

SHIRE OF
WESTONIA
A vibrant community lifestyle

Minutes

Ordinary Council Meeting

Held in Council Chambers, Wolfram Street Westonia

Thursday 21st March 2024

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 18th April 2024 as a true and accurate record of the Ordinary Council Meeting held 21st March 2024.

.....
Cr RM Crees
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire Office



Disclaimer

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In particular and without derogating in any way from the board disclaimer above, in any discussion regarding any planning application or application for a license, any statement or intimation made by any member or Officer of the Shire of Westonia during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Westonia.

The Shire of Westonia warns that anyone who has any application lodged with the Shire of Westonia must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Westonia in respect of the application.



SHIRE OF WESTONIA
A vibrant community lifestyle

STRATEGIC COMMUNITY

SNAPSHOT

PLAN

2018-2028

CORE DRIVERS

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community.
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny.

OUR VALUES

Respect – We value people and places and the contribution they make to the Shire.

Inclusiveness – Be receptive, proactive, and responsive.

Fairness and Equity – Provide services for a variety of ages and needs.

Communication – Create opportunities for consultation with the broad community.

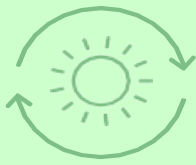
OUR VISION

A vibrant community lifestyle

MISSION

Provide leadership and direction for the community.

ECONOMIC



Support growth and progress, locally and regionally...

Efficient transport connectivity in and around our Shire.

- Continue to utilise our Road Management Plan, which incorporates a road hierarchy, minimum service levels and maintenance policy.
- RAV Ratings and Shire boundaries are consistent across local government boundaries.
- Lobby and build enduring partnerships with key Government Departments to improve Great Eastern Hwy.
- Actively participate in the Secondary Freight Network group.
- Develop and implement a Road Asset Plan highlighting key funder and strategic partnerships to support sustainability.
- Develop a Gravel Reserve Policy which identifies future gravel reserves and recognises cost to local government.
- Educate road users about road safety and driving on gravel roads.
- Optimal and safe use of our plants and equipment assets.
- Ensure that appropriate RAV vehicles traverse correct RAV routes.
- Maintain our airport with a view to improvements to meet commercial and recreational aviation needs.

Facilitate local business retention and growth.

- Council recognises the opportunity of partnering with Westonia Progress Association, works closely and supports them to help achieve their economic development projects and our strategic goals.
- Council continue to have a role in facilitating the presence of a Co-op in our community.
- Enhance local economic activity by supporting the growth of tourism in our Shire and region including applying for funding to improve tourist facilities.
- Improve our online tourism presence.
- We forward plan to improve the economic diversity in our community.
- In partnership with Council, the mine develops long term business plans for current mine assets.
- Investigate options for multipurpose accommodation if vacancies arise in mine accommodation.

SOCIAL



Provide community facilities and promote social Interaction...

Plan for community growth and changing demographics.

- Develop the Town Planning Scheme.
- Plan and develop residential and industrial land.
- Community safety and ease of access around town is a priority.
- Our lifestyle, facilities and sense of community is promoted.
- The CEACA project continues to expand the number of universally designed dwellings in our town.
- We support our emergency services.
- We enable visiting health professionals to our community.
- The Community Resource Centre receives external funding to provide preventative health and community development initiatives to the community.
- We facilitate healthy and active ageing in place
- Our cemetery is well presented.

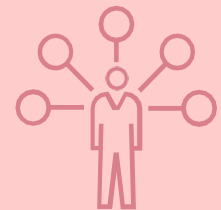
Our community has the opportunity to be active, socialised and connected.

- We collaborate and encourage active engagement in local clubs and community initiatives that support a healthy lifestyle.
- Investigate motor sport opportunities around the Shire.
- Preserve and celebrate our local history.
- Support our volunteers and clubs to remain strong, dynamic, and inclusive.
- Encourage lifelong learning.
- Children and youth have active and social opportunities.
- Continue to provide high standard and accessible shire facilities.
- Retain and expand Westonia's unique tourism experience.

Natural spaces are preserved and bring us value.

- Sustainably manage our reserves and open spaces.
- Participate in best practice waste management.
- Work collaboratively to meet legislative compliance with managing weeds and pests as well as our environmental health standards.
- Investigate renewable energy generation technologies.

GOVERNANCE



Continually enhance the Shire's organisational capacity to service the needs of a growing community...

