



AGENDA

Ordinary Council Meeting

Thursday 25 March 2021
@ 12.30pm

To be held in the Council Chambers, Hack St Sandstone

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SHIRE OF SANDSTONE
S E R V E T H E P E O P L E

ORDINARY COUNCIL MEETING NOTICE PAPER

Thursday 25 March 2021 – 12.30pm

Dear President and Councillors,

An Ordinary Meeting of Council is called for Thursday 25 March 2021, in the Council Chambers, Hack Street, Sandstone, commencing at 12.30 pm.

Councillors please note:

A Briefing Session will be held prior to the Council Meeting.

Charlie Brown

Chief Executive Officer

18 March 2021

PUBLIC QUESTION TIME

A 15 minute public question time is available to allow members of the public the opportunity of submitting questions to Council on matters concerning them. Questions should be submitted in writing prior to the meeting. The questions will be addressed by the President or their nominated person. Where an answer cannot be given at the meeting, a reply will be given in writing subsequent to the meeting.

Discussion will not be allowed.



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.*

Charlie Brown

Chief Executive Officer

18 March 2021

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 section 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.

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SHIRE OF SANDSTONE
ELECTED MEMBER'S REQUEST FORM

Councillor's Name: _____

Date: ____/____/2021

Urgency: Low / Medium / High / Strategic

Road / Public Building / Area: _____

Request: _____

Description: _____

OFFICE USE ONLY:

Action Taken: _____

Comment: _____

Completed: ____/____/2021

Signature: _____

Inspected and/or authorised by: _____

(Chief Executive Officer)

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Councilor's Claim for Sitting Fees and Travel

Councilor _____

Creditor No _____

<i>Date</i>	<i>Meeting</i>	<i>Sitting Fees</i>	<i>Travel Km's</i>	<i>Amount</i> <small>.7087 cents per km</small>
Date of Meeting	Type of Meeting	\$175/ \$350	No of km's	Office Use
25/03/2021	Full Council			

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

Total	Total
<div style="border: 1px solid black; width: 100px; height: 40px; margin: 0 auto;"></div>	<div style="border: 1px solid black; width: 100px; height: 40px; margin: 0 auto;"></div>
04109	Line Item 370 04100
	<div style="border: 1px solid black; width: 100px; height: 30px; margin: 0 auto;"></div>
	TOTAL:

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 for payment will be rejected.

(Signature)
(Date)

Calculations Checked _____ Date _____

Goods Received / Payment Approved _____

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**ORDINARY COUNCIL MEETING TO BE HELD ON
THURSDAY 25 MARCH 2021
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AGENDA and STAFF REPORTS
ORDINARY COUNCIL MEETING TO BE HELD IN
COUNCIL CHAMBERS, SANDSTONE ON THURSDAY 25 MARCH 2021

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Bethel Walton (Shire President) to declare the Meeting open at 12.30pm.

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

Nil

3 ATTENDANCE

3.1 Present

Elected Members

Cr B (Beth) Walton	Shire President (and Presiding member of this Meeting)
Cr C (Carol) Hodshon	Deputy Shire President
Cr F (Freda) May	
Cr D (David) Lefroy	
Cr K (Kerry) Key	
Cr V (Vicki) McQuie	

Staff Members

Mr Charlie Brown	Chief Executive Officer
Mr Norbert Marwick	Works Supervisor

Visitors

3.2 Apologies

3.3 Approved Leave of Absence

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR 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

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

- 8.1 The ordinary meeting held on the 25 February 2021

STAFF RECOMMENDATION

MOVED: Cr

SECONDED: Cr

That the Minutes of the Ordinary Meeting of Council held on 17 December 2020 are confirmed as a true and accurate record of proceedings.

NOT/CARRIED (??)

