



MINUTES

Ordinary Council Meeting

Thursday 24 June 2021

@ 1.00PM

Held in the Council Chambers, Hack St Sandstone

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**ORDINARY COUNCIL MEETING HELD ON
THURSDAY 24 June 2021
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AGENDA and STAFF REPORTS

ORDINARY COUNCIL MEETING TO BE HELD IN

COUNCIL CHAMBERS, SANDSTONE ON THURSDAY 24 JUNE 2021

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Bethel Walton (Shire President) declared the Meeting open at 1.00pm.

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

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

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 Ordinary meeting of Council held on the 27 May 2021

STAFF RECOMMENDATION

Resolution No 45/21

MOVED: Cr Lefroy

SECONDED: Cr May

That the Minutes of the Ordinary Meeting of Council held on 27 May 2021 are confirmed as a true and accurate record of proceedings.

CARRIED (5/0)

9 PRESENTATIONS

9.1 Petitions

Nil

9.2 Presentations

Nil

9.3 Deputations

Nil

9.4 Delegates/Councillor's Reports

Cr Walton gave a verbal report on the LEMC held on the 17th June 2021

Cr Lefroy gave a Verbal report on the MRVC held on the 16th June 2021

10 OFFICERS REPORTS

10.1 CHIEF EXECUTIVE OFFICER'S REPORTS

10.1.1 Status Report Update – June 2021

Agenda Reference:	CEO 05/21 - 01
Name of Applicant:	Shire of Sandstone
Disclosure of Interest:	Nil
Date of Report:	14/06/2021
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 May 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 No 46/21

MOVED: Cr McQuie

SECONDED: Cr Lefroy

That Council accepts the Status Update for June 2021

Status Update *June 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	<p>Water Corporation advised. Awaiting the return of the CEO.</p> <p>17/12/2018 Letter accepting part transfer of reserve sent to Water Corporation.</p> <p>03/05/2019 installation date of early 2020 confirmed for 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>	
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</p> <p>05/11/2020</p> <p>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> <p>14/05/2021</p> <p>Awaiting information and update from Department of DPLH</p>	

Legend

Category	Status
Not Started	
In Progress	
Completed	

CARRIED (5/0)

10.1.2	Review of Policy Manual
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Agenda Reference: CEO 06/21 - 06
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 14/06/2021
Author: Charlie Brown, Chief Executive Officer

Summary

The Shire of Sandstone is required under the *Local Government Act 1995* to perform a holistic review of the Shire's policy manual on a regular basis, being generally every two years.

This report constitutes part of that review.

A copy of the Policy Manual with recommended amendments is provided under separate cover.

Attachments

New updated policy manual, Section Council 10.1.2 (A)

Background

The *Local Government Act 1995* allows for Council to delegate to the Chief Executive Officer to exercise its powers or the discharge of any of its duties under the Act. Generally, the delegations are performed in accordance with established policy as developed and adopted by Council under Section 2.7 of the Act. In context, the policies are compiled into a manual routinely reviewed every two years to ensure the individual they remain contemporary and relevant.

Comment

While this review is being conducted to ensure the Council is meeting its statutory obligations, it is also beneficial for councillors to receive a relevant set of policies that will assist with their decision making.

Importantly, Councillors should feel comfortable about seeking further explanation on the recommended changes and/or requesting further amendments to each policy should this be considered necessary.

Consultation

Councillors

Other local governments

Statutory Environment

As mentioned, the review of Council Policies is enacted under Section 2.7 of the *Local Government Act, 1995*

Policy Implications

All Policies Section 1 Council, have been reviewed

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

Resolution No 47/21

MOVED: Cr McQuie

SECONDED: Cr May

That Council pursuant to Section 2.7 and Section 6.12(b) of the Local Government Act, 1995 adopt the revised Policy Manual Section 1 Council, as amended, and attached to this report.