Be progressive and capture opportunities.

- Be open to local productivity/ best practice and cost saving opportunities locally and regionally.
- Investigate joint resourcing and tendering
- Advocate and develop strong partnerships to benefit our community.
- Be prepared by forward planning our resources and focusing on continuous improvement.
- Identify risks and opportunities after the life of the mine.

The community receives services in a timely manner.

- Meet our legislative and compliance requirements.
- Work towards optimal management of our assets.
- Work to develop Councillor and staff skills and experience to provide career and succession opportunities within the Shire.
- Inside and outside staff are multi skilled to understand the business of local government and provide a seamless service to the community.
- Communicate and engage with our community regularly.

Financial resources meet the ongoing needs of the community.

- Seek external funding for significant capital improvements that deliver upon our strategic objectives.
- Investigate ways to reduce reliance on operational grants given the current State and Federal Government priorities.

Shire of Westonia: - A vibrant community lifestyle.



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6. RECEIVAL OF MINUTES

OFFICER RECOMMENDATIONS

That the minutes of the CEACA meeting held Monday 19th February 2024 be accepted.

That the minutes of the WEROC INC. Board meeting held Wednesday 6th March 2024 be accepted.

That the minutes of the NEW TRAVEL general meeting held Thursday 29th February 2024 be accepted.

That the minutes of the Great Eastern Country Zone meeting held Thursday 22nd February 2024 be accepted.

RESOLUTION

Moved:	Cr Della Bosa	Seconded:	Cr Huxtable
02/03-24	<p>That the minutes of the CEACA meeting held Monday 19th February 2024 be accepted.</p> <p>That the minutes of the WEROC INC. Board meeting held Wednesday 6th March 2024 be accepted.</p> <p>That the minutes of the NEW TRAVEL general meeting held Thursday 29th February 2024 be accepted.</p> <p>That the minutes of the Great Eastern Country Zone meeting held Thursday 22nd February 2024 be accepted.</p>		

CARRIED 5/0

7. PRESIDENT/COUNCILLORS ANNOUNCEMENTS

President, Cr Crees advised having attended the following meetings:

- WEROC INC. Board meeting held Wednesday 6th March 2024
- Great Eastern Country Zone meeting held Thursday 22nd February 2024
- WEROC Medical Immersion Dinner 14 March 2024
- Rural Water Council Meeting

Deputy President, Cr Della Bosca advised having attended the following meetings:

- Live Export
- CEACA meeting held Monday 19th February 2024
- WEROC Medical Immersion Dinner 14 March 2024

Councillor Simmonds advised having attended the following meetings:

- WEROC Medical Immersion Dinner 13 & 14 March 2024

Councillor Geier advised having attended the following meetings:

- WEROC Medical Immersion Dinner 14 March 2024

Councillor Huxtable advised having attended the following meetings:

- NEW TRAVEL general meeting held Thursday 29th February 2024
- WEROC Medical Immersion Dinner 14 March 2024

8. DECLARATION OF INTEREST

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Financial** interest were made at the Council meeting held on **21st March 2024**.

Name/Position	Cr Simmonds
Item No./Subject	9.1.1 Accounts for Payment – February 2024 EFT 6750 & EFT 6762
Nature of interest	Financial Interest
Extent of Interest	Owner/ Proprietor of MACE Services Pty Ltd

In accordance with Section 5.65 of the *Local Government Act 1995* the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting held on **21st March 2024**.

Name/Position	
Item No./Subject	
Nature of interest	
Extent of Interest	

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of **Proximity. interest** were made at the Council meeting held on **21st March 2024**.



Name/Position	
Item No./Subject	
Nature of interest	
Extent of Interest	

9. MATTERS REQUIRING A COUNCIL DECISION

9.1. GOVERNANCE, ADMINISTRATION AND FINANCIAL SERVICES

9.1.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2024

In accordance with Section 5.65 of the Local Government Act 1995 Cr Simmonds declared a financial interest in EFT6750 & 6762 in the list of accounts as he is the Owner/Proprietor of MACE Services Pty Ltd. As the declaration is a financial interest on two payment items only Cr Simmonds was not required to leave the meeting.

