: Mia Dohnt – Chief Executive Officer

Signature of Author:



Summary

To present the listing of accounts paid from the Municipal Fund and Trust Fund in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

Attachments

The list of accounts (EFT and cheque payments) is attached which will enable Council to confirm payment of its creditors

Background

Council delegated to CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund.

Financial Regulations require a schedule of payments made through the bank accounts to be presented to Council for their inspection. The lists include details for each payment made incorporating the payee's name, amount of payment, date of payment and a brief transaction description.

Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to receipt of the goods or services and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Financial Management Regulations 1996

Policy Implications

Payments have been made under Council delegation.

Financial Implications

Funds were available to meet the expenditure.

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation – Item No. 9.2.2

That Council confirm the November 2015 accounts paid as presented:

Municipal Fund

Cheque numbers 248 – 254 totalling \$44,260.16

Printed cheque numbers 105004 – 105006 totalling \$881.36

EFT Payment Numbers 4131 – 4202 totalling \$736,561.40

Direct Debit Payment numbers DD2337.1 – DD2508.9 totalling \$64,002.62

Trust Fund:

Cheque 52 – 53 totalling \$1,955.90

Payroll EFT:

November 2015 - \$34,448.48 and \$33,929 totalling \$68,377.48

Credit Cards:

DD2519.1 totalling \$2,142.63

126/15 COUNCIL RESOLUTION

MOVED: Cr F May

SECONDED: Cr C Hodshon

That Council confirm the November 2015 accounts paid as presented:

Municipal Fund

Cheque numbers 248 – 254 totalling \$44,260.16

Printed cheque numbers 105004 – 105006 totalling \$881.36

EFT Payment Numbers 4131 – 4202 totalling \$736,561.40

Direct Debit Payment numbers DD2337.1 – DD2508.9 totalling \$64,002.62

Trust Fund:

Cheque 52 – 53 totalling \$1,955.90

Payroll EFT:

November 2015 - \$34,448.48 and \$33,929 totalling \$68,377.48

Credit Cards:

DD2519.1 totalling \$2,142.63


CARRIED

Voting 5/0

9.2.3 2014/2015 ANNUAL REPORT

Agenda Reference: CEO 12/15 – 03
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 14th December 2015
Author: Mia Dohnt – Chief Executive Officer

Signature of Author:



Summary

The 2014/15 Annual Report is presented to Council for adoption. It is also necessary for Council to set a date for the Annual General Meeting of Electors.

Attachments

A copy of the 2014/15 Annual Report has been forwarded to Councillors with this Agenda.

Background

Council has an obligation under the Local Government Act 1995 to prepare an Annual Report and to present the report to the community.

Comment

The 2014/15 Annual Report includes:

- ❖ Shire President's Report
- ❖ Chief Executive Officer's Report – including Statutory Reports
- ❖ Environmental Health/Building Officer's Report
- ❖ Audited Financial Statements
- ❖ Auditor's Report

The report outlines the activities undertaken during 2014/15 together with the financial position of the Shire of Sandstone as at 30th June 2015.

There were no statutory non-compliance matters raised in the Auditor's Report. There was one operational risks raised as set out below;

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
New issues identified from 2015 audit:			
1. Monthly bank reconciliation		✓	
2. Monthly bank reconciliation review		✓	

KEY TO RATINGS

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly. A significant rating could indicate the need for a modified audit opinion in the current year, or in a subsequent reporting period if not addressed. However even if the issue is not likely to impact the audit opinion, it should be addressed promptly.

Moderate - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.

Minor - Those findings that are not of primary concern but still warrant action being taken.

This issue has been addressed by outsourcing most financial responsibilities of the Shire.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Subdivision 4 — Electors' meetings

5.26. *Term used: electors*

In this Subdivision —

electors includes ratepayers.

5.27. *Electors' general meetings*

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.29. Convening electors' meetings

- (1) *The CEO is to convene an electors' meeting by giving —*
 - (a) *at least 14 days' local public notice; and*
 - (b) *each council member at least 14 days' notice,**of the date, time, place and purpose of the meeting.*
- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.*

5.30. Who presides at electors' meetings

- (1) *The mayor or president is to preside at electors' meetings.*
- (2) *If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.*
- (3) *If the circumstances mentioned in section 5.34(a) or (b) apply and —*
 - (a) *the office of deputy mayor or deputy president is vacant; or*
 - (b) *the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,**then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.*

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) *cause minutes of the proceedings at an electors' meeting to be kept and preserved; and*
- (b) *ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.*

5.33. Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —*
 - (a) *at the first ordinary council meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,**whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

Division 5 — Annual reports and planning

[Heading amended by No. 49 of 2004 s. 42(2).]

