

**SHIRE OF  
WESTONIA**  
A vibrant community lifestyle

# Minutes

## Ordinary Council Meeting

Held in Council Chambers, Wolfram Street Westonia

Thursday 21<sup>st</sup> February 2019

### CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 21<sup>st</sup> March 2019 as a true and accurate record of the Ordinary Council Meeting held 21<sup>st</sup> February 2019.

.....  
**Cr Karin Day**  
**Shire President**

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



## Disclaimer

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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.

## TABLE OF CONTENTS

<b>1. DECLARATION OF OPENING</b>	<b>4</b>
<b>2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE</b>	<b>4</b>
<b>3. PUBLIC QUESTION TIME (4.14PM – 4.29PM)</b>	<b>4</b>
<b>4. APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>4</b>
<b>5. CONFIRMATION OF PREVIOUS MINUTES</b>	<b>4</b>
<b>6. RECEIVAL OF MINUTES</b>	<b>5</b>
<b>7. PRESIDENT/COUNCILLORS ANNOUNCEMENTS</b>	<b>5</b>
<b>8. DECLARATION OF INTEREST</b>	<b>5</b>
<b>9. MATTERS REQUIRING A COUNCIL DECISION</b>	<b>6</b>
9.1. GOVERNANCE, ADMINISTRATION AND FINANCIAL SERVICES	6
9.1.1 ACCOUNTS FOR PAYMENT	6
9.1.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – DECEMBER 2018 & JANUARY 2019	8
9.1.3 GST RECONCILIATION REPORT – DECEMBER 2018 & JANUARY 2019	10
9.1.4 APPLICATION TO BECOME A JUSTICE OF THE PEACE	12
9.1.5 LOCAL GOVERNMENT ACT 1995 REVIEW	14
9.1.6 BUDGET REVIEW – 2018/19	20
9.2. COMMUNITY AND REGULATORY SERVICE	22
9.2.1 TOWNSITE BLOCKS – SCHEELITE STREET	22
9.3. WORKS AND SERVICE	24
9.4. ENVIRONMENTAL HEALTH, PLANNING AND BUILDING SERVICES	25
<b>10. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	<b>26</b>
<b>11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING</b>	<b>26</b>
11.1. REVIEW OF STRATEGIC COMMUNITY PLAN	26
11.2. WHEATBELT REGION PARKS AND RESERVES DRAFT MANAGEMENT PLAN 2019	29
11.3. AUSTRALIAN CITIZENSHIP CEREMONIES CODE	32
11.4. ROAD DAMMAGE – SOUTH WALGOOLAN	34
<b>12. DATE AND TIME OF NEXT MEETING</b>	<b>36</b>
<b>13. MEETING CLOSURE</b>	<b>36</b>

**CARRIED 4/0**

## 6. RECEIVAL OF MINUTES

Nil

## 7. PRESIDENT/COUNCILLORS ANNOUNCEMENTS

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

- Ramelius dinner with Council.
- Annual Electors meeting
- Regional Road Group meeting (teleconference)

## 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 **21<sup>st</sup> February 2019**.

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

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 **21<sup>st</sup> February 2019**.

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 **21<sup>st</sup> February 2019**.

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

<b>Responsible Officer:</b>	Jamie Criddle, CEO		
<b>Author:</b>	Kay Geier, Senior Finance Officer		
<b>File Reference:</b>	F1.3.3 Monthly Financial Statements		
<b>Disclosure of Interest:</b>	Nil		
<b>Attachments:</b>	<b>Attachment 9.1.1</b> List of Accounts		
<b>Signature:</b>	<b>Officer</b>	<b>CEO</b>	
			

#### 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 December 2018 & January 2019. The credit card statements currently show: -

CEO	<b>December 2018 \$2,477.07</b> associated with the purchase of Activ8inet Housing & Office, Email Exchange Platform, Licences, Seniors Luncheon, Freight Lift for Caravan Park, Vacuum Bags & Storage Containers School, Environmental health licence & Vehicle Purchases/Fuel
	<b>January 2019 \$811.04</b> associated with the purchase of Activ8inet Housing & Office, Email Exchange Platform, MS Mobile Repairs & Vehicle Fuel
Works Supervisor	<b>December 2018 \$350.10</b> associated with the purchase of Midland Tools Pty Ltd, Licences & BWS Liq.
	<b>January 2019 \$ 168.55</b> associated with the purchase of Vehicle Fuel

#### 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 2018/2019 Annual Budget.

### Voting Requirements



Simple Majority



Absolute Majority

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### OFFICER RECOMMENDATIONS

That December 2018 accounts submitted to today's meeting on Municipal vouchers 3713 to 3723 and D/Debits EFT3373 to EFT3421 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$314,825.60 be passed for payment.

That January 2019 accounts submitted to today's meeting on Municipal vouchers 3724 to 3732 and D/Debits EFT33422 to EFT3459 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$201,472.75 be passed for payment.

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### RESOLUTION

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Moved:	Cr Geier	Seconded:	Cr Della Bosca
02/02-19	That December 2018 accounts submitted to today's meeting on Municipal vouchers 3713 to 3723 and D/Debits EFT3373 to EFT3421 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$314,825.60 be passed for payment.		
	That January 2019 accounts submitted to today's meeting on Municipal vouchers 3724 to 3732 and D/Debits EFT33422 to EFT3459 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$201,472.75 be passed for payment.		

CARRIED 4/0

## 9.1.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – DECEMBER 2018 & JANUARY 2019

<b>Responsible Officer:</b>	Jamie Criddle, CEO		
<b>Author:</b>	Jasmine Geier, Executive Support Officer		
<b>File Reference:</b>	F1.3.3 Monthly Financial Statements		
<b>Disclosure of Interest:</b>	Nil		
<b>Attachments:</b>	<b>Attachment 9.1.2</b> Monthly Statement of Financial Activity		
<b>Signature:</b>	<b>Officer</b>		<b>CEO</b>
			

### 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 31<sup>st</sup> December 2018 & 31<sup>st</sup> January 2019 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 2015/2016 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



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### **OFFICER RECOMMENDATIONS**

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That Council adopt the Monthly Financial Report for the period ending 31<sup>st</sup> December 2018 & 31<sup>st</sup> January 2019 and note any material variances greater than \$10,000 or 15%.

