

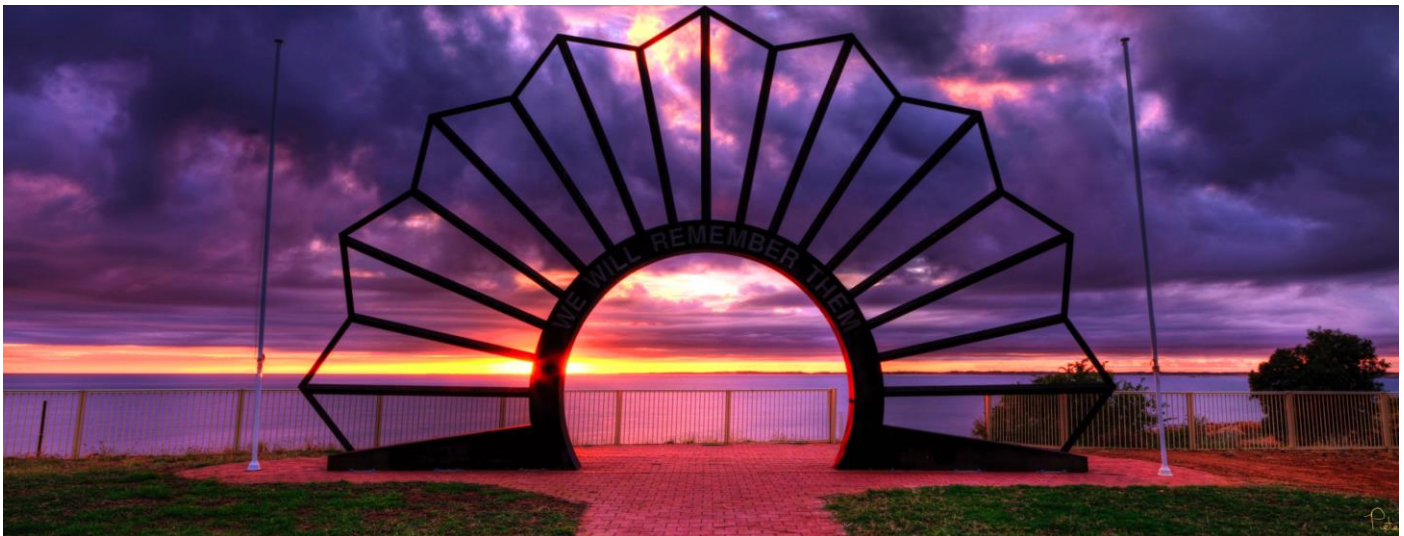
Ordinary Meeting of Council

Onslow



CONFIRMED AND AMENDED PUBLIC MINUTES 17 December 2019

Council Chambers,
Onslow Shire Complex,
Second Avenue, Onslow
1.00 pm



The Shire of Ashburton 10 year Strategic Community Plan (2017-2027) provides focus, direction and represents the hopes and aspirations of the Shire.

Our Vision

We will embrace our unique Pilbara environment and lifestyle through the development of vibrant, connected and active communities that have access to quality services, exceptional amenities and economic vitality.



STRATEGIC DIRECTIONS

1. Vibrant and Active Communities
2. Economic Prosperity
3. Unique Heritage and Environment
4. Quality Services and Infrastructure
5. Inspiring Governance



The Shire of Ashburton respectfully acknowledges the traditional custodians of this land.



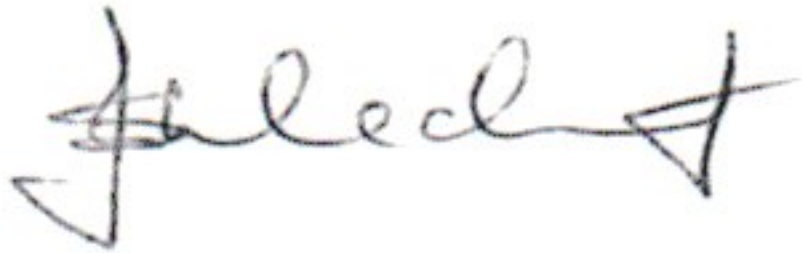
**SHIRE OF ASHBURTON
CONFIRMED AND AMENDED
PUBLIC MINUTES**

**Council Chambers, Onslow Shire Complex
Second Avenue, Onslow
17 December 2019
1.00 pm**

**PUBLIC MINUTES - ORDINARY MEETING OF COUNCIL
17 DECEMBER 2019**

**SHIRE OF ASHBURTON
ORDINARY MEETING OF COUNCIL**

The Acting Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Meeting of Council.