[5.52. Deleted by No. 49 of 2004 s. 42(3).]

5.53. Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain —*
 - (a) *a report from the mayor or president; and*
 - (b) *a report from the CEO; and*
 - [(c), (d)deleted]*
- (e) *an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and*
 - (f) *the financial report for the financial year; and*
 - (g) *such information as may be prescribed in relation to the payments made to employees; and*
 - (h) *the auditor's report for the financial year; and*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
 - (hb) *details of entries made under section 5.121 during the financial year in the register of complaints, including —*
 - (i) *the number of complaints recorded in the register of complaints; and*
 - (ii) *how the recorded complaints were dealt with; and*
 - (iii) *any other details that the regulations may require;**and*
 - (i) *such other information as may be prescribed.*

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and (5); No. 1 of 2007 s. 6.]

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
- * Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

[Section 5.54 amended by No. 49 of 2004 s. 49.]

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Division 3 — Conduct of audit

7.9. Audit to be conducted

- (1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
 - (a) *the mayor or president; and*
 - (b) *the CEO of the local government; and*
 - (c) *the Minister.*
- (2) *Without limiting the generality of subsection (1), where the auditor considers that —*
 - (a) *there is any error or deficiency in an account or financial report submitted for audit; or*
 - (b) *any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or*
 - (c) *there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government,*

details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) *The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —*
 - (a) *prepare a report thereon; and*
 - (b) *forward a copy of that report to the Minister,*

and that direction has effect according to its terms.
- (4) *If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.*

Local Government (Administration) Regulations 1996

Part 3 — Electors' meetings

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

15. *Matters to be discussed at general meeting (Act s. 5.27(3))*

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.
16. *Request for special meeting, form of (Act s. 5.28(2))*

A request for a special meeting of the electors of a district is to be in the form of Form 1.

17. *Voting at meeting (Act s. 5.31)*

- (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.*

18. *Procedure at meeting (Act s. 5.31)*

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Absolute majority

Officer Recommendation – Item No. 9.1.3

That Council:

- a) **adopts the 2014/15 Annual Report as presented including the Audited Annual Financial Statements and Auditor's Report.**

127/15 COUNCIL RESOLUTION

MOVED: Cr C Hodshon

SECONDED: Cr C K Key

That Council:

- a) **adopts the 2014/15 Annual Report as presented including the Audited Annual Financial Statements and Auditor's Report.**

**RESOLUTION CARRIED BY ABSOLUTE MAJORITY
Voting 5/0**

HEALTH, BUILDING and TOWN PLANNING

Nil

WORKS & SERVICES

9.4.1 WORKS SUPERVISORS ACTIVITY REPORT – NOVEMBER 2015

Agenda Reference: WS 12/15 – 01
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 14th December 2015
Author: Rob Moss – Works Supervisor

Signature of Author:



Summary

To provide Council with an Activity Report on the operations of Council's Infrastructure division since the last meeting.

Attachments

None

Background

As Council's Works Supervisor, please find below a summarised activity report relating to actions undertaken by Council's Infrastructure Construction, Maintenance and Horticulture divisions since the last Council meeting.

Comment

Construction

Menzies Rd 38.7 – 42.2 SLK in progress

Maintenance Grading.

Paynes Find Rd approx. 60% complete

Flood Damage

Repairs on Sandstone/Wiluna Rd is complete

Repairs on Gidgee Rd complete

Repairs on Cogla Downs Rd complete

Repairs on Meekatharra Rd in progress

Horticulture

Ongoing maintenance to town gardens and general street maintenance.

Plant Replacement

Still waiting for delivery of the 70 series for the mechanic, still hasn't been delivered to the dealer

Plant Maintenance.

Preventative maintenance to all plant ongoing.

Caravan Park

Ongoing maintenance to park, gardens and buildings

Seems to be a problem with the bore it may be running out or low. The flow has been restricted and watering has been reduced a little to try and get tanks topped up. Maybe need to look into putting another bore down

Building Maintenance.