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### **RESOLUTION**

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**Moved:** Cr Jefferys

**Seconded:** Cr Della Bosca

**03/02-19** That Council adopt the Monthly Financial Report for the period ending 31<sup>st</sup> December 2018 & 31<sup>st</sup> January 2019 and note any material variances greater than \$10,000 or 15%.

**CARRIED 4/0**

### 9.1.3 GST RECONCILIATION REPORT – DECEMBER 2018 & JANUARY 2019

<b>Responsible Officer:</b>	Jamie Criddle, CEO		
<b>Author:</b>	Jasmine Geier, Executive Support Officer		
<b>File Reference:</b>	F1.4.4 Audit Report		
<b>Disclosure of Interest:</b>	Nil		
<b>Attachments:</b>	<b>Attachment 9.1.3</b> GST Report		
<b>Signature:</b>	<b>Officer</b>	<b>CEO</b>	
			

#### **Purpose of the Report**

☐ Executive Decision ☒ Legislative Requirement

#### **Background**

The Reconciled Balance of the GST Ledger to the General Ledger as reported as at 31<sup>st</sup> December 2018 & 31<sup>st</sup> January 2019 is provided to Council on a monthly basis as a means of keeping Council informed of its current GST liability.

#### **Comment**

The GST Reconciliation Report is attached for Councillor consideration.

#### **Statutory Environment**

Nil

#### **Policy Implications**

Council does not have a policy in regard to Goods and Services Tax.

#### **Strategic Implications**

Nil

#### **Financial Implications**

The GST reconciliation is presented to Council as a means of indicating Council's current GST liability, which has an impact on Council's cash-flow.

#### **Voting Requirements**

☒ Simple Majority ☐ Absolute Majority

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#### **OFFICER RECOMMENDATIONS**

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That the GST Reconciliation totalling \$30,776 for the period ending 31<sup>st</sup> December 2018 be adopted.  
That the GST Reconciliation totalling \$17,624 for the period ending 31<sup>st</sup> January 2019 be adopted

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**RESOLUTION**

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**Moved:** Cr Geier

**Seconded:** Cr Della Bosca


**04/02-19**

That the GST Reconciliation totalling \$30,776 for the period ending 31<sup>st</sup> December 2018 be adopted.

That the GST Reconciliation totalling \$17,624 for the period ending 31<sup>st</sup> January 2019 be adopted

**CARRIED 4/0**

## 9.1.4 APPLICATION TO BECOME A JUSTICE OF THE PEACE

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

### Purpose of the Report



Executive Decision



Legislative Requirement

### Background

The Chief Executive Officer is seeking Council approval to take the necessary steps to become a Justice of the Peace (JP). There are currently no JP's registered within the Shire of Westonia following the resignation of Mrs. Jo Millington a couple of years back.

#### Tasks

As well as presiding in the Magistrates Court, JPs are regularly called upon by the WA Police to issue search warrants.

Other tasks include witnessing affidavits, statutory declarations and certifying documents.

There is a need for JPs to assist at document witnessing centres and other places.

JPs are expected to perform their duties consistently and be available to the public whenever possible.

#### Application Process

In metropolitan Perth an application form must be submitted through a State Member of Parliament.

In regional areas, nominations can be submitted through a local magistrate or State Member of Parliament.

Applicants are screened commencing with a National Criminal History Checks, progressing to referee reports and an interview with a Magistrate.

The outcome of the assessment is provided to the Attorney General.

Applicants offered an appointment must complete a JP training course before appointment within 12 months.

The CEO has contacted the local member in Mia Davies to sponsor the application.

### Comment

#### Criteria

Applicants must meet the following criteria:

1. be an Australian citizen with a minimum of 12 months current residency in Western Australia; and
2. be an enrolled voter on the Western Australian Electoral Roll. Exceptions apply to applicants from the Cocos (Keeling) and Christmas Islands.  
(If you are a silent elector you must provide proof that you are currently enrolled.)
3. be of good character. An applicant's past behaviour and any criminal record will be considered. For the purpose of progressing applications to become a Justice of the Peace, screening including criminal history checks is conducted. With your consent a check will be made of criminal and traffic records and screening reports will be obtained.
4. demonstrate a willingness and capacity to undertake all of the duties of a JP when called upon, including attendance and successful completion of the appropriate training course.
5. must not be an insolvent under administration.

#### Other considerations

- The **age, gender balance and ethnic representation** of an applicant.  
Due to the limited legal capacity of JPs to perform functions after 70 years of age, applicants nearing, or over, the age of 65 are not usually considered for appointment.
- The **need for further appointments** within an applicant's place of residence or employment.
- People who have been **subject to bankruptcy action** (especially if recent) may not be considered for appointment.
- People who are employed or are involved in other activities or circumstances that may give rise to a **potential or perceived potential conflict of interest** will not be considered for appointment. Examples include a serving police officer, ranger or solicitor (including an employee of), or people in married, de facto or other partner relationship with those people.

Please be aware that JP's telephone number(s) applicable to the residential suburb and work locality are available to the public on the department's website. The Street Address is not listed, however, if you are not comfortable with this you may wish to reconsider applying to become a JP.

#### Statutory Environment

Oaths, Affidavits and Statutory Declarations Act 2005

#### Policy Implications

Nil

#### Strategic Implications

Nil

#### Financial Implications

Accommodation & time away from work to complete the necessary training.

#### Voting Requirements



Simple Majority



Absolute Majority

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#### OFFICER RECOMMENDATIONS

That Council:

1. approve the Chief Executive Officers request to become a Justice of the Peace;
2. As employer, endorse the Chief Executive Officers application;
3. Cover the necessary cost associated with the process.

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#### RESOLUTION

Moved: Cr Jefferys

Seconded: Cr Geier


05/02-19

That Council:

1. approve the Chief Executive Officers request to become a Justice of the Peace;
2. As employer, endorse the Chief Executive Officers application;
3. Cover the necessary cost associated with the process.

