

SHIRE OF
WESTONIA
A vibrant community lifestyle

Minutes

Ordinary Council Meeting

Held in Council Chambers, Wolfram Street Westonia

Thursday 22nd April 2021

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 20th May 2021 as a true and accurate record of the Ordinary Council Meeting held 22nd April 2021.

.....
Cr Karin Day
Shire President

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



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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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1. DECLARATION OF OPENING

The President, Cr Day welcomed Councillors and staff and declared the meeting open at 3.35pm.

A minutes silence was held as a mark of respect for the following former ratepayer/resident who recently passed away:

- Kathleen Alcock

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:

Cr KM Day	President
Cr WJ Huxtable	Deputy President
Cr DL Geier	
Cr JJ Jefferys	
Cr RA Della Bosca	
CR RS Corsini	

Staff:

Mr. JC Criddle	Chief Executive Officer
Mr AW Price	Manager of Works (5.00pm)

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. PUBLIC QUESTION TIME (3.37pm – 3.52pm)

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. CONFIRMATION OF PREVIOUS MINUTES

OFFICER RECOMMENDATIONS

That the minutes of the Ordinary Meeting of Council held on 18th March 2021 be confirmed as a true and correct record.

RESOLUTION

Moved:	Cr Corsini	Seconded:	Cr Della Bosca
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01/04-21	That the minutes of the Ordinary Meeting of Council held on 18th March 2021 be confirmed as a true and correct record.
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CARRIED 6/0

6. RECEIVAL OF MINUTES

Nil

7. PRESIDENT/COUNCILLORS ANNOUNCEMENTS

The President, Cr Day advised having attended the following meetings:

- Communication meeting with Main Roads officials at WALGA, Perth with the CEO.

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 **22nd April 2021**.

Name/Position	Cr Daimon Geier
Item No./Subject	9.2.1 – Application to Clear Native Vegetation – Ramelius Resources
Nature of interest	Financial
Extent of Interest	Employee of the proponent

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 **22nd April 2021**.

Name/Position	Mr Jamie Criddle, CEO
Item No./Subject	11.3 Merredin Colts – Use of Westonia Community Bus
Nature of interest	Impartiality
Extent of Interest	President of the Merredin Colts Association

Name/Position	Mr Jamie Criddle, CEO
Item No./Subject	9.1.5 Model Standards for CEO Recruitment, performance and Termination
Nature of interest	Impartiality & Financial
Extent of Interest	The Author declares both an Impartiality and Financial Interest that requires disclosure as the officer is potentially impacted by adoption or variation of the standards



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 **22nd April 2021**.

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

Responsible Officer:	Jamie Criddle, CEO		
Author:	Jasmine Geier, Manager of Corporate Services		
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

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 may be obtained.

Comment

Attached is a copy of Accounts for Payment for the month of March 2021. The credit card statements currently show: -

CEO **March 2021 \$2,473.68** associated with the purchase of Activ8inet Housing & Office, Email Exchange Platform, Spotify, National Police Check, Microsoft 365 Business Basic Recurring, Meals LEMC, Telstra Recharge, VAST Decoders

Works Supervisor **March 2021 \$ 1,238.75** associated with the purchase WA HVA Registration, HVA Auditing Costs & 30m Hose and Fittings

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 2020/2021 Annual Budget.



Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That March 2021 accounts submitted to today's meeting on Municipal vouchers numbered from 3922 to 3926, and D/Debits from EFT4858 to EFT4903 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$521,342.28 be passed for payment.

RESOLUTION

Moved:

Cr Corsini

Seconded:



Cr Geier

02/04-21

That March 2021 accounts submitted to today's meeting on Municipal vouchers numbered from 3922 to 3926, and D/Debits from EFT4858 to EFT4903 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$521,342.28 be passed for payment.