CARRIED (5/0)

10.1.3 Code of Conduct Council Employees

Agenda Reference:	CEO 02/21-02
Location/Address:	Shire of Sandstone
Name of Applicant:	Shire of Sandstone
Disclosure of Interest:	None
Date of Report:	14 June 2021
Previous References:	Nil
Author:	Charlie Brown, Chief Executive Officer

Summary

This item relates to a new Code of Conduct for Employees required in accordance with Section 5.51A of the *Local Government Act, 1995* and includes the matters prescribed in Part 4A of the Local Government(Administration) Regulations 1996.

For the most part all employees of, and contractors working for, the Shire will need to understand and abide by the statutory responsibilities and obligations prescribed by the legislation and this code.

Attachments

10.1.3 (A) Code of Conduct for employees

Background

The *Local Government Legislation Amendment Act 2019* assented to in July 2019 introduced a range of Local Government Act amendments, including the provision of separate mandatory Code of Conduct for 'Council Members, Committee Members and Election Candidates' and another for Employees.

In the past, all Local Governments were required to have a Code of Conduct that generally covered employees and Councillors, however, with recent findings of mis-conduct identified in some Local Governments, the Department of Local Government, Sport and Cultural Industries (the Department) commenced advocacy with the industry on the introduction of very specific mandatory codes of accepted behaviour for Elected Members and employees to better address the emerging issues of misconduct within the industry, and increasing levels of concern raised by the broader community.

To this end, the Code of Conduct for Council Members, Committee Members and Election Candidates, as recently accented in *Local Government (Model Code of Conduct) Regulations 2021*, clearly seeks to separate the general principles that govern the standards of behaviours by Councillors to those of employees where the roles are distinctly different.

For employees and those contractors engaged to deliver services for the Local Government (ie contract Rangers for example), section 5.51A of the *Local Government Act 1995* has recently been incorporated to place specific onus on the Local Government CEO to prepare, review and implement a contemporary code of conduct.

In light of this requirement the Western Australian Local Government Association (WALGA) has prepared a mandatory Code of Conduct for Employees templated model which has been used as the basis of this document, duly modified to suit the Shire of Sandstone.

Comments

Notwithstanding a Code of Conduct for Employees is a mandatory requirement under the legislation, it is also necessary as a tool that clearly and consistently articulates the standards upon which all employees agree to abide by in the performance of their duties and their conduct toward others. It is also a very important measure for performance and basis upon which disciplinary action is applied in a fair and reasonable manner.

So, acknowledging that employees are the most important resource to this organisation in performing its functions of good governance for the district, and delivery of service for members of the community, it is paramount that a Code of Conduct for Employees:

- Sets minimum standards of performance as expected by Council,
- Is clear and concise in its wording to be easily understood by each employee; and
- Is acknowledged and adhered to by all employees in their individual performance and conduct towards others.

Consultation

WALGA, other Local Governments

Statutory Environment

The following legislation applies in the preparation and adoption of a Code of Conduct for Employees:

- *Public Sector Commission Guidelines – Developing a Code of Conduct for Local Government.*
- *Local Government Act, 1995 (specifically section 5.51A.)*
- *Local Government (Administration) Regulations, 1996 (specifically Part 4; Div.2; Reg 19AA – 19AF)*

Policy Implications

New policy

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Absolute Majority

Officer Recommendation

Resolution No 48/21

Moved Cr Hodshon

Seconded Cr May

That Council pursuant to Section 5.51A of the Local Government Act, 1995 endorses the Shire of Sandstone Code of Conduct for Employees – June 2021, presented as Attachment 10.1.3 (A) to this report.

CARRIED BY ABSOLUTE MAJORITY 5/0

10.2 FINANCIAL REPORTS

10.2.1 Financial Statement for the month of May 2021

Agenda Reference:	F 06/21 – 01
Location:	Shire of Sandstone
Applicant:	Shire of Sandstone
Disclosure of Interest:	Nil
Date of Report:	14 June 2021
Author:	Charlie Brown Chief Executive Officer

Summary

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

Attachments

Financial Statements for May 2021

Comments

Income reports a 10% variance on anticipated budget expectations, largely due to Road Grants Income, whilst Operating Expenditure shows a 8% decrease on anticipated expenditure.