CARRIED 4/0

## 9.1.5 LOCAL GOVERNMENT ACT 1995 REVIEW

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

### Purpose of the Report



Executive Decision



Legislative Requirement

To present to Council for consideration a Draft Submission on the Review of the Local Government Act.

### Background

Council received an Infopage from WALGA in November 2018 with the following information:

The Minister for Local Government commenced a review of the Local Government Act with both a community and a Local Government consultation process in 2017. WALGA conducted a comprehensive consultation process with member Local Governments, resulting in the adoption of policy positions on Phase 1 of the Local Government Act by State Council in December 2017 and March 2018.

The Minister for Local Government announced Phase 1 policy positions at the WALGA Annual General Meeting on 1 August 2018 and intends to introduce legislation prior to the end of the year. WALGA and Local Government Professionals have been consulted on the draft legislation. It is anticipated an Amendment Bill dealing with matters raised under Phase 1 – gifts, training for Council members, behaviours, administrative efficiencies etc - will soon be presented to Parliament.

State-wide Forums

The Minister for Local Government announced the consultation process for Phase 2 of the Act review in August 2018, with 11 themes arranged under the 'Smart, Agile, Inclusive' headings:

#### Agile

- Beneficial Enterprises
- Financial Management
- Rates

#### Smart

- Administrative Efficiencies
- Local Laws
- Council Meetings
- Interventions

#### Inclusive

- Community Engagement
- Integrated Planning and reporting
- Complaints Management
- Elections

WALGA is now offering an opportunity for member Local Governments submissions to consider, review, amend and add to the advocacy positions endorsed by State Council in March 2018 follow the Phase 1 review together with submissions on any aspect of the 11 themes discussed under the Phase 2 headings.

WALGA have also provided positions and advocacy information as per below:

## **LOCAL GOVERNMENT ACT REVIEW PRINCIPLES**

That State Council endorse the following general principles as being fundamental to its response to the review of the Local Government Act:

- a) Uphold the General Competence Principle currently embodied in the Local Government Act;
- b) Provide for a flexible, principles-based legislative framework; and
- c) Promote a size and scale compliance regime

## **BENEFICIAL ENTERPRISES**

Position Statement: The Local Government Act 1995 should be amended to enable Local Governments to establish Beneficial Enterprises (formerly known as Council Controlled Organisations).

WALGA has been advocating for Local Governments to have the ability to form Beneficial Enterprises (formerly known as Council Controlled Organisations) for approximately ten (10) years.

A Beneficial Enterprises is a standalone arm's length business entity to carry out commercial enterprises and to deliver projects and services for the community. Local Governments would have the ability to create Beneficial Enterprises through the Local Government Act, however the stand alone business entity would be governed by the Corporations Act (ie normal company law).

Beneficial Enterprises provide services and facilities that are not attractive to private investors or where there is market failure. A Beneficial Enterprise cannot carry out a regulatory function of a Local Government.

Examples

- Urban regeneration; A Land Development may not be attractive to a private developer, however the ability to develop the land may be beneficial for the Local Government in respect to strategic development/connection of an area. Or may be worth a joint venture with a developer.
- Measures to address economic decline in Regional WA – A small business may not be viable for a private citizen, however maybe considered an essential service for the Local Government. ie Could be the local Pharmacy or local mechanical workshop.

Benefits of establishing a Beneficial Enterprise include:

- a) The ability to employ professional directors and management with experience specific to the commercial objectives of the entity;
- b) Removal of detailed investment decisions from day-to-day political processes while retaining political oversight of the overarching objectives and strategy;
- c) The ability to take an overall view of commercial strategy and outcomes rather than having each individual transaction within a complex chain of inter-related decisions being subject to the individual notification and approval requirements of the Local Government Act;
- d) The ability to quarantine ratepayers from legal liability and financial risk arising from commercial or investment activities;
- e) The ability to set clear financial and non-financial performance objectives for the entity to achieve; and
- f) Greater flexibility to enter into joint venture and partnering relationships with the private sector on conventional commercial terms.

## **FINANCIAL MANAGEMENT**

### **Tender Threshold**

Position Statement: WALGA supports an increase in the tender threshold to align with the State Government tender threshold of \$250 000, with a timeframe of one financial year for individual vendors.

### **Procurement**

WALGA seeks inclusion of the following position, to permit a procurement activity involving a disposal trade-in activity to qualify as a broad exemption under Regulation 30(3) of the Local Government (Functions and General) Regulations:

Position Statement: That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

### **Imposition of Fees and Charges: Section 6.16**

Position Statement - That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

### **Power to Borrow: Section 6.20**

That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

### **Basis of Rates: Section 6.28**

That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives including simplifying and providing consistency in the rating of mining activities.

### **Differential General Rates: Section 6.33**

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

### **Member Interests - Exemption from AASB 124**

Elected Member obligations to declare interest are sufficiently inclusive that WALGA seeks an amendment to create an exemption under Regulation 4 of the Local Government (Financial Management) Regulations relating to AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

## **RATES, FEES AND CHARGES**

### **Imposition of Fees and Charges: Section 6.16**

Position Statement: That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

### **Rating Exemptions – Charitable Purposes: Section 6.26(2)(g)**

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either:
  - a. amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
  - b. establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

### **Rating Exemptions – Rate Equivalency Payments**

Position Statement Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

### **Rates or Service Charges Recoverable in Court: Section 6.56**

Position Statement That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

### **Rating Restrictions – State Agreement Acts**

Position Statement Resource projects covered by State Agreement Acts should be liable for Local Government rates.

## **ADMINISTRATIVE EFFICIENCIES**

### **Control of Certain Unvested Facilities: Section 3.53**

WALGA seeks consideration that Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

### **Local Government Grants Commission and Local Government Advisory Board**

WALGA seeks inclusion of a proposal to allow electors of a Local Government affected by any boundary change or amalgamation proposal entitlement to petition the Minister for a binding poll under Schedule 2.1 of the Local Government Act

### **Schedule 2.1 – Proposal to the Advisory Board, Number of Electors**

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

### **Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors**

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

### **Transferability of employees between State & Local Government (Questions 82-84)**

A General Agreement between State and Local Government should be established to facilitate the transfer of accrued leave entitlements (annual leave, sick leave, superannuation and long service leave) for staff between the two sectors of Government. This will benefit public sector employees and employers by increasing the skills and diversity of the public sector, and lead to improved collaboration between State and Local Government.