CARRIED 6/0

9.1.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – MARCH 2021

Responsible Officer:	Jamie Criddle, CEO		
Author:	Jasmine Geier, Manager of Corporate Services		
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

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 March 2021 is attached for Councillor information, and consists of:

1. Summary of Bank Balances
2. Summary of Outstanding Debtors
3. Balance Sheet
4. Budget v Actuals Schedules

Statutory Environment

General Financial Management of Council
Council 2020/2021 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

9.1.4 DIFFERENTIAL RATES

Responsible Officer:	Jamie Criddle, CEO	
Author:	Jamie Criddle, CEO	
File Reference:		
Disclosure of Interest:	Nil	
Attachments:	Nil	
Signature:	Officer	CEO



Purpose of the Report

- Executive Decision Legislative Requirement

Summary

Council is requested to support the differential rates in the dollar and minimums proposed for the 2021/2022 financial year and advertise the proposed rates for a 21 day comment period. Council are required to seek Minister approval for proposing to impose a Mining GRV differential rate that is more than twice the lowest rate.

Background

In accordance with sections 1.7 and 6.36 of the Local Government Act 1995, Council is required to give local public notice of the intention of Council to impose differential rates, or a minimum payment under a differential rate category.

Local public notice includes publishing in a newspaper circulating in the district, exhibiting on the notice board of the local government office, and exhibiting on the notice board of the library inviting submissions in respect of the following information, for a minimum of 21 days (after 1st May);

- 1) Details of each rate or minimum payment the local government intends to impose,
- 2) Invitation for submissions to be made in respect of the proposed rate or minimum payment and any related matters.

The Shire recognises that the COVID-19 crisis has had significant financial implications for many ratepayers within the community. In response to this it is proposed that there be no increase in the total rates levied for the 2021/22 financial year (including Differential Rates), that is, total rates are to remain the same as for 2020/21.

Community / Stakeholder Consultation:

An advertisement on the 5th May 2021 will be included in the public notice section of the Newspaper circulated in the district. The community will have 21 days to make submissions. (27th May 2021)

Comment

The Local Government Act 1995 provides for Councils to levy rates to fund the estimated annual budget deficiency for the forthcoming financial year.

The estimated budget deficit for the 2021/2022 financial year has not yet been finalised, as the detailed budget estimates covering various expense and revenue items are currently being prepared. At present, the amount required from rates to fund the outcomes of the draft budget is well in excess of the 1.5% rate proposed. Staff are revising the draft budget and service levels and are looking at all avenues to reduce the gap, including alternative revenue sources.

In the past Council has adopted rates that are more than twice the minimum differential rate and must therefore seek Ministerial approval, as required by the provisions of the Local Government Act 1995. The Department of Local

Government has been scrutinising Council's differential rating strategy each year and may request modifications to be made, if they are not satisfied that the rating strategy is fair and equitable.

It must be understood the purpose of this Agenda Item is to set an estimated Differential Rate so a request can be sent to the Minister after advertising and seeking submissions from the electorate. Invariable the actual rate amount set may differ from the estimate once the valuations have been received from Landgate for the next financial year. However the legislations allows these rate in dollar amounts to be adjusted to reflect the actual valuations by making notation in the Shires Adopted Budget and on the Rate Notices sent out. Such notation is to explain the reason for the difference between the advertise Differential Rate and that impose being due to valuation adjustments from Landgate. The actual Rate Revenue raised will not differ significantly.

Due to the COVID-19 pandemic and the resulting economic uncertainties, the 2020/21 financial years rates were not increased on those imposed in 2019/2020. With this in mind it will be proposed that a small 2.0% increase in the Rate in the Dollar for the 2021/22 financial year

The proposed Rates in the dollar for 2021/2022 represent a 2.0% increase over those imposed in 2020/2021.

The recommended Rate in the dollar increase of 2.0% is in line with the WA Local Government Cost Index (WALGCI) forecast for 2021/22 of 1.4% and December 2020 CPI of 0.9%. The WALGCI is similar in principle to the Consumer Price Index (CPI) but is weighted towards expenditure types more relevant to Local Governments. The CPI is based on actual household expenditure data, which is principally derived from the Household Expenditure Survey conducted by the ABS and includes expenditure on areas such as food and non-alcoholic and alcoholic beverages, tobacco products and clothing & footwear; all of which are not expenditure areas for a Local Government. The WALGCI is a combination of certain cost items from the CPI and others from the General Construction Index WA (GCIWA). The WALGCI offers an indication of those changes in the WA economy that relate more closely to the functions of Local Government.