Responsible Officer:	Bill Price, CEO
Author:	Jasmine Geier, Deputy Chief Executive Officer
File Reference:	F1.3.3 Monthly Financial Statements
Disclosure of Interest:	Nil
Attachments:	Attachment 9.1.1 List of Accounts
Signature:	Officer  CEO 

Purpose of the Report

- Executive Decision Legislative Requirement

Accounts for payment are presented to Council in the interests of accountability and provide information on Council expenditure.

Background

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits June be obtained.

Comment

Attached is a copy of Accounts for Payment for the month of February 2024 The credit card/ Fuel Card statements currently show: -

MasterCard Transactions

CEO January 2024 \$1,273.44 associated with the purchase 1038283 - Microsoft 365 Business Std Recurring –1049449 Managed Endpoint & Subscriptions Recurring, Active8me internet service, 1047021 Microsoft 365 Business Basic Recurring Monthly, 1038203 Office 365 Exchange online Plan Monthly,

DCEO January 2024 \$2,130.79 associated with the purchase of Plate Remake, New Vehicle Licence OWT, Trailer Licences, Hilton Perth - J.Geier/H.Lockyer Accommodation - Budget Workshop, National Character Check x5, Clark Rubber - Dumbbells & Noodles Westonia Pool, Car Parking Perth City-Budget Workshop .

Fuel Card Transactions

CEO January 2024 \$ Nil

DCEO January 2024 \$298.97 associated with the purchase of Diesel 15/01/2024 02WT BP Jurien Bay

Construction Supervisor January 2024 \$157.54 associated with the purchase of Diesel 05/1/2024 WT111 BP Lakes, 17/02/2024 WT111 BP Lakes

Statutory Environment

Local Government (Financial Management) Regulations 1996 Regulations 12 & 13 requires the list of accounts to be presented to Council. Payments are made by staff under delegated authority from the CEO and Council.

Policy Implications

Council does not have a policy in relation to payment of accounts.

Strategic Implications

Accounts for payment are presented to Council in the interests of accountability and provide information on Council expenditure.

Financial Implications

Expenditure in accordance with the 2023/2024 Annual Budget.

Voting Requirements



Simple Majority



Absolute Majority

OFFICER RECOMMENDATIONS

That February 2024 accounts submitted to today's meeting on Municipal vouchers from DD4041 to DD4066 and Electronic Fund Transfers EFT6720 to EFT6767 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$490,083.01 be passed for payment.

RESOLUTION

Moved:

Cr DellaBosca

Seconded:


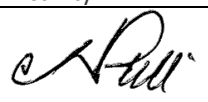
Cr Geier

03/03-24

That February 2024 accounts submitted to today's meeting on Municipal vouchers from DD4041 to DD4066 and Electronic Fund Transfers EFT6720 to EFT6767 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$490,083.01 be passed for payment.

CARRIED 5/0

9.1.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY– FEBRUARY 2024

Responsible Officer:	Bill Price, CEO
Author:	Jasmine Geier, Deputy Chief Executive Officer
File Reference:	F1.3.3 Monthly Financial Statements
Disclosure of Interest:	Nil
Attachments:	Attachment 9.1.2 Monthly Statement of Financial Activity
Signature:	Officer  CEO 

Purpose of the Report

- Executive Decision Legislative Requirement

The Monthly Statement of Financial Activity is a record of Council’s activities and financial performance during the reporting period.

Background

This information is provided to Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Comment

The Monthly Statement of Financial Activity for the period ending February 2024 is attached for Councillor information, and consists of:

1. Statement of Financial Activity
2. Statement of Financial Position
3. Note 1 Basis of Preparation
4. Note 2 Statement of Financial Activity Information
5. Note 3 Explanation of Material Variances
6. Supplementary information

Statutory Environment

General Financial Management of Council
Council 2023/2024 Budget
Local Government (Financial Management) Regulation 34 1996
Local Government Act 1995 section 6.4

Policy Implications

Council is required annually to adopt a policy on what it considers to be material as far as variances that require to be reported for Council. Council policy is that the material variation be set at \$10,000 and 15%.

Strategic Implications

The Monthly Statement of Financial Activity is a record of Council’s activities and financial performance during the reporting period.

Financial Implications

There is no direct financial implication in relation to this matter.



Voting Requirements



Simple Majority



Absolute Majority

OFFICER RECOMMENDATIONS

That Council adopt the Monthly Financial Report for the period ending February 2024 and note any material variances greater than \$10,000 or 15%.