Ongoing minor reactive maintenance issues. Wherever possible these have been rectified with the shires own resources.

General

Car port has commenced instalment and will be completed by Xmas

Xmas Shutdown

The outdoor staff will finish on Wednesday 23/12/2015 and return to work on Monday 4/1/2016. During this period the works supervisor, maintenance/grader operators and truck driver will be here if required for an emergency. The gardener will be still be doing some watering over the break and the water park will looked after by the works supervisor and truck driver

Statutory Environment

Not applicable

Policy Implications

Not applicable

Financial Implications

No financial impost is associated with the activity report as it is retrospective

Strategic Implications

Long-term objectives may be developed from time to time

Voting Requirements

Not required

For Councillors Information Only

Information Received

128/15 COUNCIL RESOLUTION

MOVED: Cr F May

SECONDED: Cr C Hodshon

That Council adjourn the meeting for a short break.

CARRIED

Voting 5/0

*Council meeting was adjourned at 3.00PM
Council meeting was reconvened at 3.20 PM*

LATE ITEMS REPORTS

129/15 COUNCIL RESOLUTION

MOVED: Cr F May

SECONDED: Cr D Bennett

That the members of the Council agreed to the introduction of the following late item for decision.

CARRIED

Voting 5/0

11.1 ELECTED MEMBERS

Nil

11.2 STAFF

11.2.1 CONTRACT RANGER SERVICES

Agenda Reference: LATE 12/15 – 01
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 17 December 2015
Author: Mia Dohnt – Chief Executive Officer

Signature of Author: _____



Summary

To approve the change of the fuel clause/allocation in the Rangers contract.

Attachments

Email from Canine Control.

Background

Previously the Ranger Services contract has allowed the Ranger to take 140 litres of fuel on his monthly visit. Previously this was taken directly from the depot bowser with the Ranger completing the stock allocation sheet. The Ranger had been given the code to access the bowser unaccompanied several years ago.

Comment

Following a recent incident over fuel, and discussions with the CEO and Shire President it was agreed that rather than the Ranger accessing the Shire's bowser and entering the depot yard the Ranger would include a monetary amount to compensate for the fuel.

Consultation

Mia Dohnt, CEO

Beth Walton, Shire President

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

No major change to the original cost will result as an amendment to the contract

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation – Item Number 11.2.1

That Council accepts the amendment to the Ranger Services contract with Canine Control

130/15 COUNCIL RESOLUTION

MOVED: Cr D Bennett

SECONDED: Cr K Key

That Council accepts the amendment to the Ranger Services contract with Canine Control for the fuel clause to be changed from 140L per visit to be \$1.40per Litre (\$210) and adjusted quarterly for prices of more than 5c a litre change.

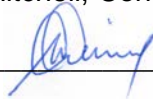
CARRIED

Voting 5/0

11.2.2 PROPOSED LOCAL LAW – Dogs – Intent to adopt

Agenda Reference: LATE 12/15 – 02
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 17 December 2015
Author: Niel Mitchell, Consultant

Signature of Author: _____



Summary

To re-commence the formal process for adoption of the proposed local law

Attachments

Proposed Shire of Sandstone Dogs Local Law 2016

Background

The purpose of this report is –

- 1) To allow the Presiding Person to give notice to the meeting of the intention to make the proposed Dogs Local Law 2016,
- 2) For Council to adopt the proposed local law,
- 3) For Council to give notice of the purpose and effect of the proposed local law, and
- 4) To allow for advertising of the proposed local law for public comment.

Comment

The proposed local laws are set out in the attachment to this report. In making a new local law, Council must comply with the provisions of section 3.12 of the Local Government Act.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the local law is the control and management of dogs.

The effect of the proposed local law is –

- repeal the existing Dogs Local Law,
- management of dog management facilities;
- stipulate the requirements for keeping of dogs and the number of dogs;
- and enforcement of the provisions of the local law.

As required by section 3.12 the Local Government Act 1995, the next steps include –

- Statewide public notice required inviting submissions
- Local public notice required inviting submissions
- Ministers to be advised –
 - o Minister for Local Government
- supporting documentation required to be sent –
 - o details of advert of intent to adopt
 - o copy of the proposed local laws,
 - o National Competition Policy Executive Summary Form – Competitive Neutrality, Activity in Local Law

- National Competition Policy Executive Summary Form – Restrictions in Local Law

Notices are to invite the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

Once the submission period is closed, Council is required to consider any submissions received. Minor amendments not affecting the intent of the provisions can be made, but if significant changes are needed, the proposal must be readvertised.

