

SHIRE OF
WESTONIA
A vibrant community lifestyle

Minutes

Ordinary Council Meeting

Held in Council Chambers, Wolfram Street Westonia

Thursday 16th March 2023

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on as a true and accurate record of the Ordinary Council Meeting held 16th March 2023

.....
Cr RM Crees
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.

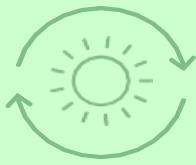
OUR VISION

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.

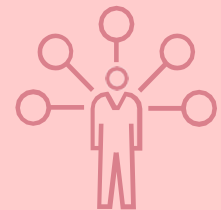
Our community has the opportunity to be active, socialised and connected.

- 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.



TABLE OF CONTENTS

1.	DECLARATION OF OPENING	5
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	5
3.	PUBLIC QUESTION TIME (3.35PM – 3.50PM)	5
4.	APPLICATIONS FOR LEAVE OF ABSENCE	5
5.	CONFIRMATION OF PREVIOUS MINUTES	5
6.	RECEIVAL OF MINUTES	6
7.	PRESIDENT/COUNCILLORS ANNOUNCEMENTS	6
8.	DECLARATION OF INTEREST	7
9.	MATTERS REQUIRING A COUNCIL DECISION	8
9.1.	GOVERNANCE, ADMINISTRATION AND FINANCIAL SERVICES	8
9.1.1	ACCOUNTS FOR PAYMENT	8
9.1.2	MONTHLY STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2023	10
9.1.3	GST RECONCILIATION REPORT – FEBRUARY 2023	12
9.1.4	COMPLIANCE AUDIT RETURN 2022	13
9.1.5	BUDGET REVIEW 2022/2023	15
9.1.6	DELEGATIONS MANUAL REVIEW	17
9.2	COMMUNITY AND REGULATIONS	21
9.2.1	NATIVE TITLE APPLICATION – KARRATJIBBEN PEOPLE	21
9.2.2	APPLICATION FOR EXPLORATION LICENCE 77/3061	23
9.3	WORKS AND SERVICE	26
9.4	ENVIRONMENTAL HEALTH, PLANNING AND BUILDING SERVICES	27
9.4.1	REQUEST FOR UCL LAND & ROAD CLOSURE WALGOOLAN TOWNSITE	27
10.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING	29
11.	DATE AND TIME OF NEXT MEETING	29
12.	MEETING CLOSURE	29

6. RECEIVAL OF MINUTES

OFFICER RECOMMENDATIONS

That the minutes of the NEWTRAVEL general meeting held on the 23rd February 2023 at the Koorda Shire Chambers be accepted.

That the minutes of the Great Eastern Country Zone meeting held on the 13th February 2023 at Shire of Kellerberrin Recreation and Leisure Centre be accepted.

That the minutes of the Local Emergency Management Committee meeting held on the 23rd February 2023 in Southern Cross be accepted.

That the minutes of the WEROC Inc. meeting held on the 22nd February 2023 at the Shire of Kellerberrin Council Chambers be accepted.

RESOLUTION

Moved: Cr Corsini **Seconded:** Cr Day

02/03-23 That the minutes of the NEWTRAVEL general meeting held on the 23rd February 2023 at the Koorda Shire Chambers be accepted.

That the minutes of the Great Eastern Country Zone meeting held on the 13th February 2023 at Shire of Kellerberrin Recreation and Leisure Centre be accepted.

That the minutes of the Local Emergency Management Committee meeting held on the 23rd February 2023 in Southern Cross be accepted.

That the minutes of the WEROC Inc. meeting held on the 22nd February 2023 at the Shire of Kellerberrin Council Chambers be accepted

CARRIED 6/0

7. PRESIDENT/COUNCILLORS ANNOUNCEMENTS

President, Cr Crees advised having attended the following meetings:
Great Eastern Country Zone Conference- Merredin Leisure Centre

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

Councillor Day advised having attended the following meetings:
WEROC Medical Immersion Program

Councillor Geier advised having attended the following meetings:
Rural Health West Awards with Laura and Olga 11 March 2023

Councillor Huxtable advised having attended the following meetings:
Newtravel Committee Meeting in Koorda

Councillor Corsini advised having attended the following meetings:
Rural Health West Awards with Laura and Olga 11 March 2023

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 **16th March 2023**.

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 **16th March 2023**.

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 **16th March 2023**.