The table below shows the rate categories for 2020/2021 and the rate in cents and minimum amounts; GRV Rate Category:

Category	Rate in the \$	Minimum Rate \$
GRV General	7.2073	355.00
GRV Mining	20.4953	355.00

The Proposed rates for 2021/2022 are listed below:

Category	Rate in the \$	Minimum Rate \$
GRV General	7.2217	355.00
GRV Mining	20.5362	355.00

Statutory Environment

Under section 6.36 of the Local Government Act 1995, Council is required to give local public notice of the intention of Council to impose differential rates, or a minimum payment under a differential rate category. Local public notice includes publishing in a newspaper circulating in the district, exhibiting on the notice board of the local government office, and exhibiting on the notice board of the library inviting submissions in respect of the following information, for a minimum of 21 days;

- Details of each rate or minimum payment the local government intends to impose,

- Invitation for submissions to be made in respect of the proposed rate or minimum payment and any related matters.

Policy Implications

Nil

Strategic Implications

Nil

Financial Implications

The Shire's principle source of income is through rates. It is an essential part of the budget process that the Council consider the level of rates that need to be raised in the context of funding the annual budget. It must also be noted that as other income, such as fees and charges are fixed by external legislation, there is very little scope for the Shire to increase this revenue source to keep up with the rising costs of service provision, therefore, these increasing costs must be borne by increases in rates or you will see a reduction in services.

The Shire has until 31 August each year to adopt the Annual Budget, as the Shire is a growing organisation and as such we are heavily reliant on receiving rates income to fund our operations, including salaries. With this in mind, setting the level of rates for advertising and allowing the adoption of the annual budget in June, after the close of the advertising period, is a very high priority to enable rates notices to be issued. The Shire prepares its cash flow based on starting to receive rate payments in late August each year.

Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That Council:

1. Reviews and adopts the statements in relation to
 - a) Objects and Reasons for implementing a Differential Rate 2021-22
 - b) Statement of Rating Information 2021-22
2. Support the following differential rates in the dollar and minimum payments for the GRV and UV rated properties, subject to finalisation of the 2021/2022 draft budget:

<i>Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
GRV General	7.2217	355.00
GRV Mining	20.5362	355.00

3. Seek the Minister for Local Government's approval to impose differential general rates more than twice the lowest rate; and
4. That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36 (1) of the Local Government Act 1995 and invites public submissions for a period of twenty one days; and
5. That Council consider any submissions in respect of imposition of differential rates as part of the 2021/2022 Budget deliberations.

RESOLUTION

Moved: Cr Geier

Seconded: Cr Jefferys

05/04-21

That Council:

3. Reviews and adopts the statements in relation to

- c) **Objects and Reasons for implementing a Differential Rate 2021-22**
- d) **Statement of Rating Information 2021-22**

4. Support the following differential rates in the dollar and minimum payments for the GRV and UV rated properties, subject to finalisation of the 2021/2022 draft budget:

<i>Category</i>	<i>Rate in the \$</i>	<i>Minimum Rate \$</i>
GRV General	7.2217	355.00
GRV Mining	20.5362	355.00

- 3. **Seek the Minister for Local Government's approval to impose differential general rates more than twice the lowest rate; and**
- 4. **That Council publicly advertises its intention to impose differential rates, pursuant to section 6.36 (1) of the Local Government Act 1995 and invites public submissions for a period of twenty one days; and**
- 5. **That Council consider any submissions in respect of imposition of differential rates as part of the 2021/2022 Budget deliberations.**

CARRIED 5/1

termination of local government Chief Executive Officers include the requirements to:

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the local government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

Local governments will be required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards (with or without minor permitted variations), the regulations apply.

Local governments that have a CEO recruitment process currently underway, or are about to commence a CEO recruitment process, are encouraged to contact the department to discuss compliance with the new Standards.

Comment

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Standards, which is Attachment 1 to this item.

If the local government doesn't adopt the model standards, they are taken to be the Shire's Standards.

The Chief Executive Officer is of the opinion that they are satisfactory to be adopted without modification, (provided at Attachment 3), however the Council is at liberty to adjust them, as long as they are not inconsistent with the default standards in the regulations.

There is a requirement to adopt a set of Standards by 3 May 2021.

The current Chief Executive Officer's contract doesn't expire until 6 August 2025 and on this new legislative change, is only renewable for up to one more 5 year term, if both parties are agreeable, before the Council is legally bound to advertise the position in accordance with the adopted standards of the day.