9 PRESENTATIONS

- 9.1 Petitions**
Nil
- 9.2 Presentations**
Ramelius Resources Ltd (2.30PM)
Matthew O'Hara Mine Manager, Penny Gold Project
Duncan Coutts Chief Operating Officer Ramelius Resources.
- 9.3 Deputations**
Nil
- 9.4 Delegates/Councillor's Reports**

Nil

10 OFFICERS REPORTS

10.1 CHIEF EXECUTIVE OFFICER'S REPORTS

10.1.1 Status Report Update – March 2021

Agenda Reference: CEO 02/21 - 01
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 17/02/2021
Previous References: Various
Author: Eddie Piper, Acting CEO

Summary

The purpose of this report is to advise Council on the status of its decisions from previous Council meetings.

Attachments

Status Update March 2021

Background

It is important that the Council receives an update on the outcome of its resolutions on a regular basis.

Comment

Spreadsheet has been updated to include the decision regarding industrial land on the airport reserve and the reduced price for sale of the police house.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation

MOVED: Cr

SECONDED: Cr

That Council accepts the Status Update for March 2021

CARRIED/NOT CARRIED (??)

Status Update March 2021

The Status Update is used to provide information to Elected Members regarding the Status of decisions made at Council Meetings:

Meeting Date	Item No	Resolution (Action Required)	Response (Update)	Officer	Timeframe
31/17	10.1.7	That the plaque recognising George Dent at Hack's mine is reinstated and his family is offered the opportunity for a plaque to be placed in the new Heritage Park.	03/05/2017 Letter sent to family of George Dent advising them of Council's decision 19/03/2018 Ceramic photo of George Dent received from his family for inclusion on plaque at Heritage Park 07/10/2020 Article in Midwest Times re lack of recognition of George Dent.		
85/17	10.1.4	That the right of way behind the power station between Rowe and Black Streets is closed	06/10/2017 letters sent to begin process and advertising as per LAA undertaken. 06/11/2017 letter received from Water Corporation with no objection. 10/07/2018 Submission received from Telstra and application for closure sent to Dept of Lands 23/11/2018 Details of new Council resolution and other information sought sent to Dept of Lands 13/06/2019 More information sought by DOL sent as requested		
76/18	10.1.2	Transfer of management part of reserve 14178 – Caravan Park	Water Corporation advised. Awaiting the return of the CEO. 17/12/2018 Letter accepting part transfer of reserve sent to Water Corporation. 03/05/2019 installation date of early 2020 confirmed for		

			<p>Sandstone plant. 08/06/2020 Documentation sent to DPLH to enable transfer of part of Reserve 14178 to Water Corp</p> <p>17/08/2020 Amended Stat Dec sent to DPLH to enable completion of transfer</p>	
17/20	10.1.2	Sale of Police House	<p>27/03/2020 Sale to be handled by Professionals Geraldton. Put on hold until after Corona Virus restrictions are lifted to limit visitors to town. 04/06/2020 Sale authority signed with Professionals Geraldton</p> <p>12/10/2020 listing extension with the Professionals signed</p> <p>26/10/2020 Professionals Geraldton advised that Council will accept lower price (\$50,000)</p> <p>27/10/2020 Professionals suggest a price drop to \$55,000 on advertising 28/10/2020 Professionals were advised to drop price to \$55,000 as suggested. An offer of \$52,000 was received on 9th Feb 2021, however was withdrawn on 12th Feb 2021.</p> <p><i>Offer received 8th March for consideration.</i></p>	
86/20	10.1.2	Request a change to Management Order on Aerodrome Reserve 10898 to allow industrial land to be developed and leased	<p>23/10/2020 Robert Fenn Development WA advised of Council's decision and asked to send draft letter to DPLH</p> <p>26/10/2020 Letter sent to DPLH by Development WA 05/11/2020 Email rec'd from DPLH advising that land is generally excised from reserve and leased from the state govt. 06/11/2020 email from Development WA to DPLH arguing for land to remain in reserve and be leased from shire. 11/11/2020 DPLH advised that the shire will be able to lease the airport land but only for a maximum 5 year term.</p>	

Legend

Category	Status
Not Started	
In Progress	
Completed	

10.1.2	Elected Members, Chief Executive Officer and Employee Attendance at Events Policy
---------------	--

Location/Address: Shire of Sandstone
Name of Applicant: None
Disclosure of Interest: The author declares a financial interest that requires disclosure as the author of the report to whom the policy may benefit, noting that the law requires preparation of such a policy.
Date of Report: 25th March 2021
Author: Charlie Brown Chief Executive Officer

Summary

The State Government has released Local Government Operational Guidelines – Attendance at events policy and accompanying sample policy, in December 2019.