### **Proof in Vehicle Offences may be shifted: Section 9.13(6)**

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences.

## **COMPLAINTS MANAGEMENT**

### **Querulous, Vexatious and Frivolous Complainants**



The Complaints Management commentary contemplates the issue up to the point of unresolved complaints and then references the Ombudsman resources with regard to unreasonable complainants. WALGA seeks inclusion of commentary and questions relating to Local Governments adopting within their proposed complaints management framework, the capacity to permit a Local Government to declare a member of the public a vexatious or frivolous complainant, subject to the declaration relating to the nature of complaint and not to the person.

**Amend the Local Government Act 1995, to:**

- Enable Local Government discretion to refuse to further respond to a complainant where the CEO is of the opinion that the complaint is trivial, frivolous or vexatious or is not made in good faith, or has been determined to have been previously properly investigated and concluded, similar to the terms of section 18 of the Parliamentary Commissioner Act 1971.
- Provide for a complainant, who receives a Local Government discretion to refuse to deal with that complainant, to refer the Local Government's decision for third party review.
- Enable Local Government discretion to declare a member of the public a vexatious or frivolous complainant for reasons, including:
  - o Abuse of process;
  - o Harassing or intimidating an individual or an employee of the Local Government in relation to the complaint;
  - o Unreasonably interfering with the operations of the Local Government in relation to complaint.

**COUNCIL MEETINGS**

**Electors' General Meeting: Section 5.27**

Position Statement Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.

**Special Electors' Meeting: Section 5.28**

That Section 5.28(1)(a) be amended:

- a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
- b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

**Minutes, contents of: Regulation 11**

Regulation 11 should be amended to require that information presented in a Council or Committee Agenda must also be included in the Minutes to that meeting.

**Revoking or Changing Decisions: Regulation 10**

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

**Elected Member attendance at Council meetings by technology**

The current Local Government (Administration) Regulations 1996 allows for attendance by telephone, however only if approved by Council and in a suitable place. A suitable place is then defined as in a townsite as defined in the Land Administration Act 1997. This restricts an Elected Members ability to attend the meeting to a townsite in Western Australia.

This requirement does not cater for remote locations or the ability to attend via teleconference whilst in another state or overseas. The regulations require amendment to consider allowing attendance at a meeting via technology from any location suitable to a Council.

**INTERVENTIONS**

Remedial intervention; Powers of appointed person; Remedial action process In respect to remedial intervention, the appointed person should be a Departmental employee with the required qualifications and experience. This provides a connection back to the Department and its requirements.

The appointed person should only have an advice and support role. Funding of the remedial action should be by the Department where the intervention is mandatory. The Local Government to pay where the assistance is requested.

This area relates to the bigger picture of differentiating between Local Governments based on their size and scale. Suitable arrangements to determine a size and scale compliance regime should be prioritized.

**ELECTIONS**

**Conduct of Postal Elections: Sections 4.20 and 4.61**

Position Statement The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.

**Voluntary Voting: Section 4.65**

Position Statement Voting in Local Government elections should remain voluntary.

### **Method of Election of Mayor/President: Section 2.11**

Position Statement Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

### **On-Line Voting**

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

### **Method of Voting - Schedule 4.1**

Position Statement Elections should be conducted utilising the first-past-the-post (FPTP) method of voting.

### **Leave of Absence when Contesting State or Federal Election**

Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- i. that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
- ii. that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

### **Comment**

As Council was informed at the December 2018 Briefing Session, the Department of Local Government in association with WALGA, conducted a series of Review Forums at which the Shire President, Chief Executive Officer and the Manager of Corporate Services attended.

WALGA is preparing and reviewing submissions for the review as well.

The WALGA process from here is as follows;

- 16 November 2018 – WALGA will distribute an InfoPage requesting Local Governments (Council decision required) to provide a submission on the Act review process. A submission to WALGA is requested by 1 February 2019. This will enable Councils to consider an item at their December meetings.
- November Zone Meetings/December 2018 State Council Meeting – Item for noting will be prepared that will cover information on the LG Act review process and a summary of the forums held in October/November and general themes coming through.
- 30 January 2019 – State-wide Forum on the future of Local Government – The forum will include a review of the information coming through from the Local Government Act forums and submissions, in addition there will be guest speakers presenting on the future of Local Government.
- February Zone Meetings/March 2019 State Council Meeting – Item for Decision on sector positions feedback following feedback from Local Government submissions...

This has a flow-on effect which will require changes to the Zone and State Council meeting dates. Zone meetings in late February would change to mid-March and the State Council meeting would move to late March.

The following is the new schedule:

- 22 February 2019 – Local Government Act submissions to WALGA close
- 15 March to 22 March 2019 – Zone Meetings
- Tuesday 26 March 2019 at 4pm – WALGA State Council meeting

WALGA, LG Professional and the Department of Local Government, Sport & Cultural Industries are holding a state-wide forum on 30 January 2019 and the deadline extension means this forum will become even more important as a focal point for input from members to the Local Government Act Review process.

### **Statutory Environment**

Local Government Act 1995 – As the Review is reviewing the entire act.

The act review will also impact on various regulations.

### **Policy Implications**

Nil

### **Strategic Implications**

Shire of Westonia Strategic Community Plan 2016-2026 – Civic Leadership –  
Dynamic and visionary leadership guiding our community into the future.

### Financial Implications

### Voting Requirements



Simple Majority



Absolute Majority

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### OFFICER RECOMMENDATIONS

That Council:

1. Supports WALGA's Position Statement's as presented.
2. Endorses the survey responses provided by the Chief Executive Officer
3. Provides the survey responses to:
  - a. Department of Local Government, Sporting and Cultural Industries
  - b. Wheatbelt East Regional Organisation Councils.
  - c. Great Eastern Country Zone
  - d. Western Australia Local Government Association.

