



MINUTES

Special Council Meeting

9 October 2019

9.00am

To be held in the Council Chambers, Hack St Sandstone



SPECIAL COUNCIL MEETING NOTICE PAPER

9 October 2019 at 9.00am

Dear President and Councillors,

A Special Meeting of Council has been called for 9th October 2019, in the Council Chambers, Hack Street, Sandstone, commencing at 9.00am.

Councillors please note:

Only items in this agenda may be discussed at the meeting.

A handwritten signature in black ink, appearing to read 'H. Hawkins', is positioned above the printed name of the Chief Executive Officer.

Harry Hawkins
Chief Executive Officer

Monday 7th October 2019



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Sandstone Shire Council for any act, omission, statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Sandstone Shire Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement, intimation or otherwise occurring during Council/Committee Meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

*In particular but without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence or permit, any statement or limitation of approval made by an Elected Member or by a Staff Member of Sandstone Shire Council during the course of any Meeting is not intended to be and is not to be taken as notice of approval from the Sandstone Shire Council. The Sandstone Shire Council warns that anyone who has an application lodged with the Sandstone Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application including any conditions attaching to the decision made by the Sandstone Shire Council in respect of the application.*

A handwritten signature in black ink, appearing to read 'H. Hawkins', is positioned above a horizontal line.

Harry Hawkins
Chief Executive Officer

7th October 2019

Hack Street, SANDSTONE WA 6639
Tel (08) 9963 5802; Fax (08) 9963 5852
E-mail: ceo@sandstone.wa.gov.au



WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

I, (1) _____ hereby declare an interest in the following item to be considered by Council at its Meeting to be held on (2) _____ and regarding

Agenda item (3) _____

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

The nature of my interest is (5)

The extent of my interest is (6)

I understand that the above information will be recorded in the Minutes of the Meeting and recorded by the Chief Executive Officer in an appropriate Register.

 (Signature)

 (Date)

RECEIVED BY:

 (Chief Executive Officer)

 (Date)

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box(es) to indicate the type of interest (for explanation, see the extracts overleaf from the Act.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

Financial pursuant to Section 5.60A of the Local Government Act 1995

s5.60A Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

s5.60B Proximity Interest

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

s5.61 Indirect Financial Interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

reg 11 Disclosure of Interest

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship, friendship or membership of an association.
- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
 - (a). in a written notice given to the CEO before the meeting;
 - or
 - (b). at the meeting immediately before the matter is discussed.

- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under s.5.68 of the Act)

s5.68 Councils and Committees may allow Members disclosing interests to participate etc. in Meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
 - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.



**SHIRE OF SANDSTONE
ELECTED MEMBER'S REQUEST FORM**

Councillor's Name: _____

Date: ____/____/2019

Urgency: Low / Medium / High / Strategic

Road / Public Building / Area: _____

Request: _____

Description: _____

OFFICE USE ONLY:-----

Action Taken: _____

Comment: _____

Completed: ____/____/2019

Signature: _____

Inspected and/or authorised by: _____
(Chief Executive Officer)

**PLEASE NOTE:
THIS PAGE HAS BEEN
INTENTIONALLY LEFT BLANK**



Councillor's Claim for Sitting Fees and Travel

Councillor _____

Creditor No _____

<i>Date</i>	<i>Meeting</i>	<i>Sitting Fees</i>	<i>Travel Km's</i>	<i>Amount</i> 74 cents per km
Date of Meeting	Type of Meeting	\$170/ \$340	No of km's	Office Use
9 th October 2019	Special Council			

Fees payable are in accordance with the Local Government Act (5.98) – Administration Regulations (30)

Total		Total
<input style="width: 100%;" type="text"/>		<input style="width: 100%;" type="text"/>
04109	Line Item 370	04100
TOTAL:		<input style="width: 100%;" type="text"/>

OTHER MEETINGS ATTENDED IN THE MONTH

Date	Meeting	Km's	Vehicle supplied?

If this form is not filled out correctly with all information the claim will be rejected.