Attachments

- 1 Local Government Operational Guidelines Attendance at events policy (December 2019)
- 2 Draft Policy.

Background

The Local Government Act 1995 was amended recently (October 2019) to require the adoption of an attendance at events policy by all local governments.

Comment

As the author I am unaware of the number of events that councillors, staff are invited to, however this policy is presented as it is a statutory requirement.

Consultation

Shires of Narrogin and Katanning.

Statutory Environment

Section 5.90A of the Local Government Act 1995, states:

5.90A. Policy for attendance at events

- (1) *In this section —*
event includes the following —
- a concert;*
 - a conference;*
 - a function;*
 - a sporting event;*

- (e) *an occasion of a kind prescribed for the purposes of this definition.*
- (2) *A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
- (a) *the provision of tickets to events; and*
 - (b) *payments in respect of attendance; and*
 - (c) *approval of attendance by the local government and criteria for approval; and*
 - (d) *any prescribed matter.*

** Absolute majority required.*

- (3) *A local government may amend* the policy.*

** Absolute majority required.*

- (4) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (5) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

Policy Implications

The proposal recommends establishment of a new policy, consistent with the intent of the legislation and the GLGSCI Guidelines and has been proposed to include reference to all Shire of Sandstone employees as permitted by the guidelines.

Financial Implications

Nil

Strategic Implications

Voting Requirements

Absolute majority

Officer Recommendation

That Council, with respect to the requirements to adopt an attendance at events policy pursuant to section 5.90A of the Local Government Act 1995, Council adopt the Policy as per the Attachment 10.1.2 (B) and the Chief Executive Officer include the policy on the Shires website.

NOT CARRIED/CARRIED BY ABSOLUTE MAJORITY (?/?)

10.1.3**Compliance Audit Return**

Agenda Reference: CEO 03/20 – 03
Name of Applicant: Shire of Sandstone
Disclosure of Interest: None
Date of Report: 25 March 2021
Author: Charlie Brown Chief Executive Officer

Summary

The Compliance Audit Return was reviewed by the Audit Committee this morning and is referred to Council for final approval and lodgement.

Attachments

Nil, return was attached to Audit Committee agenda.

Background

Every local government is required to complete a Compliance Audit Return annually for the preceding calendar year and approve and lodge it with the Department prior to the 31st March each year. The return is to be reviewed by the Audit Committee before it is approved by Council.

Comment

Each calendar year the Department of Local Government compiles a list of questions relating to specific areas of compliance to create a Compliance Audit Return, this years completed return is attached.

Consultation

Nil

Statutory Environment

Local Government Audit Regulations 1996

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Absolute majority

Officer Recommendation

MOVED: Cr

SECONDED: Cr

That the Compliance Audit Return for 2020 is approved by Council for signing and lodgement with the Department of Local Government by the 31st March 2021

CARRIED/NOT CARRIED BY ABSOLUTE MAJORITY (??)

10.1.4	Appointment of Complaints Officer and Approval of Complaints Forms and Procedures
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Location/Address: Shire of Sandstone
Name of Applicant: None
Disclosure of Interest: Nil
Date of Report: 25th March 2021
Author: Charlie Brown Chief Executive Officer

Summary

This report seeks to inform the Council on recent changes made to legislation and enact some of the mandatory changes in accordance with the guidelines provided by the State Government.

The first step is to appoint a complaints officer(s) for the Shire of Sandstone that is able to receive and action complaints made under the Elected Member Code of Conduct, and to approve a standard form to be used by in a complaint being lodged regarding a Council Member, Committee Member or candidate who may have allegedly breached the Code of Conduct.