Capital Expenditure

A detailed look at capital expenditure can be found in note 8, as well as attachment 10.2.1 (1) showing levels of expenditure.

Others

Attachment 10.2.1 (2) reports variances by Sub Program, making it easier to drill down on variances to a greater degree.

Summary of Funds – Shire of Sandstone as at: 31 May 2021

Municipal Cheque Account - On-line (BWA)	\$692,390.86
Municipal Investment Account – On-line (BWA)	\$520,114.81
Trust Fund (Bankwest)	\$6,800.00
Reserve Term Deposits (Bankwest)	\$ 3,963,136.38
Muni Term Deposit	\$ 804,786.96

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

Risk Implications

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the Local Government (Financial Management Regulations) 1996 regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Voting Requirements

Simple Majority

STAFF RECOMMENDATION

Resolution No 49/21

MOVED: Cr May

SECONDED: Cr McQuie

That in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, the Statement of Financial Activity and the Investment Report for the period ending 31 May 2021 be received.

CARRIED 5/0

10.2.2 ACCOUNTS UPDATE FOR THE MONTHS OF MAY 2021

(Includes Credit Cards, the Caravan Park, Fuel Sales and Rates report)

Agenda Reference:	F 06/21 – 02
Location:	Shire of Sandstone
Applicant:	Shire of Sandstone
Disclosure of Interest:	Nil
Date of Report:	14 June 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 D: The list of accounts (EFT, DD and cheque payments) is attached which will enable Council to see the payments made to the Shire's creditors.

10.2.2E 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

Financial Management (Local Government) Regulations 1996 – Regulation 12

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

Resolution No 50/21

MOVED: Cr McQuie

SECONDED: Cr Hodshon

That Council endorses the May 2021 accounts paid as presented:

Municipal Fund May 2021

- Municipal cheque numbers 105483 – 105488 totalling \$1,578.95
- EFT payment numbers 8206 – 8257 totalling \$259,383.29
- DD Payment numbers 5000.1 – 5048.1 totalling \$34,534.25
- Superannuation \$8,693.59 & \$8,484.44 totalling \$17,178.03

Trust Fund May 2021

- NIL

Payroll EFT May 2021:

\$36,260.75 & 34,569.00 totalling \$70,829.75

CARRIED (5/0)

10.4 WORKS and SERVICES

10.4.1 WORKS SUPERVISOR'S REPORT MAY 2021

Agenda Reference:	WS 06/21 – 01
Location/Address:	Shire of Sandstone
Name of Applicant:	Shire of Sandstone
Disclosure of Interest:	None
Date of Report:	12 May 2021
Previous References:	Nil
Author:	Norbert Marwick, Works Supervisor

Summary

1. Crew Movements

The construction crew have finished on the Meekatharra Road and have moved back to Menzies Road to reconstruct the floodway at SLK 61.23 which washed out in March. This floodway will need to be cement stabilized and cleaned out.

2. Maintenance Grader

Due to heavy rain fall evens the grader has had regrade sections of road on the Meekatharra and Wiluna Roads this has slowed down the maintenance program for Menzies and Yeelirrie roads.

3. Contract Grader

The grader has relocated to Youanmi Town site and is patch grading Paynes Find Rd and will grade Lake Barlee Rd while in the area,

Please Note: - Trucks have been driving on closed roads and have caused damage to all roads in the shire

4. Town

Construction of the display shed in the Memorial Park has been completed and is waiting on the fencing to be installed on all buildings.

Consultation

All Staff

Statutory Environment

Local Government Act 1995

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation

Resolution No 51/21

Moved Cr Lefroy

Seconded Cr May

That Council receive the Works Supervisor's Report for May 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

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 July 2021.

15 CLOSURE OF MEETING

There being no further business, the Shire President closed the meeting at 1:30pm.

CERTIFICATION

I, _____, certify that the Minutes of the Meeting held on 27 May 2021, as shown, were confirmed as a true and accurate record at the Meeting held on 24 June 2021.

(Presiding Member)