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### RESOLUTION

Moved: Cr Della Bosca

Seconded: Cr Geier


06/02-19

That Council:

1. Supports WALGA's Position Statement's as presented.
2. Endorses the survey responses provided by the Chief Executive Officer
3. Provides the survey responses to:
  - a. Department of Local Government, Sporting and Cultural Industries
  - b. Wheatbelt East Regional Organisation Councils.
  - c. Great Eastern Country Zone
  - d. Western Australia Local Government Association.

CARRIED 4/0

## 9.1.6 BUDGET REVIEW – 2018/19

Responsible Officer:	Jamie Criddle, CEO		
Author:	Jamie Criddle, CEO		
File Reference:	F1.3.3		
Disclosure of Interest:	Jamie Criddle		
Attachments:	Nil		
Signature:	Officer	CEO	

### Purpose of the Report

☐

Executive Decision

☒

Legislative Requirement

### Background

Local Governments are required to conduct a Budget Review in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996. These Regulations state:

1. *"Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
  2. *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
  3. *A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- \*Absolute majority required.*
4. *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department."*

A Budget Review for the period ending 31 January 2019 has been completed and is presented for Council's consideration.

### Comment

In adopting the 2018/2019 Budget, Council, as required, adopted a level of material variances for reporting purposes. The level of material variance reporting set by Council is \$10,000 and 15%. Staff have used this variance in their analysis.

The nature of the review is to predict estimates of material variations likely to occur as at 30 June 2019.

### Statutory Environment

Local Government Act 1995,  
Local Government (Financial Management) Regulations 1996, Regulation 33A

### Policy Implications

Nil



### Strategic Implications

Nil



### Financial Implications

Nil



### Voting Requirements



Simple Majority



Absolute Majority

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### OFFICER RECOMMENDATIONS

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That the Audit committee recommend to Council to:

1. Receive the 2018/2019 Budget Review as per the Audit Committee recommendation for the period ending 31<sup>st</sup> January 2019 and adopt the recommended Budget figures as presented.
2. Forward the review to the Department of Local Government as per the requirements of the act.

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### RESOLUTION

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Moved:

Cr Jefferys

Seconded:

Cr Della Bosca

07/02-19


That Council accept the recommendation from the Audit committee to:

1. Receive the 2018/2019 Budget Review as per the Audit Committee recommendation for the period ending 31<sup>st</sup> January 2019 and adopt the recommended Budget figures as presented.
2. Forward the review to the Department of Local Government as per the requirements of the act.

CARRIED 4/0

## 9.2 COMMUNITY AND REGULATORY SERVICE

### 9.2.1 TOWNSITE BLOCKS – SCHEELITE STREET

<b>Responsible Officer:</b>	Jamie Criddle, CEO
<b>Author:</b>	Jamie Criddle, CEO
<b>File Reference:</b>	
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil
<b>Signature:</b>	<div><div><b>Officer</b></div><div><b>CEO</b></div><div></div></div>

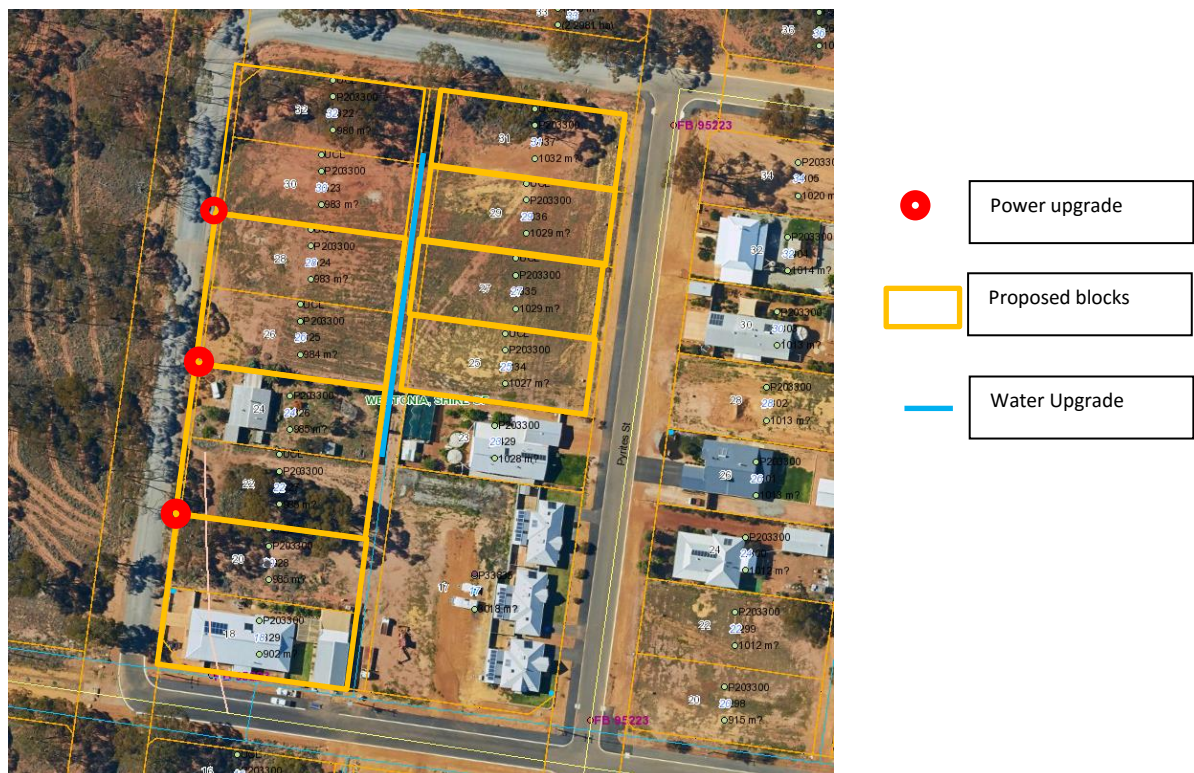
## Purpose of the Report

## Executive Decision

## Legislative Requirement

## Background

The Chief Executive Officer is seeking Council approval to investigate the possibility of creating some alternative size blocks within the Westonia townsite, namely the eight (8) blocks located on Scheelite Street, Westonia.