The proposed local law is then published in the Government Gazette, and comes into effect on the date specified. The Gazettal copy is then sent to the Parliamentary Committee on Delegated Legislation to review, which may then disallow or require changes, even though now Gazetted.

Re-commencement

In their comments in relation to the initial proposed local law, Dept of Local Government and Communities advised –

The current clause 5.1 provides that a failure to comply with any provision in the local law is an offence and such offence attracts the payment of the default penalty specified under the Dog Act. This causes an issue, as the Dog Act does not provide a default penalty for offences under local laws.

Section 50(2) of the Dog Act provides that any local law may impose a maximum penalty of \$5,000. These penalties only apply if they are set out directly in the local law itself.

Further, under section 45A(3) of the Dog Act, a modified penalty cannot be greater than 10% of the maximum unmodified penalty for that offence. Since the local law does not establish any unmodified penalties, the modified penalties in Schedule 1 will automatically exceed the 10% maximum and be invalid.

It is strongly suggested that the Shire include unmodified penalties. A failure to do so will significantly hinder the Shire's ability to enforce the local law.

The Shire should be aware that the addition of penalties is likely to constitute a significant change under section 3.13 of the Local Government Act 1995. Accordingly, the Shire will need to restart the law-making process under section 3.12 of the Act.

Accordingly, the full process needs be undertaken again.

The attached draft incorporates all comments made by DLGC, and includes a re-written clause 5.1.

Consultation

Ms Mia Dohnt, CEO
Dept of Local Government and Communities

Statutory Environment

Local Government Act 1995 –

3.12 – Notice of purpose and effect of local law to be given by the person presiding

Dog Act 1976

Policy Implications

Nil

Financial Implications

Cost of Statewide advertising

Strategic Implications

Compliance with the Local Government Act

Compliance with the Dog Act 1976

Voting Requirements

Absolute majority

Officer Recommendation – Item No11.2.2

That Council pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Sandstone Dogs Local Law 2015, as contained in the Attachment:

- a) the purpose of the local law is the control and management of dogs
- b) the effect is to –
 - repeal the existing Dogs Local Law,
 - management of dog management facilities;
 - stipulate the requirements for keeping of dogs and the number of dogs;
 - and enforcement of the provisions of the local law.

131/15 COUNCIL RESOLUTION

MOVED: Cr C Hodshon

SECONDED: Cr K Key

That Council pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Sandstone Dogs Local Law 2015, as contained in the Attachment:

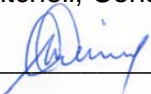
- a) the purpose of the local law is the control and management of dogs
- b) the effect is to –
 - repeal the existing Dogs Local Law,
 - management of dog management facilities;
 - stipulate the requirements for keeping of dogs and the number of dogs;
 - and enforcement of the provisions of the local law.

**RESOLUTION CARRIED BY ABSOLUTE MAJORITY
Voting 5/0**

11.2.3 PROPOSED LOCAL LAWS – Various – Final Adoption

Agenda Reference:
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 17 December 2015
Author: Niel Mitchell, Consultant

Signature of Author:



Summary

To commence the formal process for adoption of the proposed local law

Attachments

- 1) Proposed Shire of Sandstone Extractive Industries Amendment Local Law 2015
- 2) Summary of Submissions – Extractive Industries
- 3) Proposed Shire of Sandstone Bush Fire Brigades Local Law 2015
- 4) Summary of Submissions – Bush Fire Brigades
- 5) Proposed Shire of Sandstone Meeting Procedures Local Law 2015
- 6) Summary of Submissions – Meeting Procedures

Background

The purpose of this report is –

- 1) consider the submissions received on the proposed Local Laws and determine if any drafting amendment(s) are required as a result of the submissions received;
- 2) give notice of the purpose and effect of the Local Laws;
- 3) make the Local Law, incorporating all amendments as approved by Council;
- 4) authorise the affixing of the Common Seal to the local law;
- 5) authorise the local law's publication in the *Government Gazette*; and
- 6) give local public notice, (after Gazettal), of the date the Local Laws will come into effect.