Attachments

- 3 Local Government (Model Code of Conduct) Regulations 2021
- 4 Complaints Lodgement Form
- 5 Complaints Procedures

Background

Following the gazettal of new Regulations on 2nd February 2021, and coming into effect on 3rd February 2021, the Department of Local Government, Sport and Cultural Industries (DLGSCI) has issued instructions to all local governments that the Local Government (Model Code of Conduct) Regulations 2021 amendments (refer to **Attachment 1**) must be implemented by 3 May 2021.

Therefore, over the coming months Council will be required to adopt a new Code of Conduct for council members, committee members and candidates, that is compliant with the mandatory Model Code in the regulations.

The Department of Local Government has also advised that until such time as the new Code of Conduct is adopted, the Model Code (Regulation as written) applies. To begin the process of implementing the Model Code, local governments must as soon as possible, and ideally by 24 February 2021:

- Appoint a person to receive complaints by either reaffirming the current complaint officer(s) or appointing new or additional officer(s);
- Approve a form for complaints to be lodged; and
- Endorse a Complaint Procedure as contained in **Attachment 3**.

Consultation:

Nil

Statutory Environment:

The new *Local Government (Model Code of Conduct) Regulations 2021* that came into effect on 3rd February 2021 in part states:

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

The *Local Government Act 1995* also stipulates under Sections 5.103, 5.104 and 5.105:

5.103. Model code of conduct for council members, committee members and candidates

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include —*
 - (a) *general principles to guide behaviour; and*
 - (b) *requirements relating to behaviour; and*
 - (c) *provisions specified to be rules of conduct.*
- (3) *The model code of conduct may include provisions about how the following are to be dealt with —*
 - (a) *alleged breaches of the requirements referred to in subsection (2)(b);*
 - (b) *alleged breaches of the rules of conduct by committee members.*

SHIRE OF SANDSTONE

- (4) *The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations may amend the model code of conduct.*

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*

- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*

** Absolute majority required.*

- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —*

- (a) *can only be expressed to apply to council members or committee members; and*
- (b) *are of no effect to the extent that they are inconsistent with the model code.*

- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*

- (5) *The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.*

- (6) *An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*

- (7) *The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.*

5.105. Breaches by council members

- (1) *A council member commits a minor breach if the council member —*

- (a) *contravenes a rule of conduct; or*
- (b) *contravenes a local law under this Act, contravention of which the regulations specify to be a minor breach.*

- (1A) *Subsection (1) extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*

- (1B) *Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under subsection (1), also be a serious breach under subsection (3).*

- (2) *A minor breach is a recurrent breach if it occurs after the council member has been found under this Division to have committed 2 or more other minor breaches.*

- (3) *A council member who commits any offence under a written law, other than a local law made under this Act, of which it is an element that the offender is a council member or is a person of a description that specifically includes a council member commits a serious breach.*

Comment

The DLGSCI advises that “if action is not taken to affirm or appoint a complaints officer (by 24 February 2021) under the provisions of the regulations, a complaint made on or soon after the date of effect (3 February 2021) may lapse before it can be formally lodged. This would be considered inconsistent with the principles of procedural fairness and community expectations of local government.”

In accordance with section 5.120 of the *Local Government Act 1995*, the CEO is by default the designated complaints officer for minor breach complaints, unless another employee has been designated. At the Shire of Sandstone, the CEO has always been the default complaints officer.

It will therefore recommend that Council reaffirms the CEO as the complaints officer and adopts the statutory complaints form to be lodged for minor breach complaints.

Consultation

nil

Policy Implications

There is no other existing policies that apply to this matter. However, a new Code of Conduct for council members, committee members and candidates and a new Code of Conduct for employees (to be drafted by the CEO) will replace the current Code of Conduct by 3 May 2021.