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

Purpose of the Report

- Executive Decision Legislative Requirement

Background

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

Comment

Attached is a copy of Accounts for Payment for the month of February 2023 The credit card statements currently show: -

CEO February 2023 \$6,298.02 associated with the purchase of PS - Road sweeper - 2 x brooms, Insolvency Checks (HACC Application) - J. Geier, H. Lockyer & E. Menz, Insolvency Checks (HACC Application) - E. Menz, Insolvency Checks (HACC Application) - J. Geier, Australian National Police Clearance (for application to provide aged care) - Heather Lockyer, Australian National Police Clearance (for application to provide aged care) - Laura Black, Australian National Police Clearance (for application to provide aged care) - Emilie Menz, Australian National Police Clearance (for application to provide aged care) - Jasmine Geier, King Single Plain Dyed Sheet Set x24, King Single Quilt x8, King Single Quilt cover set x8. Shipping, 04104 - refreshments - 2 x cartons beer and UDL, 3x 8pcs Wheel stopper packs, 16x Bath Towels 12x Bath mats, Windows 10/11 Pro for Workstations, Cloud Anti Spam Recurring, P14 - Landcruiser - Diesel Purchase, Standard Lottery Permit Application - Wessy on the Green Raffle, Occasional Liquor Licence - WOTG 2023, Managed Endpoint - Server Recurring, 04104 - Refreshments - Various drinks Chambers bar, Survey Monkey Annual Subscription, 3 x 300GB Internet Activ8me speed Pack, 1047021 Microsoft 365 Basic Recurring, Office 365 Exchange Online Plan &1038283 Microsoft 365 Business std Recurring

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 2022/2023 Annual Budget.



Voting Requirements



Simple Majority



Absolute Majority

OFFICER RECOMMENDATIONS

That February 2023 accounts submitted to today's meeting on Municipal vouchers numbered from 4035 to 4037, and D/Debits from EFT6037 to EFT6084 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$303,800.53 be passed for payment.

RESOLUTION

Moved:

Cr Day

Seconded:



Cr Corsini

03/03-23

That February 2023 accounts submitted to today's meeting on Municipal vouchers numbered from 4035 to 4037, and D/Debits from EFT6037 to EFT6084 (inclusive of Department of Planning and Infrastructure / Creditor and Bank Fees Directly Debited and Visa Card Payments) totalling \$303,800.53 be passed for payment.

CARRIED 6/0

9.1.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY – FEBRUARY 2023

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

Purpose of the Report

- Executive Decision Legislative Requirement

Background

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

Comment

The Monthly Statement of Financial Activity for the period ending February 2023 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 2022/2023 Budget
Local Government (Financial Management) Regulation 34 1996
Local Government Act 1995 section 6.4

Policy Implications

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

Strategic Implications

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

Financial Implications

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

Voting Requirements

- Simple Majority Absolute Majority

OFFICER RECOMMENDATIONS



That Council adopt the Monthly Financial Report for the period ending February 2023 and note any material variances greater than \$10,000 or 15%.

RESOLUTION

Moved:	Cr Day	Seconded:	Cr Huxtable
04/03-23	That Council adopt the Monthly Financial Report for the period ending February 2023 and note any material variances greater than \$10,000 or 15%.		

CARRIED 6/0

9.1.3 GST RECONCILIATION REPORT – FEBRUARY 2023

Responsible Officer:	Bill Price, CEO
Author:	Jasmine Geier, Deputy Chief Executive Officer
File Reference:	F1.4.4 Audit Report
Disclosure of Interest:	Nil
Attachments:	Attachment 9.1.3 GST Report
Signature:	Officer  CEO 

Purpose of the Report

- Executive Decision Legislative Requirement

Background

The Reconciled Balance of the GST Ledger to the General Ledger as reported as at 28th February 2023 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

OFFICER RECOMMENDATIONS


That the GST Reconciliation totalling \$15,808.00 for the period ending February 2023 adopted.

RESOLUTION

Moved:	Cr Corsini	Seconded:	Cr Della Bosca
05/03-23	That the GST Reconciliation totalling \$15,808.00 for the period ending February 2023 adopted.		

9.1.4 COMPLIANCE AUDIT RETURN 2022

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



Purpose of the Report

Executive Decision Legislative Requirement

The purpose of this report is for Council to adopt the 2022 Annual Compliance Audit Return as presented.

Background

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

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

Comment

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

Senior staff have been involved in the completion of the Compliance Audit Return, certifying their actions and that of the Council, relating to the return covering the 2022 calendar year.

Staff involved in the process included.