RESOLUTION

Moved:

Cr Simmonds

Seconded:

Cr Huxtable


04/03-24

That Council adopt the Monthly Financial Report for the period ending February 2024 and note any material variances greater than \$10,000 or 15%.

CARRIED 5/0

9.1.4 COMPLIANCE AUDIT RETURN 2023

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	ES1.6.1
Disclosure of Interest:	Nil
Attachments:	Nil
Signature:	Officer CEO



Purpose of the Report

- Executive Decision Legislative Requirement

The purpose of this report is for Council to adopt the 2023 Annual Compliance Audit Return as presented.

Background

In accordance with the Local Government (Audit) Regulations 1996, a local government is required to carry out a compliance audit for the period 1st January to 31st December each year against the requirements included in the Compliance Audit Return (CAR).

The completed CAR is required to be presented to Council for consideration and adoption, signed by the Shire President and CEO and subsequently submitted to the Director General of the Department of Local Government before 31st March.

Comment

The Compliance Audit Return has been a mandatory requirement since the Local Government (Audit) Regulations 1999, were amended and made applicable from 1 January 2000.

Senior staff have been involved in the completion of the Compliance Audit Return, certifying their actions and that of the Council, relating to the return covering the 2023 calendar year.

Staff involved in the process included.

- Chief Executive Officer
- Deputy CEO

The Return is to be jointly certified by the Shire President and the Chief Executive and subsequently submitted to the Director General of the Department of Local Government before 31st March.

Statutory Environment

Local Government (Audit) Regulations 1996 – Regulations 13, 14 & 15 – Compliance Audit Returns.

Policy Implications



Council does not have a policy in relation to this matter.

Strategic Implications

The Local Government Act 1995 and Local Government (Audit) Regulations 1996 apply.

Financial Implications

9.1.5 2023/2024 MID YEAR BUDGET REVIEW

Responsible Officer:	Bill Price, CEO		
Author:	Jasmine Geier, DCEO		
File Reference:			
Disclosure of Interest:	Nil		
Attachments:	2023/2024 Budget Review Statement of Financial Activity, notes on Closing Funds, and Budget Amendments		
Signature:	Officer	CEO	
			

Purpose of the Report

- Executive Decision Legislative Requirement

The Purpose of the report is to consider the Shire's financial position as at 29 February 2024 and performance for the period 1 July 2023 to 29 February 2024 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

Background

The budget review has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2023 to 29 February 2024 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2024 and is presented for council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

The material variance levels which have been reported for the budget review, have utilised the same materiality levels as monthly reporting to determine the extent of explanation / are based on a materiality level of \$10,000 and 15%. implemented for the purpose of the budget review) / are based upon management judgement where explanations are considered appropriate.

Comment

The budget review report includes at Note 4 a summary of predicted variances contained within the Statement of Financial Activity, including whether variances are considered to be permanent (where a difference is likely between the current budget and the expected outcome to 30 June) or due to timing (e.g. where a project is likely to be delayed).

Features of the budget review include:

Increase in interim rates due to 2x GRV Residential Assessments, Granted (x7 UV) Mining Assessments - interim rates raised on the new Assessments were not accounted for in the adopted budget.	\$4,135.00
Due to adjustments made to Grants Commission Grants	(\$319,500.00)
Due to Decrease in Standpipe water Usage, Haulage Operation Agreement	(\$213,000.00)
Due to the Bank change new interest bearing operational Municipal Account, Plus Penalty Interest on Rates increase to the budget forecast	\$96,100.00
Due to Income received Via Medicare Benefits, Rural Health West Reimbursements and Receival of Synergy Extended Power Outage Payments	\$10,000.00