Financial Implications

Nil

Strategic Implications

Voting Requirements

Absolute majority

MOVED: Cr

SECONDED : Cr

Officer Recommendation

That Council;

- 1. Notes the Local Government (Model Code of Conduct) Regulations 2021 has been enacted and replaces the Shire of Sandstone Code of Conduct for Elected Members – September 2019 with all complaints to be addressed in accordance with the prescribed Regulations.**
- 2. Appoints the Chief Executive Officer to be an authorised person (complaint officer) to receive complaints and withdrawals of complaints pursuant to Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021 for alleged breaches of the Model Code or an adopted Code of Conduct to be observed by Council Members, Committee Members and Candidates;**
- 3. Approves the Complaint Form as contained in Attachment 10.1.4 (2) to be the form for lodgement of a formal complaint about an alleged breach of the Model Code or an adopted Code of Conduct to be observed by Council Members, Committee Members and Candidates, pursuant to Regulation 11 (2)(a) of the Local Government (Model Code of Conduct) Regulations 2021;**
- 4. Approves the Complaint Procedure as contained in Attachment 10.1.4 (3) to be the procedure on receipt of a complaint lodged with the complaint officer for an alleged breach of the Model code or an adopted Code of Conduct to be observed by Council Members, Committee Members and Candidates;**
- 5. Approves for the Chief Executive Officer to engage (if and as required), a suitably qualified independent external consultant to review complaints received (and not withdrawn) and in conjunction with the Chief Executive Officer prepare reports for Council to consider and deal with, in the order received, alleged breaches of the Model Code or adopted Code of Conduct pursuant to section 5.104 of the Local Government Act 1995 to be observed by Council Members, Committee Members and Candidates;**
- 6. Provides a further report prior to 3 May 2021 to consider and formally adopt (by absolute majority) a Code of Conduct to be observed by Council Members, Committee Members and Candidates (if subsequently elected) that incorporates the prescribed Model Code of Conduct; and**
- 7. Reaffirms that the Chief Executive Officer is the complaint officer under section 5.120 of the Local Government Act 1995 for complaints lodged under section 5.107 of the Local Government Act 1995 relating to an allegation of a minor breach and then deal with the complaints lodged pursuant to Part 5 of Division 9 of the Local Government Act 1995.**

NOT CARRIED/CARRIED BY ABSOLUTE MAJORITY (???)

Agenda Reference: CEO 03/20 – 05
Name of Applicant: Shire of Sandstone
Disclosure of Interest: None
Date of Report: 25 March 2021
Author: Charlie Brown Chief Executive Officer

Summary

The owners of Atley Station are seeking Council's consideration of a proposed amalgamation of UCL Lot 374 on Deposited Plan 54051 into Atley Station.

Attachments

Plan UCL Lot 374

Background

The owner of Atley Station is submitting an application to the Department of Planning, Lands and Heritage to have UCL Lot 374 amalgamated into Atley Station.

Part of the requirements is that the applicant must have comments from the Local Government regarding the impact on the Shire.

Comment

The lot in question borders Meeline and Atley to the North and Narndee and Lake Barlee to the South.

Councils comments are required for a "Crown Land Enquiry General Request" only and should council have no future use, a formal request will be received from the Department of Planning, Lands and Heritage.

Consultation

Nil

Statutory Environment

Lands Act

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple majority

MOVED: Cr

SECONDED: Cr

Officer Recommendation

That council advise Atley Station that they have no interest in UCL Lot 374 on Deposited Plan 54051

CARRIED/NOT CARRIED (??)

Agenda Reference: CEO 03/20 – 06
Name of Applicant: Shire of Sandstone
Disclosure of Interest: None
Date of Report: 25 March 2021
Author: Charlie Brown Chief Executive Officer

Summary

The Shire of Sandstone owns lot 10 Oroya Street Sandstone. Council has received on the 8th March 2021 an unsolicited offer to purchase the property.

Attachments

Emailed offer to purchase

Background

The Shire owns lot 10 Oroya Street Sandstone and has received an offer to purchase the property from Weston Holdings Pty Ltd (Michael Mihran Scmazian). The offer is for \$49,500.

The detail of the lot are:

1. Lot 10 on Deposit Plan 406602 Volume 2930 Folio 85
Council holds Duplicate Certificate of Title dated 14/07/2017

Comment

The Local Government Act 1995 Section 3.58 outlines the procedure should Council wish to dispose of the lot.

Essentially a local government can dispose of an asset by;

1. Highest bidder at a public auction
2. By public tender
3. By giving local public notice of the details including describing the property concerned, giving full detail of the proposed disposition and inviting submissions on the proposed disposition.