- Chief Executive Officer
- Deputy CEO

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

Statutory Environment

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

Policy Implications

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

Strategic Implications

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

Financial Implications

Nil.



Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That Council as per the Audit Committee:

1. receives the Compliance Audit Return 2022; and
2. that the Compliance Audit Return 2022 be endorsed and authorise the Shire President and CEO to sign the CAR for dispatch to the Department of Local Government as per the requirements of the Local Government Act 1995.

RESOLUTION

Moved:

Cr Corsini

Seconded:

Cr Geier

06/03-23


That Council as per the Audit Committee:

1. receives the Compliance Audit Return 2022; and
2. that the Compliance Audit Return 2022 be endorsed and authorise the Shire President and CEO to sign the CAR for dispatch to the Department of Local Government as per the requirements of the Local Government Act 1995.

CARRIED by ABSOLUTE MAJORITY 6/0

9.1.5 BUDGET REVIEW 2022/2023

Responsible Officer:	Bill Price, CEO	
Author:	Bill Price, CEO	
File Reference:	F1.3.3	
Disclosure of Interest:	Nil	
Attachments:	Attachment 9.1.4 Budget Review Documents	
Signature:	Officer	CEO



Purpose of the Report

- Executive Decision Legislative Requirement

The purpose of this report is for Council to consider and adopt the reviewed 2022/23 budget.

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:

- “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.*
 - 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.*
 - 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.*
- 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 28th February 2023 has been completed and is presented for Council’s consideration.

Comment

In adopting the 2022/2023 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 2022.

Statutory Environment

Local Government (Financial Management) Regulation 34 1996
Local Government Act 1995 section 6.4

Policy Implications

Nil

Strategic Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That the Council as per Audit committee recommendation:

1. Receive the 2022/2023 Budget Review for the period ending 28th February 2023 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.

RESOLUTION

Moved: Cr Geier

Seconded: Cr Corsini

07/03-23

That the Council as per Audit committee recommendation:

1. Receive the 2022/2023 Budget Review for the period ending 28th February 2023 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 by ABSOLUTE MAJORITY 6/0

9.1.6 DELEGATIONS MANUAL REVIEW

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	A2.8.5
Disclosure of Interest:	Nil
Attachments:	9.1.6 Delegation Manual

Signature:	Officer	CEO
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Purpose of the Report

Executive Decision

Legislative Requirement

Summary

To complete the yearly review of the Delegations Manual.

Background

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

The existing Delegations Register has been attached for your perusal.

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

Comment

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

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

Statutory Environment

Local Government Act 1995

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

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

Local Government (Miscellaneous Provisions) Act 1960

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

Bush Fires Act 1954

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

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

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

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

Building Act 2011

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

- (a) The CEO's power under this subsection to delegate the exercise of that power or the discharge of that duty; and
- (b) The exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions, qualifications, limitations or exceptions imposed by the local government on its delegation to the CEO.

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

Policy Implications

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

Strategic Implications

5.42. Delegation of some powers and duties to CEO

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

- (a) this Act other than those referred to in section 5.43; or
- (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

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

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

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

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

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

9.10. Appointment of authorised persons

(1) In this section –

law means any of the following –

- (a) this Act;
- (b) the Caravan Parks and Camping Grounds Act 1995;
- (c) the Cat Act 2011;
- (d) the Cemeteries Act 1986;
- (e) the Control of Vehicles (Off-road Areas) Act 1978;

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

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

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

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



Financial Implications

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



Voting Requirements

Simple Majority

Absolute Majority

OFFICER RECOMMENDATIONS

That Council review and adopt the Delegation Manual as presented.

RESOLUTION

Moved: Cr Della Bosca

Seconded: Cr Corsini


08/03-23 That Council review and adopt the Delegation Manual as presented.

CARRIED by ABSOLUTE MAJORITY 6/0

9.2 COMMUNITY AND REGULATIONS

9.2.1 NATIVE TITLE APPLICATION – KARRATJIBBEN PEOPLE

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	A1.16.1
Disclosure of Interest:	Nil
Attachments:	Attachment – Copy of Claim
Signature:	Officer CEO



Purpose of the Report

Executive Decision

Legislative Requirement

The purpose of this report is for Council to consider the Karratjibben People Native Title Claim with the intention to register as a respondent party to the application with the Federal Court.

Background

On 18 February 2022, the below mentioned native title determination application was filed in the Federal Court of Australia (the Federal Court).