Comment

This Agenda item refers only to the following Local Laws –

- Extractive Industry Amendment Local Law 2015
- Bush Fire Brigades Local Law 2015
- Meeting Procedures Local Law 2015

Information is still awaited for –

- Sandstone Public Cemetery Amendments Local Law 2015

No change is proposed for –

- Local Government Property Local Law 2004

Dealt with as separate Agenda items –

- Activities in Thoroughfare and Public Places and Trading Amendment Local Law 2015
- Dogs Local Law 2016

At its ordinary meeting held on the 28 August 2015 Council resolved to commence the process to make the Local Laws.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

Council advertised, both locally and state-wide, for public comment on the proposed Repeal Local Law 2015.

An advertisement was placed in the West Australian on 21 October 2015 and the Mid West Times on 29 October 2015, with the submission period for public comment closing on 4 December 2015.

At the close of the submission period, submissions had been received only from Dept of Local Government & Communities. No public submissions were received.

The Departmental submissions covered multiple areas, however, no substantive matters were raised with the items being of a context or technical nature, punctuation and grammar. Some of the suggested changes did require minor consequential amendment, however none have altered the intent of the provision amended.

Despite the number of corrections, it is considered that the amendments are not of a significant nature that requires re-advertising. The amendments relate to wording or style, are intended to simplify the repeal local law, and have the same intent and effect as the draft.

Once formally adopted by Council, the local law –

- is to be published in the Government Gazette
- copies are sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication,
- signed copy is sent to Minister for Local Government,
- local public notice given of adoption (as opposed to proposal previously advertised).

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect immediately on publication in the Government Gazette.

Consultation

Ms Mia Dohnt, CEO
Dept of Local Government

Statutory Environment

Local Government Act 1995 –

3.12 – Notice of purpose and effect of local law to be given by the person presiding

Policy Implications

Nil

Financial Implications

Cost of publication in the Government Gazette
Cost of local public notice

Strategic Implications

Compliance with the Local Government Act

Voting Requirements

Absolute majority

Officer Recommendation – Item No. 11.2.3

That Council –

1. notes the submissions from the Department of Local Government and Communities in relation to the following proposed local laws –
 - Extractive Industry Amendment Local Law 2015;
 - Bush Fire Brigades Local Law 2015; and
 - Meeting Procedures Local Law 2015
2. resolves to make the Local Laws noted above as per the attached drafts, incorporating amendments outlined by the Department of Local Government and Communities;
3. authorise the affixing of the Common Seal to the Local Law noted above;
4. publish the Local Laws noted above, in the Government Gazette and provide copies of the local laws to the Minister for Local Government and the Minister for Emergency Services;
5. forward a copy of the Gazetted Local Laws, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

132/15 COUNCIL RESOLUTION

MOVED: Cr F May

SECONDED: D Bennett

That Council –

1. notes the submissions from the Department of Local Government and Communities in relation to the following proposed local laws –
 - Extractive Industry Amendment Local Law 2015;
 - Bush Fire Brigades Local Law 2015; and
 - Meeting Procedures Local Law 2015
2. resolves to make the Local Laws noted above as per the attached drafts, incorporating amendments outlined by the Department of Local Government and Communities;
3. authorise the affixing of the Common Seal to the Local Law noted above;
4. publish the Local Laws noted above, in the Government Gazette and provide copies of the local laws to the Minister for Local Government and the Minister for Emergency Services;
5. forward a copy of the Gazetted Local Laws, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

**RESOLUTION CARRIED BY ABSOLUTE MAJORITY
Voting 5/0**

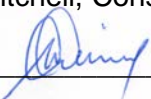
Cr D Bennett declared a financial interest in this item and left the Chambers at 4.45PM

11.2.4	PROPOSED LOCAL LAW – Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2015 – Final Adoption
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Agenda Reference:

Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 14 December 2015
Author: Niel Mitchell, Consultant

Signature of Author:



Summary

To commence the formal process for adoption of the proposed local law

Attachments

- 7) Proposed Shire of Sandstone Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2015
- 8) Summary of Submissions – Activities in Thoroughfares etc

Background

The purpose of this report is –

- 7) consider the submissions received on the proposed Local Law and determine if any drafting amendment(s) are required as a result of the submissions received;
- 8) give notice of the purpose and effect of the Local Law;
- 9) make the Local Law, incorporating all amendments as approved by Council;
- 10) authorise the affixing of the Common Seal to the local law;
- 11) authorise the local law's publication in the *Government Gazette*; and
- 12) give local public notice, (after Gazettal), of the date the Local Law will come into effect.