In the opinion of the author, the current process for review of the current Chief Executive Officer's performance is consistent with the model requirements.

In the opinion of the author, the proposed process for early termination of a Chief Executive Officer's contract of employment appears fair and reasonable.

Statutory Environment

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995, Section 5.39B;
- Local Government (Administration) Amendment Regulations 2021; and
- Local Government (Administration) Regulations 1996.

5.39B, States:

"Adoption of model standards

(1) In this section —

model standards means the model standards prescribed under section 5.39A(1).

(2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.

* Absolute majority required.

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

* Absolute majority required.

(4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.

(5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.

(6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.

(7) Regulations may provide for —

(a) the monitoring of compliance with adopted standards; and

(b) the way in which contraventions of adopted standards are to be dealt with".

Resources and further reading for local governments include:

- Attachment 1 https://www.dlgsc.wa.gov.au/docs/default-source/local-government/localgovernment-act-review/ceo-standards-and-guidelines.pdf?sfvrsn=706437d2_0
- Attachment 2 https://www.dlgsc.wa.gov.au/docs/default-source/local-government/localgovernment-act-review/ceo-model-standards-explanatory-notes.pdf?sfvrsn=f0e031d0_3

Policy Implications

Nil

Strategic Implications

Shire of Westonia Strategic Community Plan 2017-2027

Objective 4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)

Outcome: 4.1 An efficient and effective organisation

Strategy: 4.1.1 Continually improve operational efficiencies and provide effective services

Strategy: 4.1.2 Continue to enhance communication and transparency

Outcome: 4.2 An employer of choice

Strategy: 4.2.1 Provide a positive, desirable workplace

Financial Implications

The adoption of the model standard – which is required by law, with only minor variations permitted, and only to the extent that it is not inconsistent, will, in all probability, add to the cost of recruitment of a Chief Executive Officer. This by virtue of the additional administrative requirements of a consultant, if a consultant is utilised, as well as the need for an external person (in addition to the consultant) to be on the recruitment panel – which may require remuneration. Typically, prior to these legislative changes, the recruitment of a Chief Executive Officer, for a band 4 local government, and utilising a consultant (who must be licensed) costs anywhere from \$15,000 to \$35,000, plus advertising.

It is not known what additional cost might be incurred with the adoption of the 'minimum' standard, however it conceivably will certainly add administrative time, due to the additional legislated components and recording requirements.

One might argue that 'gone are the days' that a local government can recruit, or certainly terminate, a Chief Executive Officer without a consultant, with these new regulatory measures.

It will almost certainly add time, as any variations (no matter how seemingly insignificant or minor) to the proposed contract to be offered, have to be previously permitted / agreed by resolution of the Council.



Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers, Council;

1. Pursuant to section 5.39B (2) of the Local Government Act 1995, adopt the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as detailed in Attachment 3.
2. Pursuant to section 5.39B (6) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Standards are published on the Shire's official website, as soon as practical.

RESOLUTION

Moved: Cr Geier

Seconded: Cr Corsini

07/04-21

That with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers, Council;


1. Pursuant to section 5.39B (2) of the Local Government Act 1995, adopt the new Model Standards for Chief Executive Officer Recruitment, Performance and Termination as detailed in Attachment 3.
2. Pursuant to section 5.39B (6) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Standards are published on the Shire's official website, as soon as practical.

CARRIED 6/0

Bill Price, Manger of Works entered the meeting at 5.00pm

9.1.6 POLICY MANUAL REVIEW

Responsible Officer:	Jamie Criddle, CEO	
Author:	Jamie Criddle, CEO	
File Reference:	A2.8.5	
Disclosure of Interest:	Nil	
Attachments:	Nil	
Signature:	Officer	CEO



Purpose of the Report

Executive Decision Legislative Requirement

Summary

To complete an annual review of Council's Policy Manual.

Background

Council consideration in adopting Council's Policy Manual last reviewed in May 2020.

Comment

Council's Policy Manual was last reviewed in May 2020. 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.