WAD38/2022 Jason Colbung & Ors on behalf of the Karratjibbin People and State of Western Australia & Ors (Karratjibbin People) (WC2022/001)

The *Native Title Act 1993* (Cth) (the Act) requires the Federal Court to give the application to the Native Title Registrar (the Registrar) to consider for registration. On 11 November 2022, the registration test for the most recent amended application was completed, and the Registrar decided to not accept the application for registration.

Once the registration decision is made, the Registrar is required to notify certain people and organisations of the details of the application. Under s 66(3)(a) of the Act, those people and organisations include:

- any proprietary interest holders in the area covered by the application;
- any registered native title claimants and registered native title bodies corporate in the area covered by the application;
- any relevant representative Aboriginal and Torres Strait Islander bodies;
- the Commonwealth Minister;
- any relevant local government authorities; and
- any person whose interests may be affected by a determination in relation to the application.

The Shire of Westonia has been identified as a local government authority and a proprietary interest holder in the area covered by the above application.

A copy of the public notice is enclosed to provide you with the details of the application. The notice also indicates that under the Act, there can be only one determination of native title for a particular area. If a person with native title rights and interests does not become a party to the application, there may be no other opportunity for the Federal Court, in making its determination, to take into account those native title rights and interests in relation to the area concerned.

The Act requires that the application be notified for a period of three months. The notification day for this application is **22 March 2023**.

If you wish to become a respondent party to this application, you must file a Form 5 (Notice of Intention to become a Party) with the Federal Court **on or before 21 June 2023**, being three months from the notification day.

Comment

Attached is a copy of the submitted claim for Councillor information.
It is recommended that Council register as a respondent party to the claim.

Statutory Environment

The *Native Title Act 1993* (Cth)

Policy Implications

Nil

Strategic Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority Absolute Majority

OFFICER RECOMMENDATIONS

That Council register their interest as a respondent party to the Karratjibben Peoples Native Title Claim with the Federal Court of Australia.

RESOLUTION


Moved: Cr Day Seconded: Cr Huxtable

09/03-23 That Council register their interest as a respondent party to the Karratjibben Peoples Native Title Claim with the Federal Court of Australia.

CARRIED 6/0

9.2.2 APPLICATION FOR EXPLORATION LICENCE 77/3061

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	ES1.6.1
Disclosure of Interest:	Nil
Attachments:	Location Map EL 77/3061
Signature:	Officer CEO



Purpose of the Report

Executive Decision

Legislative Requirement

This report seeks Council's comment on an Exploration license in the North/East part of the shire.

Background

The Shire has been advised of an application for an Exploration license having been lodged by Austwide Mining Title Management on behalf of Altan Rio Minerals Australia Pty Ltd (E77/3061).

The application relates to a very small portion of land on shire boundary adjacent to Baladjie Reserve. (See Attached)

Comment

Altan Rio Minerals Pty Ltd is a Canadian based company with interests in WA based gold exploration.

Previous exploration approvals have been granted with the following conditions:

- 1) That dust suppression is carried out so that others are not adversely affected.
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions.
- 3) Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread.
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner.
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner.
- 6) A firefighting unit is to be always available, and drilling is to cease if a total fire and harvest ban is called.
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) – refer to Typical Cross Section of Road Formation diagram.
- 8) Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/visitors.
- 9) All drill holes are to be capped as soon as possible/practical after drilling.
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, when working between 7:00 pm. and 7:00 am.

- 11) That the proposed drilling work is advertised in the local newsletter “Westonian” prior to any work commencing to notify the general public of this work; and
- 12) That no drilling is to occur within any Shire Road Surface and gravel pits, and that no drilling operation is to affect any part Baladjie Nature Reserve in any way.

Statutory Environment

The Mining Act prevails in this matter.

Policy Implications

Nil

Strategic Implications

Nil.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

OFFICER RECOMMENDATIONS

That Council grants approval to Altan Rio Minerals Pty Ltd (E77/3061) to carry out drilling along sections of Council controlled road reserves with these respective Exploration Leases as shown on the attached maps with the following conditions: -

- 1) That dust suppression is carried out so that others are not adversely affected.
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company’s mining conditions.
- 3) Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread.
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner.
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner.
- 6) A firefighting unit is to be always available, and drilling is to cease if a total fire and harvest ban is called.
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) – refer to Typical Cross Section of Road Formation diagram.
- 8) Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/ visitors.
- 9) All drill holes are to be capped as soon as possible/practical after drilling.
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, when working between 7:00 pm. and 7:00 am.
- 11) That the proposed drilling work is advertised in the local newsletter “Westonian” prior to any work commencing to notify the general public of this work; and

- 12) That no drilling is to occur within any Shire Road Surface and gravel pits, and that no drilling operation is to affect any part Baladjie Nature Reserve in any way.