Comment

This Agenda item refers only to the following Local Laws –

- Activities in Thoroughfare and Public Places and Trading Amendment Local Law 2015

At its ordinary meeting held on the 28 August 2015 Council resolved to commence the process to make the Local Law.

The procedure for making local laws requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law.

Council advertised, both locally and state-wide, for public comment on the proposed Repeal Local Law 2015.

An advertisement was placed in the West Australian on 21 October 2015 and the Mid West Times on 29 October 2015, with the submission period for public comment closing on 4 December 2015.

At the close of the submission period, submissions had been received only from Dept of Local Government & Communities. No public submissions were received.

The Departmental submissions covered multiple areas, however, no substantive matters were raised with the items being mainly of a context or technical nature, punctuation and grammar. Some of the suggested changes did require minor consequential amendment, however none have altered the intent of the provision amended.

Despite the number of corrections, it is considered that the amendments are not of a significant nature that requires re-advertising. The amendments relate to wording or style, are intended to simplify the repeal local law, and have the same intent and effect as the draft.

One recommendation of DLGC should be noted – that clause 6.8(2)(a) be deleted. This clause stipulates a minimum distance a stallholder or trader must be from a permanent business offering the same goods or service. They have noted that such clauses are objected to by the Parliamentary Joint Standing Committee on Delegated Legislation. This Committee has the power to effectively reject a local law or amendment, or to require mandatory change to the text.

Accordingly, it is suggested that the clause stipulating a minimum distance be deleted entirely as recommended by the Department. It is recommended that Council consider adoption of a policy which outlines restrictions, with the requirement that the policy be advised to every permit holder, and be a standard part of the permit approval process.

Once formally adopted by Council, the local law –

- is to be published in the Government Gazette
- copies are sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication,
- signed copy is sent to Minister for Local Government,
- local public notice given of adoption (as opposed to proposal previously advertised).

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- takes effect immediately on publication in the Government Gazette.

Consultation

Ms Mia Dohnt, CEO
Dept of Local Government

Statutory Environment

Local Government Act 1995 –

- 3.12 – Notice of purpose and effect of local law to be given by the person presiding

Policy Implications

Nil

Financial Implications

Cost of publication in the Government Gazette
Cost of local public notice

Strategic Implications

Compliance with the Local Government Act

Voting Requirements

Absolute majority

Officer Recommendation – Item No. 11.2.4

That Council –

1. notes the submissions from the Department of Local Government and Communities in relation to the following proposed local laws –
 - Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2015;
2. resolves to make the Local Law noted above as per the attached draft, incorporating amendments outlined by the Department of Local Government and Communities,
3. authorise the affixing of the Common Seal to the Local Law noted above;
4. publish the Local Law noted above, in the Government Gazette and provide copies of the Local Law to the Minister for Local Government; and
5. forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

133/15 COUNCIL RESOLUTION

MOVED: Cr F May

SECONDED: Cr C Hodshon

That Council –

1. notes the submissions from the Department of Local Government and Communities in relation to the following proposed local laws –
 - Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2015;
2. resolves to make the Local Law noted above as per the attached draft, incorporating amendments outlined by the Department of Local Government and Communities,
3. authorise the affixing of the Common Seal to the Local Law noted above;
4. publish the Local Law noted above, in the Government Gazette and provide copies of the Local Law to the Minister for Local Government; and
5. forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.

**RESOLUTION CARRIED BY ABSOLUTE MAJORITY
Voting 4/0**

Cr D Bennett returned to the Chambers at 4.48PM

12. CONFIDENTIAL ITEMS

Nil

13. COUNCILLOR REPORTS

Nil

14. TIME AND DATE OF NEXT MEETING

The next scheduled ordinary meeting of the Council will be held on Thursday 25th February 2016.

15. CLOSURE OF THE MEETING

There being no further business the Shire President thanked all for attending and declared the meeting closed at 4.50pm.

These minutes were confirmed at a meeting on 25th February 2016.

Signed: _____

Presiding Officer

Date: 25th February 2016