Council originally purchased Reserve 33210 comprising Lots 163 and 164 on 10th February 2014.

Consultation

Nil

Statutory Environment

3.58. Disposing of property

- (1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; **property** includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned; and
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

(5) This section does not apply to —

- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or

- (d) any other disposition that is excluded by regulations from the application of this section.

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple majority

MOVED: Cr

SECONDED: Cr

Officer Recommendation

That Council accept the offer from Weston Holdings Pty Ltd to purchase the lot 10 Oroya Street Sandstone for \$49,500 plus/less other costs on settlement SUBJECT to the provisions of Local Government Act 1995 section 3.58 (3)(a) submissions and (b) being met and there being no submissions lodged that Council has an issue/concern with.

CARRIED/NOT CARRIED (??)

10.2 FINANCIAL REPORTS

10.2.1 Financial Statement for the month of February 2021

Agenda Reference:	F 03/21 – 01
Location:	Shire of Sandstone
Applicant:	Shire of Sandstone
Disclosure of Interest:	Nil
Date of Report:	18 February 2021
Author:	Charlie Brown Chief Executive Officer

Summary

The Statement of Financial Activity report for the month ending 28 February 2021 is presented to Council in accordance with *Regulations 34 of the Local Government (Financial Management) Regulations 1996*.

Attachments

Financial Statements for February 2021

Background

Summary of Funds – Shire of Sandstone as at: 28 February 2021

Municipal Cheque Account - On-line (BWA)	\$474,654.42
Municipal Investment Account – On-line (BWA)	\$520,049.97
Trust Fund (Bankwest)	\$5,500
Reserve Term Deposits (Bankwest)	\$ 3,959,254.63
Muni Term Deposits x 1	\$ 803,950.00

Consultation

Finance Officer

Statutory Environment

Local Government (Financial Management) Regulations 1996 - Regulations 34 (1A) and 17.

The Regulations require a Local Government to prepare each month a statement of financial activity, accompanied by relevant documents and that this information must be presented to Council at an ordinary meeting within 2 months after the end of the month.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

STAFF RECOMMENDATION

MOVED: Cr

SECONDED: Cr

That Council accepts the financial statement for the period ending February 2021

NOT/CARRIED (??)

10.2.2 ACCOUNTS UPDATE FOR THE MONTHS OF FEBRUARY 2021 (Includes Credit Cards, the Caravan Park, Fuel Sales and Rates report)
--

Agenda Reference: F 03/21 – 02
Location: Shire of Sandstone
Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 18 March 2021
Author: Rhonda Miles – Finance Officer
Senior Officer: Charlie Brown – Chief Executive Officer

Summary

Presented for Council's information is the list of accounts paid in the month from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*. Payments made through the corporate credit cards as well as income from the Caravan Park and Fuel Sales are included as attachments.

Attachments

10.2.2A to C: The list of accounts (EFT and cheque payments) is attached which will enable Council to see the payments made to the Shire's creditors.

10.2.2D to F: Payments via Credit Cards (CEO and Works Supervisor), Caravan Park Income and Fuel Sales Income.

Background

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

The *Financial Management Regulations (Regulation 13 (3))* requires a schedule of payments made through the Shire's bank accounts to be presented to Council.

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. Queries regarding any payment should be made through the CEO to the staff member who handles the financial transactions prior to this meeting.

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

Policy Implications

Payments have been made under Council delegation.

Financial Implications

None, funds were available to meet the expenditure.

Strategic Implications

Nil

Voting Requirements

Simple majority

Staff Recommendation

MOVED: Cr

SECONDED: Cr

That Council endorses the February 2021 accounts paid as presented:

Municipal Fund February 2021

- Municipal cheque numbers 105466 – 105468 totalling \$635.90
- EFT payment numbers 8073 – 8113 totalling \$156,563.37
- Superannuation \$7,547.59 & \$8,262.32 totalling \$15,809.91

Trust Fund February 2021

- None

Payroll EFT February 2021:

\$31,228.00 & \$34,913.60.00 totalling \$66,141.60

Credit Cards February 2021

DD 4889.1 totalling \$895.94

CARRIED /NOT CARRIED (??)