**Comment**

There has been considerable requests from existing landholders and potential new purchases of land in Westonia to have a larger block to build a house, shed and garden.

Land sales have been quite stagnated over the past few years and this would help re-invigorate the sale of land in town.

Ernie Douglas has already approached me to purchase the block next door and two couples from Exmouth are very keen to purchase large blocks in town and retire to Westonia.

The blocks on Pyrites Street would remain as single 1000m2 blocks as the power has already been supplied to these blocks and would be cost prohibitive to change.

#### **Statutory Environment**

Westonia does not currently have a Town Planning Scheme, but if recommended, this would need to be included in the new Scheme.

#### **Policy Implications**

Nil

#### **Strategic Implications**

Nil

#### **Financial Implications**

As the diagram suggests, there would need to be water upgrades down the back lane and a power upgrade along Scheelite Street.

#### **Voting Requirements**



Simple Majority



Absolute Majority

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#### **OFFICER RECOMMENDATIONS**

That Council authorise the Chief Executive Officer to investigate the price of converting the eight (8) townsite blocks on Scheelite Street to 2000m2 blocks (if required) and report back to Council prior to making a final decision.

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#### **RESOLUTION**

Moved: Cr Della Bosca

Seconded: Cr Geier

08/02-19

That Council authorise the Chief Executive Officer to investigate the price of converting the eight (8) townsite blocks on Scheelite Street to 2000m2 blocks (if required) and report back to Council prior to making a final decision.

CARRIED 4/0

### **9.3      WORKS AND SERVICE**

**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

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### RESOLUTION

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Moved: Cr Della Bosca

Seconded: Cr Jefferys

09/02-18 That Council allows the following four (4) items of new business of an urgent nature.

CARRIED 4/0

### 11.1 REVIEW OF STRATEGIC COMMUNITY PLAN

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Responsible Officer: Jamie Criddle, CEO

Author: Jamie Criddle, CEO

File Reference: A2.8.5

Disclosure of Interest: Nil

Attachments: Nil

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Signature: Officer CEO



### Purpose of the Report



Executive Decision



Legislative Requirement

### Summary

This report recommends that the process detailed in this agenda item be adopted for the review of the Shire of Westonia Community Strategic Plan.

### Background

In June 2013, Council, after a concerted process of community consultation and after the preparation of a number of informing strategies adopted the Shire of Westonia Community Strategic Plan for the 10-year period from July 2013. Most of this work was done in-house with consultants only being engaged for the Asset Strategy which had to be compiled using professional valuations of the Shire's assets.

The principal "living part" of the Community Strategic Plan is in the area of identifying key themes and objectives, determining what actions are to be taken to progress those objectives and establishing key performance indicators as a measurement tool.

A status report on the key themes (Social, Environment, Economic and Civic Leadership) has been prepared which shows that significant inroads have been made towards meeting the objectives within the plan, particularly with respect to new or improved infrastructure projects.

Legislation requires that the Community Strategic Plan is subject to a major review every 4 years with the following questions being put to the community:

- Where are we now?
- Where do we want to be?
- How do we get there?

All Councillors have previously been issued with the voluminous integrated planning and reporting documents which may also be accessed on the Shires website [www.westonia.wa.gov.au](http://www.westonia.wa.gov.au)

### Comment

The first stage of the review is to embark on the community engagement process:

The current Shire of Westonia Community Engagement Strategy details the principles, objectives and engagement techniques and options.

When considering how best to engage with the community as part of this review, the following factors have been taken into account:

1. While community consultation is a critical component of the exercise, it is important not to overburden the community with too many meetings and surveys as this can be counterproductive;
2. Community engagement has to be more than just an invitation for participants to simply provide an unfunded “wish list”. Given the tight grant funding situation at both the Federal and State levels of government and the fact that ratepayers would be unlikely to support rate increases much above the current low rate of inflation, the financial constraints to which local government is subject, has to be brought into the equation to assist the prioritisation process;
3. A snapshot of major projects currently being staged along with their financial implications needs to be part of the informing process.

Council engaged the services of Caroline Robinson of Wheatbelt business Network to carry out the community engagement and compile the Community Strategic Plan driven from the community engagement.

From the recent engagement and Councillor meetings, a list of Core Drivers was outlined and were finalized at the recent meetings.

The Community Strategic Plan is now in the final stages of completion and will be available for presentation at the February Council Meeting for final review, prior to the final community review process.

### Statutory Environment

Local Government (Administration) Regulations 1996 – r 19C

19C. Strategic community plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

(5) In making or reviewing a strategic community plan, a local government is to have regard to —

(a) the capacity of its current resources and the anticipated capacity of its future resources; and

(b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and

(c) demographic trends.

(6) Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

\*Absolute majority required.

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

### Policy Implications

Council Policy 1.4 Community Engagement  
Council Policy 1.5 Asset Management

### Strategic Implications

The Community Strategic Plan is the principal plan articulating the priorities of the community and determining how those priorities will be resourced and brought through to completion.

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

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### OFFICER RECOMMENDATIONS

That Council reviews the presented Community Strategic Plan for the Shire of Westonia, and receives the Plan (with amendments), prior to the final community consultation process.

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### RESOLUTION


Moved: Cr Della Bosca

Seconded: Cr Geier

10/02-18 That Council reviews the presented Community Strategic Plan for the Shire of Westonia, and receives the Plan (with amendments), prior to the final community consultation process.

CARRIED 4/0

## 11.2 WHEATBELT REGION PARKS AND RESERVES DRAFT MANAGEMENT PLAN 2019

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

### Purpose of the Report



Executive Decision



Legislative Requirement

### Summary

This report is requesting comment on the Conservation and Parks Commission release of the Wheatbelt Region Parks and Reserves Draft management Plan 2019.

### Background

The plan was prepared by the Conservation and Parks Commission through the agency of the Department of Biodiversity, Conservation and Attractions in accordance with the Conservation and Land Management Act 1984 (CALM Act). The plan was released for public comment by the Minister for Environment on 5 February 2019.

