



# Minutes

Ordinary Council Meeting

Thursday 25 March 2021  
@ 12.30pm

Held in the Council Chambers, Hack St Sandstone

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**ORDINARY COUNCIL MEETING 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) declared the Meeting open at 12.33pm.

**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 V (Vicki) McQuie	

**Staff Members**

Mr Charlie Brown	Chief Executive Officer
Mr Norbert Marwick	Works Supervisor

**Visitors**

**3.2 Apologies**

Cr K (Kerry) Key

**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**

Item No	Member Officer	Type of Interest	Nature of Interest
10.1.5	Cr Hodshon	Financial & Proximity	Proposed Amalgamation of Lot 374

**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**

Resolution 13/21

**MOVED:** Cr Hodshon

**SECONDED:** Cr May

That the Minutes of the Ordinary Meeting of Council held on 25 February 2021 are confirmed as a true and accurate record of proceedings.

**CARRIED (5/0)**

**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

Cr Walton reported on a GEO Tourism Meeting held on Tuesday 23<sup>rd</sup> March 2021, by Zoom and gave a brief verbal report on that meeting.

## 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:** Charlie Brown 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

### Resolution 14/21

**MOVED:** Cr Lefroy

**SECONDED:** Cr May

That Council accepts the Status Update for March 2021

**CARRIED (5/0)**

## 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.	<b>03/05/2017</b> Letter sent to family of George Dent advising them of Council's decision <b>19/03/2018</b> Ceramic photo of George Dent received from his family for inclusion on plaque at Heritage Park <b>07/10/2020</b> 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	<b>06/10/2017</b> letters sent to begin process and advertising as per LAA undertaken. <b>06/11/2017</b> letter received from Water Corporation with no objection. <b>10/07/2018</b> Submission received from Telstra and application for closure sent to Dept of Lands <b>23/11/2018</b> Details of new Council resolution and other information sought sent to Dept of Lands <b>13/06/2019</b> 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. <b>17/12/2018</b> Letter accepting part transfer of reserve sent to Water Corporation.		



			<p><b>03/05/2019</b> installation date of early 2020 confirmed for Sandstone plant.<b>08/06/2020</b> Documentation sent to DPLH to enable transfer of part of Reserve 14178 to Water Corp  <b>17/08/2020</b> Amended Stat Dec sent to DPLH to enable completion of transfer</p>	
<b>17/20</b>	<b>10.1.2</b>	Sale of Police House	<p><b>27/03/2020</b> Sale to be handled by Professionals Geraldton. Put on hold until after Corona Virus restrictions are lifted to limit visitors to town.<b>04/06/2020</b> Sale authority signed with Professionals Geraldton  <b>12/10/2020</b> listing extension with the Professionals signed  <b>26/10/2020</b> Professionals Geraldton advised that Council will accept lower price (\$50,000)  <b>27/10/2020</b> Professionals suggest a price drop to \$55,000 on advertising <b>28/10/2020</b> Professionals were advised to drop price to \$55,000 as suggested. An offer of \$52,000 was received on 9<sup>th</sup> Feb 2021, however was withdrawn on 12<sup>th</sup> Feb 2021.  <b>Offer received 8<sup>th</sup> March for consideration.</b></p>	
<b>86/20</b>	<b>10.1.2</b>	Request a change to Management Order on Aerodrome Reserve 10898 to allow industrial land to be developed and leased	<p><b>23/10/2020</b> Robert Fenn Development WA advised of Council's decision and asked to send draft letter to DPLH  <b>26/10/2020</b> Letter sent to DPLH by Development WA <b>05/11/2020</b> Email rec'd from DPLH advising that land is generally excised from reserve and leased from the state govt. <b>06/11/2020</b> email from Development WA to DPLH arguing for land to remain in reserve and be leased from shire. <b>11/11/2020</b> 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	

<b>10.1.2</b>	<b>Elected Members, Chief Executive Officer and Employee Attendance at Events Policy</b>
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**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:** 25<sup>th</sup> 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) a concert;*
- (b) a conference;*
- (c) a function;*
- (d) 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**

**Resolution 15/21**

**MOVED: Cr Lefroy**

**SECONDED: Cr McQuie**

**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.**

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

<b>Agenda Reference:</b>	CEO 03/20 – 03
<b>Name of Applicant:</b>	Shire of Sandstone
<b>Disclosure of Interest:</b>	None
<b>Date of Report:</b>	25 March 2021
<b>Author:</b>	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 31<sup>st</sup> 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**

**Resolution 16/21**

**MOVED: Cr May**

**SECONDED: Cr Lefroy**

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

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

<b>10.1.4</b>	<b>Appointment of Complaints Officer and Approval of Complaints Forms and Procedures</b>
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**Location/Address:** Shire of Sandstone  
**Name of Applicant:** None  
**Disclosure of Interest:** Nil  
**Date of Report:** 25<sup>th</sup> 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 2<sup>nd</sup> February 2021, and coming into effect on 3<sup>rd</sup> 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:

SHIRE OF SANDSTONE

The new *Local Government (Model Code of Conduct) Regulations 2021* that came into effect on 3<sup>rd</sup> 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.*
- (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

## **Officer Recommendation**

**Resolution 17/21**

**MOVED: Cr McQuie**

**SECONDED : Cr Lefroy**

## **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.**

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

<b>10.1.5</b>	<b>Proposed Amalgamation Lot 374 Atley Station</b>
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**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