Location/Address:	Shire of Sandstone
Name of Applicant:	None
Disclosure of Interest:	None
Date of Report:	25 th March 2021
Author:	Charlie Brown Chief Executive Officer

Summary

Between January 1 and 31 March each financial year a local government is required to review its annual budget for that year.

Attachments

Amended budget statements for the 2019-2020 financial year

Background

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires a review of the annual budget to be undertaken and within 30 days of that review having been carried out it is to be submitted to Council for their consideration of the review and to determine by absolute majority whether to adopt the review, any parts of the review and any recommendations made in that review.

A review of the Shire of Sandstone budget as at the 31st December 2020 was undertaken during March 2021 and the amended budget statements as per that review are attached for Councils attention.

Comment

A number of budget variations are proposed as part of this review and the proposed changes to the 2020 - 2021 annual budget are shown on the attachment.

DETAILS

Issues and options considered.

The budget review has comprised.

- A review of the adopted budget and an assessment of actual results to date against that budget.
- An assessment and projection of likely results over the remainder of the financial year against the adopted budget; and
- Consideration of any issues not provided for in the adopted budget that may need to be addressed.

The review of the budget has taken into account what has transpired in the first half of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions and the most likely impact on the Councils financial position.

The focus in the review has been on ensuring that there is sufficient operational capacity to deliver the service and budget programs as set out in the adopted 2020/2021 budget and to accommodate events and issues that have arisen since budget adoption.

The most significant variations between the original adopted budget and the revised budget are as follows.

Surplus Brought Forward.

The actual surplus brought forward from 2019/2020 was lower than estimated by \$174,021

Operating Income and Expenditure

Varies amendments have been proposed as detailed in attachment 10.2.3 .

The surplus remaining \$171,641.00, is proposed to be allocated to the employment of a Project Officer and an allocation to projects that are to be formulated before the April Council Meeting.

Fees and Charges

It has come to light that two sets of fees & charges have been omitted from Councils Fees & Charges.

Astro Dome

Previously no fees have been charges for the Astro Dome, after discussion with council it has been determined that \$5.00 per person entry fee be charged.

School Camp

After discussion and enquiries, fee of \$20.00 per person per night is proposed for Groups utilising this facility, plus \$10.00 per Camper Trailer per Stay.

Consultation

Works Supervisor

Admin Staff

Councillors

Statutory Environment

No

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Voting Requirements

Absolute majority

Moved: Cr

Seconded: Cr

Officer Recommendation

That Council;

- 1) Approves the Mid-Year Review of the 2020/2021 budget and authorises the amendments as detailed in attachment 10.2.3, with further allocation of the remaining surplus to be determined, and;**
- 2) In accordance with regulation 33A of the Local Government (Financial Management) Regulations 1996 provide a copy of the 2020/2021 annual budget review and determinations to the Department of Local Government and Communities**
- 3) Fees and charges be advertised and included in Councils Fees & Charges for; Astro Dome \$5.00 Per Person Entry Fee**

School Camp Fees \$20.00 Per Person per night.

Camper Trailers accompanying a Group, \$10.00 per trailer.

NOT CARRIED/CARRIED BY ABSOLUTE MAJORITY (?!?)