Under section 59(2) of the CALM Act, the Conservation and Parks Commission, as the controlling body, is required to submit draft management plans to the local government of each district within which the land in question is situated.

### Comment

This draft management plan has been released for a two-month period to provide the public with an opportunity to comment on how the reserves covered by the plan are proposed to be managed during the next 10 years.

To ensure your submission is as effective as possible:

- be clear and concise
- refer your points to the page numbers or specific sections in the plan
- say whether you agree or disagree with any of or all the management arrangements – clearly state your reasons, particularly if you disagree
- give sources of information where possible
- suggest alternatives for those aspects of the plan with which you disagree.

The management plan will be reviewed in light of the submissions, according to the criteria outlined below. A summary of public submissions will be made available along with the final management plan.

The draft management plan may be modified if a submission:

- (a) provides additional information of direct relevance to management
- (b) indicates a change in (or clarifies) government legislation or management policy
- (c) proposes strategies that would better achieve management objectives
- (d) indicates omissions, inaccuracies or a lack of clarity.

The draft management plan may not be modified if a submission:

- (a) clearly supports proposals in the plan or makes general or neutral statements
- (b) refers to issues beyond the scope of the plan
- (c) refers to issues that are already noted within the plan or already considered during its preparation

- (d) is one among several widely divergent viewpoints received on the topic but the approach in the plan is still considered the best option
- (e) contributes options that are not feasible (generally due to conflict with legislation or government policy)
- (f) is based on unclear or factually incorrect information.

The plan can be viewed and submissions made online at [dpaw.wa.gov.au/parks/management-plans/draft-plansopen-for-public-comment](http://dpaw.wa.gov.au/parks/management-plans/draft-plansopen-for-public-comment).

Alternatively, you can write to:

**Planning Branch  
Department of Biodiversity, Conservation and Attractions  
Locked Bag 104  
Bentley Delivery Centre WA 6983**

Councillors comments are required to be submitted to the Chief Executive Officer prior to the March Council meeting so that a formal response can be formulated.

This management plan could have lasting implications on tourism and economic development (mining) within the reserves located in the Shire of Westonia.

The CEO will also seek comment from Ramelius Resources on the Management Plan.

Closing date for public comment is 5th April 2019.

#### **Statutory Environment**

Conservation and Land Management Act 1984 (CALM Act).  
section 59(2) of the CALM Act

#### **Policy Implications**

Nil

#### **Strategic Implications**

Strategic Community Plan 2018-2028

GOAL 5: Natural spaces are protected and bring us value

#### **Financial Implications**

Nil

#### **Voting Requirements**



Simple Majority



Absolute Majority

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#### **OFFICER RECOMMENDATIONS**

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That Councillors review the Conservation and Parks Commission release of the Wheatbelt Region Parks and Reserves Draft management Plan 2019 and make submissions to the Chief Executive Officer prior to the March Ordinary meeting.

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**RESOLUTION**

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**Moved:** Cr Geier

**Seconded:** Cr Jefferys

**11/02-18** That Councillors review the Conservation and Parks Commission release of the Wheatbelt Region Parks and Reserves Draft management Plan 2019 and make submissions to the Chief Executive Officer prior to the March Ordinary meeting

**CARRIED 4/0**

### 11.3 AUSTRALIAN CITIZENSHIP CEREMONIES CODE

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

#### Purpose of the Report



Executive Decision



Legislative Requirement

#### Summary

The purpose of this Item is to provide feedback to the Minister for immigration, Citizenship and Multicultural Affairs on the proposed changes to the Australian Citizenship Ceremonies Code.

#### Background

The Minister for Immigration, Citizenship & Multicultural Affairs has reported the Australian Government has for some time now been reviewing the Australian Citizenship Ceremonies Code and as a result is proposing changes to the Code to ensure it reflects the expectations of the Australian community and provides clear guidance to Councils on hosting citizenship ceremonies.

A full copy of the Australian Citizenship Ceremonies Code appears as per Attachment

The key changes proposed are as follows:

- Local Government Councils will be required to hold a citizenship ceremony on Australia Day (26 January) and Australian Citizenship Day (17 September).
- Federal members of Parliament, if attending a ceremony, should read the Minister's message at citizenship ceremonies.
- There will be a recommended standard of dress for ceremonies, which will be set by Councils. The attire of attendees at citizenship ceremonies should reflect the significance of the occasion. Conferees may wear national or cultural dress if they wish.
- Ceremonies must be scheduled to avoid parliamentary sitting days.

#### Comment

In assisting Council to provide feedback to the Government (which is required by 28 February), officers provide the following comments:

Point 1: Our local government has always held our Australia Day event on the actual Australia Day and not on any public holiday which may, or has occurred, when a weekend is involved.

In saying this however, a citizenship ceremony can only be conducted if in the first instance we have been advised by the Department that approval has been provided to confer Australian status on applicants; and secondly, any approved applicants agree to have their ceremony conducted on Australia Day.

This request has never been requested or approved in Westonia.

Point 2: It would be very rare for a Federal member to attend a citizenship ceremony conducted by our Council. Our current process (apart from on Australia Day) is to have our current President or Chief Executive Officer (if available) read the Minister's message.

Our ceremony is all about welcoming our 'newest Australian' as a member of our community. The ceremony adds the 'home-grown' inclusive element into what is a very formal event.



At our Australia Day ceremonies the President has normally read the Minister's speech as the citizenship ceremony takes place prior to the presentation of our Australia Day Awards (if any).

Point 3: The citizenship ceremony is a formal affair and people who have made the choice to apply to become an Australian have not taken this decision lightly and respect the process of the ceremony, especially if it is held in the Council Chambers.

History suggests that conferee's have come to the citizenship ceremonies dressed both in what you may consider 'formal' or 'dressy casual' attire and others in casual attire as the event often centre around the local swimming pool, how they are dressed does not and should not diminish the fact that they are proud about to become an Australian citizen.

Officers don't believe a dress code needs to be set by Council as the significance of the ceremony is taken into consideration by conferees.