Due to Profit on Sale of Asset LC300 Toyota Landcruiser F33A0014951 & includes Budget for Sale of Fibro Dwelling (Old Pool House) (No 37) Diorite St, Westonia	\$23,000.00
Due to Payout to Shire of Chapman Valley total Long service owed to J. Criddle, also Extended Annual Leave J.Geier January 2024, Extending Sick Leave used by Outside Employees, Increase in Allocation for Cleaning Kerry Lyne French, and lastly Labor Overheads Allocated.	(\$94,800.00)
State NRM Program- recoup of unspent funds , New Bed purchase Of Unit Accommodation, Supply & install new 50lt Rheem to ablution block & Progress MOU Q2 21/22 Missed Payment & Westonia Caravan Park Replace Bio Seal & repair underground leak to water service Building Maintenance	(\$164,350.00)
Due Decrease estimate on Standpipe Water usages Charges	\$195,500.00
Due in increase of Insurance Costs	(\$2,400.00)
Decrease in net current assets brought forward Due to Change in Depreciation, and Receival of the profit on Asset Disposal	(\$23,000.00)
Proceeds from disposal of asset Trade Value of LC300 Toyota Landcruiser F33A0014951 & Sale of Fibro Dwelling (Old Pool House) (No 37) Diorite St, Westonia	\$183,000.00
Due Increase in Cost to Purchase New LC300 Toyota Landcruiser, Increase In Museum Project & decrease in New Staff Housing	\$60,000.00
This Variation to DellaBosca Road Full Completion of seal via LRCIP Phase 4 Funding - Part B.	(\$208,000.00)
Transfers from reserve accounts	\$200,000.00
Overall Change (surplus or Deficit)	(\$237,615.00)

In considering the above variances and projections within the attached budget review, the closing position has Decreased from \$95,601.00 to (\$267,615.00) reflected in the Statement of Budget Review.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2024, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate. Required budget amendments have been included in Note 5 of the attached budget review document for information, and also presented as a separate recommendation to the budget review for council consideration.



Statutory Environment


Regulation 33A of the *Local Government (Financial Management) Regulations. 1996* requires:

- (1) Between 1 January and the last day of February 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; and
 - (d) include the following -
 - (i) the annual budget adopted by the local government;
 - (ii) an update of each of the estimates included in the annual budget;
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.

9.1.6 POLICY MANUAL REVIEW

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	
Disclosure of Interest:	Nil
Attachments:	9.1.6 Policy Manual

Signature:	Officer	CEO
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Purpose of the Report

Executive Decision

Legislative Requirement

The Purpose of the Report is that Council reviews the current Council Members/ Governance policies, makes changes and adopts the policies contained within the Policy Manual.

Background

Council consideration in adopting Council's Policy Manual last reviewed in April 2022. To complete an annual review and update the Council Policy Manual. Each Quarter Council will review a different Section of our Current Policy Manual in question for March being **Council Members/ Governance** policies

Comment

Council's Policy Manual was last reviewed in April 2022. The objectives of the Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide staff with precise guidelines in which to act in accordance with Council's wishes;
- to enable staff to act promptly in accordance with Council's requirements bur without continual reference to Council;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or Council;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
- to enable ratepayers to obtain immediate advice on matters of Council Policy.

A copy of the Policy Manual is attached which includes any new policies adopted by Council since the last review.

The Chief Executive Officer will provide comment on existing and future policies prior to the meeting.

Councillors are requested to also review the policies and advise the CEO of any requested changes.

Statutory Environment

Local Government Act 1995 – Section 2.7(2)(b) Role of Council.

A key role of Council is to determine the local government's policies.

Local Government Act 1995 – Section 5.42 Delegation of some powers and duties to CEO.

In order for the CEO to carry out the duties and tasks contained within the policy, appropriate delegations need to be in place.

Local Government (Financial Management) Regulations 1996 – Regulations 5 and 11.

Policy Implications

Review of Council Policies



Strategic Implications

N/A



Financial Implications

There are no direct financial implications in relation to his item



Voting Requirements



Simple Majority



Absolute Majority

OFFICER RECOMMENDATIONS

That Council reviews the current Council Members/ Governance policies, makes changes and adopts the policies contained within the Policy Manual.

RESOLUTION

Moved:

Cr Geier

Seconded:

Cr Simmonds

08/03-24


That Council reviews the current Council Members/ Governance policies, makes changes and adopts the policies contained within the Policy Manual.

CARRIED 5/0

9.1.7 DISPOSAL OF PROPERTY – 37 DIORITE STREET WESTONIA

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil

Signature:	Officer	CEO
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Purpose of the Report

Executive Decision Legislative Requirement

This report seeks Council's decision to consider the disposal of Council property referred to as 37 Diorite Street to Ms Clare McAuliffe as per S 3.58 (3) (4) of the *Local Government Act, 1995*.

Background

Council has resolved previously for the disposal of some old Housing stock to assist in the development of more modern residential facilities moving forward.

The 3 properties being considered for disposal are 42 Jasper Street (already sold), 37 Diorite Street and 7 Quartz Street.

Currently 7 Quartz Street accommodates a Council employee and 37 Diorite Street accommodates a COOP employee.