Modify	POLICY NO	1.16	ELECTED MEMBER TRAINING
New	POLICY NO	1.18	COUNCILLOR SITTING FEES
New	POLICY NO	1.19	PUBLIC INTEREST DISCLOSURE
New	POLICY NO	1.20	ACTING CHIEF EXECUTIVE OFFICER
New	POLICY NO	1.21	ATTENDANCE AT EVENTS

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 policies, makes changes and adopts the policies contained within the Policy Manual.

RESOLUTION

Moved:

Cr Corsini

Seconded:

Cr Della Bosca

08/04-21

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

CARRIED 6/0

9.1.7 ADOPTION OF POLICY ON APPOINTING AN ACTING CHIEF EXECUTIVE OFFICER

Responsible Officer:	Jamie Criddle, CEO
Author:	Jamie Criddle, CEO
File Reference:	A1.1.4
Disclosure of Interest:	The Author declares both an Impartiality and Financial Interest that requires disclosure as the officer is potentially impacted by adoption or variation of the policy.

Attachments:

Signature:

Officer

CEO



Purpose of the Report

Executive Decision

Legislative Requirement

The government has enacted new legislation requiring all local governments to adopt a policy that covers the process to be followed by the local government in relation to the following:

- a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 5.39C of the Local Government Act 1995.

Background

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

- Local Government (Administration) Amendment Regulations 2021;
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021; and
- Local Government (Model Code of Conduct) Regulations 2021.

Comment

The DLGSC has not produced any regulations that stipulate the form or content of the required policy. There is an expectation that the Council should adopt such a policy within a reasonable timeframe (no set date has been enshrined in legislation).

In the opinion of the author, the current process for appointing an Acting Chief Executive Officer is mostly consistent with the new requirements, however it does need to be referenced in 'Policy', rather than being solely referenced in a delegation, as currently occurs. Minor other small administrative changes have been proposed as detailed above.

Statutory Environment

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995, Section 5.39C and 5.36 (2); and
- Local Government (Administration) Amendment Regulations 2021.

Section 5.39C states:

"5.39C. Policy for temporary employment or appointment of CEO

(1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;

(b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

* Absolute majority required.

(2) A local government may amend* the policy.

* Absolute majority required.

(3) 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.

(4) The CEO must publish an up-to-date version of the policy on the local government's official website".

No regulations have been promulgated to give guidance on this matter at the current time, and the Administration is not aware of any proposed.

Further, it has been long held that section 5.36(2) also relates to the position of Acting Chief Executive Officers. This section states:

"A person is not to be employed in the position of CEO unless the council —

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied* with the provisions of the proposed employment contract".

Resources and further reading for local governments include:

- Government Gazette 2 February 2021

[https://www.slp.wa.gov.au/gazette/gazette.nsf/searchgazette/5581E008F93777D94825866F00094CAD/\\$file/Gg023.pdf](https://www.slp.wa.gov.au/gazette/gazette.nsf/searchgazette/5581E008F93777D94825866F00094CAD/$file/Gg023.pdf)

Policy Implications

Local governments are required to adopt such a policy within a reasonable, but expeditious period of time.

WALGA has advised that it is developing a model policy, however as this Council has had an accepted process for many years, the Chief Executive Officer is of the opinion that a minor modification to the current process would suffice, from an immediate compliance perspective. The model can be reviewed once it becomes available.

In its guidance on the subject, the Department of Local Government, Sport and Cultural Industries (DLGSC) notes:

"Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO.

As an example, the policy may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; however any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the council.

The policy must be made available on the local government's official website".

The Shire currently has guidance on the matter via existing Council Policy 2.1 Senior Employees – Designation as follows:

"Policy Statement

Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –

- a) Executive Manager, Corporate and Community Service
- b) Executive Manager, Development and Regulatory Services
- c) Executive Manager, Technical and Rural Services."

And existing Delegation 1.2 Acting CEO – Appointment as follows:

"1. The CEO is delegated power to appoint an employee designated under the Local Government Act 1995 s.5.37

as Acting CEO when the CEO is on periods of leave, up to a maximum period of 20 working days.
2. In the case of the unavailability of the CEO due to emergency, the EMCCS is automatically appointed as Acting CEO for up to 2 weeks from commencement, and continuation is then subject to confirmation by Council.”