There may also be the odd occasion when a conferee has had to come straight from his/her work place and therefore may be in their workplace uniform.

Point 4: Federal sitting dates during 2019 do not conflict with Council meeting dates however some State Parliament meeting dates may. Again, it would be very rare for a member of Parliament to attend any ceremony we plan which is always done in consult with the conferee. There may be occasions where we may have to conduct ceremonies on non-Council days due to the urgency attached to the conferee needing to apply for an Australian passport or not being able to attend on a Council meeting date due to work or other circumstances.

Therefore, although it may be preferable not to hold ceremonies on parliamentary sitting days, it is felt the final decision should rest with the local government conducting the ceremony so as to fit in with the conferees circumstances.

As mentioned above, the Minister is seeking feedback by 28 February 2019.

#### **Statutory Environment**

Australian Citizenship Act 2007

Australian Citizenship Regulation 2016

#### **Policy Implications**

Nil

#### **Strategic Implications**

Nil

#### **Financial Implications**

Nil

#### **Voting Requirements**



Simple Majority



Absolute Majority

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#### **OFFICER RECOMMENDATIONS**

That Council endorse a submission on the draft Australian Citizenship Ceremonies Code with the contents as the submission being in line with the officer comments set out in this Item.

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#### **RESOLUTION**


Moved: Cr Geier

Seconded: Cr Della Bosca

12/02-18 That Council endorse a submission on the draft Australian Citizenship Ceremonies Code with the contents as the submission being in line with the officer comments set out in this Item.

CARRIED 4/0

## 11.4 ROAD DAMAGE – SOUTH WALGOOLAN

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

### Purpose of the Report

☐

Executive Decision

☒

Legislative Requirement

### Summary

Council decision is required as to the action required to recover costs to the damage from the carting of soil product by Warrakirri from their pit located adjacent South Walgoolan Road to their individual land holdings.

### Background

It has been assessed that in excess of 22km of Council road asset has been adversely affected by the carting of soil product by Warrakirri from their pit located adjacent South Walgoolan Road to their individual land holdings.

Roads that have been adversely affected are South Walgoolan, 6 Mile, 4 Mile and a section of McPharlin. All of these roads will need a water binding grade and roll to bring back to original condition.

A 2.8km section of South Walgoolan has been severely affected located between Henderson Rd and 6 Mile Rd intersection with the road base and sub base broken through in numerous places.

More extensive work is required on this section which will require scarifying total length, boxing out, water binding with detergent/polymer product to properly seal the sub base and basecourse sections that have broken through. Gravel sheeting will also likely to be required on this section.

An estimation for work on South Walgoolan section only would be @ \$ 34,000. 2500m3 of gravel carting if re-sheeted or the alternative of scarifying/ water binding with polymer and grade/roll.

### Comment

What is alarming is the fact that until Council staff contacted the manager of the Warrakirri corporate farming operation, Tony Murfit, no effort was made by the company to notify Council of their intention to cart up to 25,000 tonne of soil product along council infrastructure to their individual landholdings. The company has shown total disregard to the safety of road users, local residents and ratepayers of the Council and has also been operating illegal trucking combinations along these sections of roads.

Under the Local Government Act 1995 (the Act) - Schedule 3.1, Division 1, Clause 3, it is open to Council to issue a notice in accordance with Section 3.25 seeking the modification or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.

Non-compliance with a notice issue under section 3.25 constitutes an offence that, upon conviction, could lead to a fine of up to \$5,000 and a further fine of up to \$500 per day if the offence is ongoing.

In addition, under section 3.26, if a notice recipient fails to comply with a notice, the local government may do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given and may recover the cost as a debt due from the person who failed to comply with the notice.

Should Council agree to the motion, any notice recipients have a right of objection to Council or review (appeal) to the State Administrative Tribunal under section 9.1 of the Act.



#### **Statutory Environment**

Local Government Act 1995 (the Act) - Schedule 3.1

#### **Policy Implications**

Nil

#### **Strategic Implications**

Nil

#### **Financial Implications**

Nil

#### **Voting Requirements**



Simple Majority



Absolute Majority

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#### **OFFICER RECOMMENDATIONS**

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That Council:

1. Effective immediately, close Walgoolan South Road between Goldfields Road and Clothier/6 Mile Roads to ALL vehicles over 4.5 tonnes (except School Buses), until further notice;
2. Authorised the Chief Executive Officer to negotiate with Warrakirri Cropping to pay for the repair of several sections of Walgoolan South Road damaged from recent bulk movements;
3. Authorise the Chief Executive Officer should Warrakirri Cropping renege on the cost of repair of this road, to issue the company with a Section 3.25 Notice - Schedule 3.1, Division 1, Clause 3 under the Local Government Act 1995 to recover the cost of damage.

4. Authorise the Chief Executive Officer to negotiate the future bulk movement of any future soil product from Warrakirri Cropping in the Shire of Westonia.

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#### **RESOLUTION**

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**Moved:** Cr Della Bosca

**Seconded:** Cr Geier

**13/02-18**

**That Council:**

1. Effective immediately, close Walgoolan South Road between Goldfields Road and Clothier/6 Mile Roads to ALL vehicles over 4.5 tonnes (except School Buses), until further notice;
2. Authorised the Chief Executive Officer to negotiate with Warrakirri Cropping to pay for the repair of several sections of Walgoolan South Road damaged from recent bulk movements;
3. Authorise the Chief Executive Officer, should Warrakirri Cropping renege on cost of repair of this road, to issue the company with a Section 3.25 Notice - Schedule 3.1, Division 1, Clause 3 under the Local Government Act 1995 to recover the cost of damage;
4. Authorise the Chief Executive Officer to negotiate the future bulk movement of any future soil product from Warrakirri Cropping in the Shire of Westonia.

**CARRIED 4/0**

## **12 DATE AND TIME OF NEXT MEETING**

The next ordinary meeting of Council will be held on 21<sup>st</sup> March 2019 commencing at 3.30pm.

## **13 MEETING CLOSURE**

There being no further business the President, Cr Day declared the meeting closed at 6.45pm