S 3.58 of the *Local Government Act 1995* stipulates the requirements for the Disposal of Property by Council either by auction or by open tender or alternatively if proposing to dispose not by these methods subsection 3 requires the following

- (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.

Comment

Council has received an expression of interest offer from Ms Clare McAuliffe to purchase 37 Diorite Street, the house in which she currently resides. Clare has offered a purchase price of \$ 80,000.00. Clare is a valued employee of the local Westonia Community Cooperative, a position which is difficult to recruit in the current environment.

Council have previously obtained a valuation report from Acumentis (Licensed property valuer) who recently visited Westonia to undertake the valuation of the property. The valuation for 37 Diorite Street provided by Acumentis amounts to \$ 120,000.00 (8,000 Land & \$112,000 Buildings)

Statutory Environment

S 3.58 of the Local Government Act 1995.

Policy Implications

Council does not have a policy in relation to this matter.

Strategic Implications

The sale of old residential housing stock to assist in the financing of future new housing stock and/or land purchases.

Financial Implications

Council has made an allowance of \$ 90,000 income in the 2023/24 financial budget review for the sale of 37 Diorite Street.

Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That Council propose to sell 37 Diorite Street to Ms Clare McAuliffe for the sum of \$ TBD and that as per S 3.56(3)(4) of the *Local Government Act 1995* give local public notice of the proposed disposition in the prescribed manner with submissions and comments to be considered at the April Council meeting.

RESOLUTION

Moved: Cr Geier


Seconded: Cr Della Bosca

09/03-24 That Council propose to sell 37 Diorite Street to Ms Clare McAuliffe for the sum of \$ 80,000 and that as per S 3.56(3)(4) of the *Local Government Act 1995* give local public notice of the proposed disposition in the prescribed manner with submissions and comments to be considered at the April Council meeting.

CARRIED 5/0

9.1.8 DELEGATIONS MANUAL REVIEW

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	A2.8.5
Disclosure of Interest:	Nil
Attachments:	9.1.8 Delegation Manual
Signature:	Officer CEO



Purpose of the Report

- Executive Decision Legislative Requirement

The Purpose of this Report is that Council review and adopts the Delegation Manual

Summary

To complete the yearly review of the Delegations Manual.

Background

The review of delegations to the Chief Executive Officer (CEO) made under the Local Government Act 1995 and other Acts, plus delegations made to other officers by Council pursuant to various Acts.

The existing Delegations Register has been attached for your perusal.

The Chief Executive Officer has conducted an extensive review of the current Delegation with the format being adjusted and grouped into relevant sections to make it easier to follow.

The Delegations in place all being direct delegations to the CEO, who in turn delegates a number to other officers.

Comment

As part of the review, all delegations have been thoroughly examined to ensure they are still relevant and the wording of each is appropriate. In considering the review each delegation has been viewed in the context of whether it is a power or a duty of the local government, hence a delegation can occur, or it is an administration function that is part of the CEO or other officer's responsibility and therefore a delegation is not required.

The Delegation Manual received a thorough review the previous year and after reviewing this year the Chief Executive Officer has indicated that there are no significant changes required to the content, excepting the delegations allocated to the title of Works Supervisor being changed to Construction Supervisor. Also, the Finance Officer has been delegated authority to issue purchase orders to the maximum sum of \$ 2,000.

Statutory Environment

Local Government Act 1995

Section 5.18 – provides that a local government is to keep a register of delegations and review the delegations once every financial year (to committees).

Section 5.46(2) – provides that at least once in every financial year delegations are to be reviewed by the delegator (Council).

Local Government (Miscellaneous Provisions) Act 1960

Sections 374, 374A, 374C, 401A, 403, 408 & 409 all deal with various aspects relating to buildings.

Bush Fires Act 1954

Section 17(10) – provides that a local government may delegate to the President and its Chief Bush Fire Control Officer, jointly its powers and duties under 17 (7-8) – variation of prohibited burning times.

Section 18 (5C) – provides that a local government may delegate to the President and its Chief Bush Fire Control Officer, jointly the power to vary the restricted burning times.

Clause 11.3 – enables Council to delegate powers and duties to the CEO.

Section 5.42 of the Local Government Act 1995 states that a number of the local government’s powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. The review has been conducted within those legislative requirements.