10.3 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR REPORT

10.3.1 Sandstone Public Health and Wellbeing Plan

SUBMISSION TO: Meeting of Council
Meeting Date: 25th March, 2021

AGENDA REFERENCE: 10.3.1 Nov

SUBJECT: Public Health and Wellbeing Plan

LOCATION / ADDRESS: Sandstone Shire

NAME OF APPLICANT: Shire of Sandstone

FILE REFERENCE: 23.4.1.0

AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT

NAME: Dave Hadden

OFFICER: Environmental Health Officer/Building Surveyor

INTEREST DISCLOSURE: Nil

DATE: 22nd February 2021

Attachment: **Shire of Sandstone Public Health and Wellbeing Plan.**

BACKGROUND

Council engaged the services of Mr Llew Withers in late 2018 to undertake the preparation of Councils Public Health and Wellbeing Plan. The State through the new Public Health Act 2016 requires that each local authority produce a public health plan that applies to its district. The requirement to produce the plan comes into effect two years after the Public Health Act 2016 is finalised. That is the State is currently transitioning between the Health Act 1911 and new Public Health Act 2016 which when completed will require the individual public health plans to be completed within two years. Council engaged Mr Withers in an effort to beat the rush for consultants as there are very few working in this field currently. The WA Health Department is aware that many local governments are developing their local plans before the Public Health Act 2016 is finalised and is highly supportive of this occurring.

Comment

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

Identify the public health needs of the local government district.

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

Establish objectives and policy priorities for the promotion and protection of public health in the local government district.

Describe the development and delivery of public health services in the local government district, and

Include a report on the local government's performance of its functions under the Act.

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

STATUTORY ENVIRONMENT

Subject to State approval through Department of Planning, Lands and Heritage.

POLICY IMPLICATIONS

There are no policy implications resulting from the recommendation of this report.

FINANCIAL IMPLICATIONS

Financial implications can be expected through inclusion of the Public Health and Well Being Plan into Councils Strategic Plan when next due for review.

STRATEGIC IMPLICATIONS

The Department of Health encourages local governments to incorporate public health planning into the Integrated Planning and Reporting Framework (Strategic Plan) as an informing strategy. Informing strategies inform the local government of how capable it is to deliver the services and assets required by the community while also allowing local governments to set its priorities within its resourcing capabilities.

RECOMMENDATIONS

That Council;

- a) Endorse the Shire of Sandstone Public Health and Wellbeing Plan 2021 – 2025, and
- b) Submit a copy of the Shire of Sandstone Public Health and Wellbeing Plan to the Health Department of WA, Director Environmental Health, Dr Michael Lindsay.

VOTING REQUIREMENT

Simple Majority

CARRIED/NOT CARRIED (??)

10.4 WORKS and SERVICES

10.4.1 WORKS SUPERVISOR'S REPORT FEBRUARY 2021

Agenda Reference:	WS 03/21 – 01
Location/Address:	Shire of Sandstone
Name of Applicant:	Shire of Sandstone
Disclosure of Interest:	None
Date of Report:	16 March 2021
Previous References:	Nil
Author:	Norbert Marwick, Works Supervisor

Summary

1. Crew Movements

More very heavy rain stopped work on Paynes Find Road for over a week. The crew were brought back to town, and given various jobs helping the town crew. Paynes Find RRG job has finished and the crew have started back on the Menzies Rd

2. Maintenance Grader

Don is back off holidays and has repaired floodways, Menzies Rd, Meekatharra Rd, Wiluna Rd and is currently on the Heritage Trail (London bridge track)

3. Contract Maintenance Grader

The contract Grader was sent to Yeelirrie Rd to grade up the floodways after the heavy rain and is back on the Paynes Find Rd, clearing back regrowth and opening the drains as well as grading the road pavement

4. Plant

Smith and Broughton Auctioneers Sold: -
GTE water tanker (PC009B) for \$47500
Float low loader (PC007) for \$67250
1989 Dolly (PC010) for \$5600
PC016 'A' side tipping trailer with cracked main frame will be auctioned on the 23rd – 30th of March

Consultation

All outside staff

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation

Moved Cr

Seconded Cr

That Council receive the Works Supervisor's Report for February 2021.

CARRIED/NOT CARRIED (??)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

14 MEETING ITEMS CLOSED TO THE PUBLIC

14.1 Meeting Closed to the Public

CONFIDENTIAL ITEMS

14.2 Public Reading of Resolution

TIME and DATE of NEXT MEETING

The next scheduled Ordinary Council Meeting will be held on Thursday 22 April 2021.

15 CLOSURE OF MEETING

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

CERTIFICATION

I, _____, certify that the Minutes of the Meeting held on 25 February 2021, as shown, were confirmed as a true and accurate record at the Meeting held on 25 March 2021.

(Presiding Member)