The recommended solution to bring the Council’s existing Policy and Delegation into compliance with the new requirement is to repeal the delegation and adopt an amended policy as follows:

Amend the current Policy 2.1 Senior Employees – Designation to read as follows:

2.1 Senior Employees and Acting Chief Executive Officer appointments Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –

- a) Executive Manager, Corporate and Community Service;
- b) Executive Manager, Development and Regulatory Services; and
- c) Executive Manager, Technical and Rural Services.

For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions;

- 1. The CEO is not an interim CEO or Acting in the position;
- 2. The term of appointment is not longer than 20 working days consecutive;
- 3. That the employee’s employment conditions are not varied other than the employee is entitled at the CEO’s discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency, the Executive Manager Corporate & Community Services is automatically appointed as the Acting CEO for up to 2 weeks from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council”.



Strategic Implications

Shire of Westonia Strategic Community Plan 2017-2027

Objective 4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)

Outcome: 4.1 An efficient and effective organisation

Strategy: 4.1.1 Continually improve operational efficiencies and provide effective services

Strategy: 4.1.2 Continue to enhance communication and transparency

Outcome: 4.2 An employer of choice

Strategy: 4.2.1 Provide a positive, desirable workplace



Financial Implications

As the proposed policy mirrors the current practice / delegation, there are no financial implications (different to the current practice / process).



Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That with respect to the new mandatory policy that covers the appointment of local government Chief Executive Officers on terms less than one year (including those in an Acting capacity), Council:

1. Pursuant to section 5.39C (1) of the Local Government Act 1995, adopt the Policy for Appointing an Acting Chief Executive Officer as follows:

Current Policy 2.1 Senior Employees – Designation to read as follows:

2.1 Senior Employees and Acting Chief Executive Officer Appointments

Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –

- a) Manager, Corporate Service;

b) Manager of Works.

For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the incumbent CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions;

1. The CEO is not an interim CEO or Acting in the position;
2. The term of appointment is not longer than 20 working days consecutive;
3. That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency, the Manager Corporate Services is automatically appointed as the Acting CEO, on that Officer's salary, for up to 2 weeks from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council.

2. Repeal Delegation 1.2 Acting CEO – Appointment as it is replaced by the above Policy.
3. Pursuant to section 5.39C (4) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Policy is published on the Shire's official website, as soon as practical.

RESOLUTION

Moved: Cr Corsini

Seconded: Cr Della Bosca

09/04-21

That with respect to the new mandatory policy that covers the appointment of local government Chief Executive Officers on terms less than one year (including those in an Acting capacity), Council:

1. Pursuant to section 5.39C (1) of the Local Government Act 1995, adopt the Policy for Appointing an Acting Chief Executive Officer as follows:

Current Policy 2.1 Senior Employees – Designation to read as follows:

2.1 Senior Employees and Acting Chief Executive Officer Appointments

Pursuant to Section 5.37 of the Local Government Act 1995, the following employees are designated as senior employees –

- a) Manager, Corporate Service;
- b) Manager of Works.

For the purposes of Section 5.36 (2) of the Local Government Act 1995, the Council has determined that employees that are appointed in one of the above positions are suitably qualified to be appointed as Acting CEO by the incumbent CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions;

1. The CEO is not an interim CEO or Acting in the position;
2. The term of appointment is not longer than 20 working days consecutive;
3. That the employee's employment conditions are not varied other than the employee is entitled at the CEO's discretion, no greater than the salary equivalent to that of the CEO during the Acting period.

In the case of the unavailability of the CEO due to an emergency, the Manager Corporate Services is automatically appointed as the Acting CEO, on that Officer's salary, for up to 2 weeks from commencement, and continuation is then subject to determination by the Council.

All other interim, Acting or CEO appointments to be referred to Council.

2. Repeal Delegation 1.2 Acting CEO – Appointment as it is replaced by the above Policy.
3. Pursuant to section 5.39C (4) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Policy is published on the Shire's official website, as soon as practical.

CARRIED 6/0

The area in Question is the area to the east of the existing open pit, known as Golden Point.

Applicant Name:	Edna May Operations Pty Ltd - Golden Point Exploration Project
Permit Type:	Purpose Permit
Tenements:	Exploration Licence 77/2443, Mining Leases 77/88 and 77/124
Purpose:	Mineral Exploration
Area (ha):	2.1 ha
Shire:	Shire of Westonia
Clearing Permit System (CPS) No:	9254/1

Council are invited to make comment on the proposal prior to the department granting a permit subject to conditions.