_____ (Signature) _____ (Date)

Calculations Checked _____ Date _____

Goods Received / Payment Approved _____

**PLEASE NOTE:
THIS PAGE HAS BEEN
INTENTIONALLY LEFT BLANK**



**SPECIAL COUNCIL MEETING HELD ON 29 AUGUST 2019
AGENDA SUMMARY and TABLE OF CONTENTS**

PAGE	AGENDA	ITEM	MINUTE No.
13	1.0	Declaration of Opening and Announcement of any Visitors	
13	2.0	Announcements from the Presiding Member and/or Councillors (without discussion unless otherwise determined)	
13	3.0	Attendance	
13	6.0	Declarations of Interest	
14	7.0	Public Question Time	
14	10.0	Officer's Reports	
14	10.1	CEO Reports	
14	10.1.1	Appointment of Acting CEO	SP2/19
17	14	Meeting Items Closed to the Public	
18	14	Time and Date of Next Meeting	
18	15	Closure of the Meeting	

**PLEASE NOTE:
THIS PAGE HAS BEEN
INTENTIONALLY LEFT BLANK**

**AGENDA and STAFF REPORTS
SPECIAL COUNCIL MEETING HELD IN
COUNCIL CHAMBERS, SANDSTONE ON 29 AUGUST 2019**

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Beth Walton (Shire President) declared the Meeting open at 9.00am

**2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER AND/OR COUNCILLORS
(without discussion unless otherwise determined)**

Nil

3 ATTENDANCE

3.1 Present

Elected Members

Cr B (Bethel) Walton	Shire President
Cr C (Carol) Hodshon	Deputy Shire President
Cr F (Freda) May	
Cr D (David) Lefroy	
Cr K (Kerry) Key	

Staff Members

Margaret Duhig

3.2 Apologies

Mr Harry Hawkins
Cr V (Victoria) McQuie

3.3 Approved Leave of Absence

Nil

6 DECLARATIONS OF INTEREST

6.1 Declarations of Financial Interest

6.2 Declarations of Proximity Interest

6.3 Declarations of Indirect Financial Interest

6.4 Declarations of Impartiality Interest

7 PUBLIC QUESTION TIME

Nil

10 OFFICERS REPORTS**10.1 CHIEF EXECUTIVE OFFICERS REPORTS****Appointment of Acting CEO****Agenda Reference:**

Location/Address: Shire of Sandstone

Name of Applicant: Shire of Sandstone

Disclosure of Interest: Financial Interest – Author is recommended for appointment

Date of Report: 7 October 2019

Author: Eddie PIPER, Contractor

Summary

The current Chief Executive Officer (CEO) Mr Harry Hawkins is currently on sick leave and will then take annual leave until 29 November 2019. An Acting CEO will need to be appointed.

Attachments

Nil

Background

Mr Hawkins will be absent from the Shire from 7 October 2019 until 29 November 2019 (inclusive) through sick and approved annual leave

Comment

The CEO contacted Mr Eddie Piper who had previously acted in the position of CEO at the Shire to act for the period of his annual leave (28th October 2019 to 29 November 2019). Mr Hawkins fell ill on 24th September 2019 and Mr Piper was requested to bring forward his appointment to cover the period of illness. The earliest he could start was 7 October 2019.

Mr Piper's appointment will be for the period of 7th October 2019 to 29th November 2019 as a casual employee at the rate of \$95.00 per hour to a maximum of 8 hours per day regardless of the hours worked if in excess of 8 hours.. He will accrue no annual or sick leave during that period.

Consultation

Chief Executive Officer Mr Harry Hawkins

Shire President Cr Beth Walton.

Statutory Environment

Local Government Act 1995 **s5:36(1)(a)** requires Council to appoint a person as CEO and therefore by direct take-off appoint a person to act as CEO

Policy Implications

Nil

Financial Implications

Budget allowance has been made

Strategic Implications

Nil

Voting Requirements By Simple Majority

Simple Majority

Officer Recommendation

MOVED: Cr Lefroy

SECONDED: Cr May

That Council appoint Mr Edwin Walter PIPER to the position of Acting Chief Executive Officer of the Shire of Sandstone at the casual rate of \$95.00 per hour to a maximum of 8 hours per day from 7th October 2019 to 29 November 2019

CARRIED (5/0)

14 MEETING ITEMS CLOSED TO THE PUBLIC

14.1 Meeting Closed to the Public

Nil

14.2 Public Reading of Resolutions to be made Public

Nil

TIME and DATE of NEXT MEETING

The next scheduled Ordinary Council Meeting will be held on Thursday 24 October 2019
At 11.00am

15 CLOSURE OF MEETING

There being no further business, the Shire President closed the meeting at 9.05 am.