Building Act 2011

Section 127 (6A) provides – The CEO of a Local Government may delegate to any other local government employee a power or duty of the local government that has been delegated to the CEO under this section but in the case of such a power or duty –

(a) The CEO’s power under this subsection to delegate the exercise of that power or the discharge of that duty; and

(b) The exercise of that power or the discharge of that duty by the CEO’s delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

An absolute majority of Council is required to adopt the Delegations Register.

Policy Implications

There are no direct implications on any current policies however a number of delegations are linked to Council policies.

Strategic Implications

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

5.46. Register of, and records relevant to, delegations to CEO and employees

(1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

(3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

9.10. Appointment of authorised persons

(1) In this section –

law means any of the following –

(a) this Act;

(b) the Caravan Parks and Camping Grounds Act 1995;

(c) the Cat Act 2011;

(d) the Cemeteries Act 1986;

(e) the Control of Vehicles (Off-road Areas) Act 1978;

- (f) the Dog Act 1976;
 - (g) subsidiary legislation made under an Act referred to in any of paragraphs (a) to (f);
 - (h) a written law prescribed for the purposes of this section; specified means specified in the instrument of appointment.
- (2) The CEO may, in writing, appoint persons or classes of persons to be authorised persons for the purposes of 1 or more specified laws or specified provisions of 1 or more specified laws.
- (3) An appointment under subsection (2) is subject to any specified conditions or limitations.
- (4) The CEO must give to each person appointed under subsection (2) an identity card that —
- (a) on the front of the card, sets out —
 - (i) the name and official insignia of the local government; and
 - (ii) the name of the person; and
 - (iii) a recent photograph of the person; and
 - (b) on the back of the card, specifies each law to which the person’s appointment relates.
- (5) A person appointed under subsection (2) (the authorised person) must —
- (a) carry their identity card at all times when performing functions under a specified law; and
 - (b) produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.
- (6) A person who, without reasonable excuse, fails to return their identity card to the CEO within 14 days after their appointment ceases to have effect commits an offence.

[Section 9.10 inserted: No. 16 of 2019 s. 64.]

From a local government perspective, the concept of “delegation” is: to entrust or commit (authority etc.) to another as an agent or deputy.

Consequently, the decision-making power of the delegator (Council) to the delegate (CEO, other officer or committee), is bestowed by a formal Council resolution. The effect of delegating is to streamline the decision-making process as the subject matter does not have to wait for a Council meeting for a decision. The outcome is that the Shire of Westonia is perceived more favorably for making timely decisions.

Financial Implications

The delegations allow for staff to authorise expenditure, raise income, write-off monies, provide staff benefits and also hasten processing times across various areas of operations.

Voting Requirements

Simple Majority Absolute Majority

OFFICER RECOMMENDATIONS

That Council review and adopts the Delegation Manual as presented.

RESOLUTION

Moved: Cr Della Bosca Seconded: Cr Huxtable


10/03-24 That Council review and adopts the Delegation Manual as presented.

CARRIED BY ABSOLUTE MAJORITY 5/0

9.2 COMMUNITY AND REGULATIONS

9.2.1 WATER CORPORATION – TOWN WATER PRESSURE

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil
Signature:	Officer CEO



Purpose of the Report

- Executive Decision Legislative Requirement

The purpose of this report is for Council, on behalf of the community to submit a formal complaint to the Water Corporation about the lack of water pressure within the Westonia townsite, particularly during peak periods.

Background

Westonia townsite for many years has experienced low water pressure which has on numerous occasions been raised with the Water Corporation with little or no response.

The majority of householders within the community have signed a petition which they would like to have formally presented to the Water Corporation objecting to the inconvenience of the low water pressure.

Comment

The steady development of the town with additional residences has exacerbated the issue in recent years.

A whole of community action against the Water Corporation will hopefully see some results in addressing this issue.

Statutory Environment

Nil

Policy Implications

Nil

Strategic Implications

Improved service provision to residents of the Westonia community.

Financial Implications

Nil

Voting Requirements

- Simple Majority Absolute Majority

9.3 WORKS AND SERVICES

Nil

9.4 ENVIRONMENTAL HEALTH, PLANNING AND BUILDING SERVICES

Nil

10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING

12. DATE AND TIME OF NEXT MEETING

The next ordinary meeting of Council will be held on Thursday schedule 18th April 2024 commencing at 3.30pm.

13. MEETING CLOSURE

There being no further business the Shire President, Cr Mark Crees declared the meeting closed at 4.13pm