Council have until 3rd May 2021 to make submissions to the Department.

Statutory Environment

Environmental Protection Act 1986.

Policy Implications

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

Strategic Implications

Protection of environment during the operations of the Edna May Mine Operation.

Financial Implications

There are no financial implications in relation to this matter.

Voting Requirements



Simple Majority



Absolute Majority

OFFICER RECOMMENDATIONS

That Council analyse the area involved with the current clearing application proposed for the Ramelius Resources "Golden Point Project" and advise if the area should be approved to be cleared.

RESOLUTION

Moved: Cr Della Bosca **Seconded:** Cr Huxtable


11/04-21 That Council analyse the area involved with the current clearing application proposed for the Ramelius Resources "Golden Point Project" and approve the area to be cleared taking into consideration that Ramelius utilize existing tracks and gridlines where possible to minimize the clearing required.

CARRIED 6/0

9.3 WORKS AND SERVICE

9.3.1 STOP SIGNAGE – LEACH ROAD & KAOLIN STREET

Responsible Officer:	Jamie Criddle CEO	
Author:	Jamie Criddle CEO	
File Reference:	T.1.1.3	
Disclosure of Interest:	Nil	
Attachments:	Nil	
Signature:	Officer	CEO



Purpose of the Report

- Executive Decision Legislative Requirement

To formalise a request to Main Roads, Northam to have Stop signs installed at the intersection of Carrabin-Westonia, Leach Rd & Kaolin St.

Background

The intersection of Carrabin-Westonia, Leach Rd & Kaolin St has always been an issue with commuters driving through the current Give Way signage and has been the result of several 'Near Misses' in the past.



Comment

Ramelius Resources will soon be transporting Gold ore from Narembeen (Explorium/Tampia) to the Edna May Mill (Westonia) via the Great Eastern Highway and the Carrabin-Westonia Road. This will see a 24 hour operation of 42 meter, 95 tonne triple Road Trains traversing these roads which will place a greater danger on the Kaolin/Leach intersection.

Management is suggesting that Council places a formal request to Grenn Putland at Main Roads Northam to have Stop Signs installed on the Leach Road and Kaolin Street parts of the intersection.

Statutory Environment

Road Traffic Code 2000

Policy Implications

Nil



Strategic Implications

Nil



Financial Implications

Nil



Voting Requirements



Simple Majority



Absolute Majority

OFFICER RECOMMENDATIONS

That Council make a formal request to to Grenn Putland at Main Roads Northam to have Stop Signs installed on the Leach Road and Kaolin Street parts of the intersection with Carrabin-Westonia Road.

RESOLUTION

Moved: Cr Geier

Seconded: Cr Huxtable

12/04-21

That Council make a formal request to to Grenn Putland at Main Roads Northam to have Stop Signs installed on the Leach Road and Kaolin Street parts of the intersection with Carrabin-Westonia Road and reinstate the white line marking at the two intersections.

CARRIED 6/0

9.4 ENVIRONMENTAL HEALTH, PLANNING AND BUILDING SERVICES

NIL

Description	Unit	Quantity	Rate	Total
Supply and Lay Hotmix Asphalt 25mm – 30mm + or – thick 10mm aggregate 50 blow (Black)	M ²	1,600	\$27.49	\$ 43,984.00
40mm – 45mm + or – thick 14mm Intersection Mix (Black)	M ²	1,220	\$31.76	\$ 38,747.20

Tenderer	Selection Criteria and Weighting			Total weighted Score
	Experience (50%)	Maintenance Service (25%)	Safety Commitment (25%)	
J & M Asphalt	50	25	20	90
WCP Civil	Non-Compliant			

Assessment of Tenders against compliance criteria:

The Tender received from WCP Civil was considered non-compliant as the relevant Form of Tender documentation was not provided.

Basis of recommendation:

All tenderers have demonstrated significant experience in carrying out similar works and a demonstrated commitment to service, quality assurance and safety.

Statutory Environment

Local Government Act 1995, section 3.57 – Tenders for providing goods or services.