**Officer Recommendation  
Resolution 18/21**

**MOVED: Cr McQuie  
SECONDED: Cr Lefroy**

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

**CARRIED (4/0)**

**Cr Hodshon returned to the council chambers at 12:52PM**

**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 10<sup>th</sup> 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

**Officer Recommendation**

**Resolution 18/21**

**MOVED: Cr Hodshon**

**SECONDED: Cr May**

**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 (5/0)**

## 10.2 FINANCIAL REPORTS

### 10.2.1 Financial Statement for the month of February 2021

<b>Agenda Reference:</b>	F 03/21 – 01
<b>Location:</b>	Shire of Sandstone
<b>Applicant:</b>	Shire of Sandstone
<b>Disclosure of Interest:</b>	Nil
<b>Date of Report:</b>	18 February 2021
<b>Author:</b>	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**

**Resolution 20/21**

**MOVED: Cr McQuie**

**SECONDED: Cr Lefroy**

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

**CARRIED (5/0)**

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

**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

**Officers Recommendation**

**Resolution 21/21**

**MOVED: Cr McQuie**

**SECONDED: Cr May**

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 (5/0)**

<b>Location/Address:</b>	Shire of Sandstone
<b>Name of Applicant:</b>	None
<b>Disclosure of Interest:</b>	None
<b>Date of Report:</b>	25 <sup>th</sup> March 2021
<b>Author:</b>	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 31<sup>st</sup> 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

## Officer Recommendation

Resolution 22/21

**Moved: Cr Lefroy**

**Seconded: Cr May**

**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.**

**CARRIED BY ABSOLUTE MAJORITY (5/0)**

## 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:** 22<sup>nd</sup> 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.

## **VOTING REQUIREMENT**

Simple Majority

## **Officer Recommendation**

**Resolution 23/21**

**Moved Cr Lefroy**

**Seconded Cr May**

**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.**

**CARRIED (5/0)**

## 10.4 WORKS and SERVICES

### 10.4.1 WORKS SUPERVISOR'S REPORT FEBRUARY 2021

<b>Agenda Reference:</b>	WS 03/21 – 01
<b>Location/Address:</b>	Shire of Sandstone
<b>Name of Applicant:</b>	Shire of Sandstone
<b>Disclosure of Interest:</b>	None
<b>Date of Report:</b>	16 March 2021
<b>Previous References:</b>	Nil
<b>Author:</b>	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 23<sup>rd</sup> – 30<sup>th</sup> 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**

**Resolution 24/21**

**Moved Cr May**

**Seconded Cr Lefroy**

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

**CARRIED (5/0)**

**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**

Moved Cr May

Seconded Cr McQuie

That council allow item 10.3.2 Lots 113 & 114 Payne Street to be addressed.

**CARRIED (5/0)**

**10.3.2 Lot 113 & 114 Payne Street Sandstone****Agenda Reference:**

**Location/Address:** Shire of Sandstone

**Name of Applicant:** Shire of Sandstone

**Disclosure of Interest:** Nil

**Date of Report:** 22/03/2021

**Author:** David Hadden EHO/Building Surveyor.

**Summary**

Council staff have previously written to Mr Mark Lankford on the 12<sup>th</sup> November 2020, 26<sup>th</sup> November 2020, and 10<sup>th</sup> March 2021 regarding applying for a demolition permit using licenced asbestos contractors to remove damaged asbestos sheeting from his property.

**Attachments**

5 x pictures.

**Background**

Mr Lankford's property suffered a major fire in late 2020 which has resulted in the asbestos claddings being damaged to the point that it could be classed as friable asbestos. The correspondence dated 12 November 2020 requested he contact Council within 14 days to provide advice regarding his plans to arrange demolition of the fire damaged property. Mr Lankford did contact Council CEO Harry Hawkins initially to advise that demolition would be organised. Unfortunately, Mr Lankford commenced

demolition himself which he has since been advised to cease. Negotiations to date with Mr Lankford have been unsuccessful to the point staff believe a Building Order (Emergency) should be served on Mr Lankford to direct him to apply for a demolition permit through licenced demolition contractors registered to remove asbestos.

#### **Comment**

To this effect staff intend to recommend that the Shire engage McLeod's Barristers and Solicitors to prepare a Building Order. The order will instruct Mr Lankford to apply for a demolition permit using licenced asbestos demolition contractors to demolish and safely remove all building materials and two inches of topsoil from the property for disposal at Councils refuse site. The Building Order will provide Mr Lankford between 14 to 21 days to comply with the order. The Building Act 2011 carries the following penalties for noncompliance with a Building Order.

- (a) for a first offence, a fine of \$50,000;
- (b) for a second offence, a fine of \$75,000;
- (c) for a third or subsequent offence, a fine of \$100,000 and imprisonment for 12 months.

#### **Consultation**

Nil

#### **Statutory Environment**

Building Act 2011 Section 110.

#### **Policy Implications**

Nil

#### **Financial Implications**

Cost will be incurred engaging McLeod's Barristers and Solicitors to prepare the Building Order (Emergency) and possible later enforcement action for noncompliance.

#### **Strategic Implications**

Nil

#### **Voting Requirements**

Simple Majority

#### **Officer Recommendation**

**Resolution 25/21**

**MOVED: Cr Hodshon**

**SECONDED: Cr McQuie**

#### **That Council:**

- a) Council engage McLeod's Barristers and Solicitors to prepare a Building Order (Emergency), and;**
- b) Once prepared staff arrange for the Building Order (Emergency) to be served on Mr Lankford to enforce the safe removal of asbestos from his property through issue of a demolition permit.**

**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 1:50 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)**