RESOLUTION

Moved: Cr Day

Seconded: Cr Geier

10/03-23

That Council grants approval to Altan Rio Minerals Pty Ltd (E77/3061) to carry out drilling along sections of Council controlled road reserves with these respective Exploration Leases as shown on the attached maps with the following conditions: -

- 1) That dust suppression is carried out so that others are not adversely affected.
- 2) That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions.
- 3) Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread.
- 4) All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner.
- 5) All rubbish is to be disposed of at the local landfill site in the appropriate manner.
- 6) A firefighting unit is to be always available, and drilling is to cease if a total fire and harvest ban is called.
- 7) No drill holes are to extend under any public railway line or any roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading) – refer to Typical Cross Section of Road Formation diagram.
- 8) Safety signs are to be erected in accordance with Australian Standards – to warn both mining staff, contractors, and the public/ visitors.
- 9) All drill holes are to be capped as soon as possible/practical after drilling.
- 10) If working within 100m from a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, when working between 7:00 pm. and 7:00 am.
- 11) That the proposed drilling work is advertised in the local newsletter "Westonian" prior to any work commencing to notify the general public of this work; and
- 12) That no drilling is to occur within any Shire Road Surface and gravel pits, and that no drilling operation is to affect any part Baladjie Nature Reserve in any way.

CARRIED 6/0

9.3 WORKS AND SERVICE

Nil

9.4 ENVIRONMENTAL HEALTH, PLANNING AND BUILDING SERVICES

9.4.1 REQUEST FOR UCL LAND & ROAD CLOSURE WALGOOLAN TOWNSITE

Responsible Officer:	Bill Price, CEO
Author:	Bill Price, CEO
File Reference:	D3.1.3
Disclosure of Interest:	Nil
Attachments:	Walgoolan Townsite Map
Signature:	Officer CEO



Purpose of the Report

Executive Decision Legislative Requirement

The purpose of this report is for the Council to consider an application received from Steven Cervantes, resident of Walgoolan, who is attempting to purchase some UCL land from the DPLH, which is adjacent to his property.

Background

The Department of Planning, Lands and Heritage (DPLH) is considering a request from Mr Steven Cervantes to acquire:

- Unallocated Crown Land (UCL) - PIN 960975 – Land ID 3107432
- Unallocated Crown Land (UCL) - Lot 56 - PIN 960976 – Land ID 4308042 – on Deposited Plan 163274
- Unallocated Crown Land (UCL) - Lot 57 – PIN 960978 – Land ID 4308043 – on Deposited Plan 163274.

Attached is a townsite map for Councillor information.

Comment

Council permission is being sought from the proponent prior to the DPLH consideration on the following matters.

1. Could you please confirm with the Shire of Westonia that the current zoning of the subject land parcels that you wish to acquire will support the intended use – Stock and Small Farm as the lots are located within a declared town site. Please provide the Department of Planning, Lands and Heritage with the Shire's written response.
2. I also wish to advise you that the land parcel adjoining and south of your freehold Lot 30 comprises part of a dedicated public road reserve – Morgan Street – PIN 11417157, Land ID - 3453078. I have attached a tenure map for your reference that I hope will be helpful. It will be necessary for you to submit a request for road closure to the Shire of Westonia to enable the Shire Council to consider whether it will support the request to close a portion of the adjoining road - Section 58 of the *Land Administration Act 1997 (LAA)*.

Regulation 9 of the *Land Administration Regulations 1998 (LAR)*, requires the Shire to indicate on a graphic or sketch plan how the portion of closed road will be dealt with. Regulation 9 (b) requires a sketch plan showing the location of the road AND the future disposition of the land comprising the road after it has been closed. The graphic can be a diagram with the portion of road sketched in and serifs indicating it is proposed to be amalgamated adjoining UCL PIN 960975, Land ID 3107432 and Lot 30.

Statutory Environment

Section 58 of the *Land Administration Act 1997 (LAA)*.

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

Nil

11. DATE AND TIME OF NEXT MEETING

The next ordinary meeting of Council will be held on Thursday schedule 20th March 2023 commencing at 3.30pm

12. MEETING CLOSURE

There being no further business the President, Cr Crees declared the meeting closed at 4.00 pm.