Policy Implications

Council does not have a policy in relation to this matter

Strategic Implications

Nil

Financial Implications

An allocation of funds has been allowed for in the 2020/21 financial budget as part of the annual roads program.

Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That Council:

1. Accept the tender received from J & M Asphalt for the Supply and Lay of Hot Asphalt for the total tendered price of \$ 82,731.20 including GST.

11.2 CONFIDENTIAL ITEM – OFFER ON 37/38 WOLFRAM STREET, WESTONIA

RESOLUTION

Moved: Cr Geier

Seconded: Cr Corsini

17/04-21

That the meeting goes “out of camera” in accordance with Section 5.23(2) of the Local Government Act 1995 at 5.44pm.


CARRIED 6/0

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of Closely Association Person And Impartiality interest are to be made. Jamie Criddle, Chief Executive Officer

Jamie Criddle, CEO declared an Impartiality Interest in item 11.3 as he is the President of the MDJFA (Colts) with son playing U16's and left the room at 5.45pm.

11.3 MERREDIN & DISTRICTS JUNIOR FOOTBALL ASSOCIATION (COLTS)

Responsible Officer:	Jamie Criddle, CEO
Author:	Jamie Criddle, CEO
File Reference:	
Disclosure of Interest:	Jamie Criddle, President of the MDJFA (Colts) with son playing U13's
Attachments:	Nil
Signature:	Officer CEO



Purpose of the Report

- Executive Decision Legislative Requirement

Summary

A request has been made for use of the Westonia Community Bus at "cost price" for six (6) games this season.

Background

The Merredin & Districts Junior Football Association (Colts) have made a formal request for the use of the Westonia Community Bus to travel to six (6) away games in the towns of Northam, Toodyay and York. Their request comes on the back of an offer made last season from Council to use the Westonia Community Bus free of charge on the proviso that fuel costs were covered by a third party (namely Liberty Fuels). As the CEO is now directly involved in the club, as President of the Colts committee and a son, Harrison playing in the under 16's, the CEO felt that while there is no financial gain involved, there is a perceived conflict of interest and requests that the decision on the use of the bus be in the hands of the Council.

Comment

Up to 8 kids located in and around the Westonia district as well as several "Burracoppin Football Club" kids would be catching the bus on these occasions.

The main reason for requiring the bus is due to the large amount of disadvantage kids in the Merredin & surrounding area from broken homes etc that may not be able to play football without such transport. There is also a large portion of the families still involved with either local senior football (Burracoppin & Nukarni) or local netball, Hockey (senior & junior) who need a parent to follow either sport.

The MDJFA (Colts) are currently actively pursuing a sponsor (Liberty Fuels) for the fuel side of the project to help keep the overall cost to nil.

The MDJFA (Colts) would not utilise this bus or any other if it was required to pay a rate per kilometre and another alternative would need to be sourced.

If Council were to approve the request, the MDJFA (Colts) would promote the Shire of Westonia as a major sponsor of the association.

Statutory Environment

Nil

Policy Implications

Delegation MISC 1 – Donations allows the CEO to approve requests for donation of monies up to the value of \$100.00

Strategic Implications

Nil.

Financial Implications

Council would not be receiving the fee for the bus hire @ .88c/km and would still be liable for maintenance costs such as tyres & servicing.

Voting Requirements

Simple Majority Absolute Majority

OFFICER RECOMMENDATIONS

That Council approves the request of the Merredin & Districts Junior Football Association (Colts) for the use of the Westonia Community Bus to travel to six (6) away games in the towns of Northam, Toodyay and York at no charge other than fuel.

RESOLUTION

Moved: Cr Jefferys Seconded: Cr Della Bosca

18/04-21 **That Council approves the request of the Merredin & Districts Junior Football Association (Colts) for the use of the Westonia Community Bus to travel to six (6) away games in the towns of Northam, Toodyay and York at no charge other than fuel.**

CARRIED 6/0

Jamie Criddle, CEO re-entered the meeting at 5.51pm.

12 DATE AND TIME OF NEXT MEETING

The next ordinary meeting of Council will be held on 20th May 2021 commencing at 3.30pm

13 MEETING CLOSURE

There being no further business the President, Cr Day declared the meeting closed at 5.52pm