**Mr Steven Deckert
ACTING CEO**

Date: 17.12.2019

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 17/12//2019.

Presiding Member: 

Date: 10-03-2020

DISCLAIMER

The resolutions contained in the Minutes are subject to confirmation by Council. The Shire of Ashburton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Ashburton for any act, omission or statement or intimation occurring during a Council meeting.

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**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 1.00 pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

As representatives of the Shire of Ashburton Council, we respectfully acknowledge the local Indigenous people, the traditional custodians of this land where we are meeting upon today and pay our respects to them and all their elders both past, present and emerging.

2. ANNOUNCEMENT OF VISITORS

The Presiding Member welcomed Mrs Kellie Bartley, who will be commencing in the New Year as the Director Community Services.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White Cr D Diver Cr L Rumble Cr P Foster Cr M Lynch Cr J Richardson Cr M Gallanagh Cr R de Pledge	Shire President (Presiding Member) Onslow Ward Deputy Shire President Tom Price Ward Paraburdoo Ward, Tom Price Ward Tom Price Ward Tablelands Ward Pannawonica Ward Ashburton Ward
Staff:	Mr S Deckert Mr J Bingham Mr B Cameron Mr A McColl Mr G Garside Ms C Bryce Mr A Davis Mrs M Lewis Mrs K Cameron	Acting Chief Executive Officer Director Corporate Services Director Property and Development Services Acting Director Infrastructure Services Manager Finance and Administration Manager Western Facilities and Aquatics Principal Town Planner Council Liaison Officer Governance Officer
Guests:	Mrs K Bartley	Director of Community Services, Elect.
Members of Public:	There were no members of the public in attendance at the commencement of the meeting.	
Members of Media:	There were no members of the media in attendance at the commencement of the meeting.	

3.2 APOLOGIES

Mrs S Johnston	Acting Director Community Services
Mrs J Fell	Manager Land and Asset Compliance

3.3 APPROVED LEAVE OF ABSENCE

Cr D Dias	Paraburdoo Ward
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**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

4. QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil questions taken on notice to be responded to at this meeting.

4.2 PUBLIC QUESTION TIME

There were no public questions for this meeting.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil applications received at the time of preparing this agenda.

6. DECLARATION BY MEMBERS

6.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA

All Councillors noted that they had given due consideration to all matters contained in the Agenda presently before the meeting.

6.2 DECLARATIONS OF INTEREST

Councillors to Note

A member who has an Impartiality, Proximity or Financial Interest in any matter to be discussed at a Council or Committee Meeting, that will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Acting Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (a) Preside at the part of the Meeting, relating to the matter or;
- (b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

NOTES ON DECLARING INTERESTS (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have an interest in a matter.

These notes are included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the *Local Government Act 1995* but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the *Local Government Act*; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69 (3) of the *Local Government Act*, with or without conditions.

Declarations of Interest provided:

Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.2 Confidential Item – Tom Price Childcare Centre		
Cr Rumble	Financial	The nature of my interest I am a Shareholder of Rio Tinto. The extent of my interest is I have shares of greater value than \$10,000 in Rio Tinto.
Cr Foster	Financial	The nature of my interest is Financial. The extent of my interest is Financial – my partner is employed by Rio Tinto, is a shareholder with Rio Tinto, and as a family we live in a company house in Tom Price supplied by Rio Tinto paying subsidised rent and utilities.
Cr Lynch	Indirect Financial	The nature of my interest is I am an employee of Rio Tinto and a tenant. The extent of my interest is I am paid a salary by Pilbara Iron.
Cr Diver	Financial	The nature of my interest is I am employed by Rio Tinto. The extent of my interest is I receive a salary, I also receive subsidised utilities (water / power) and rent as part of my salary package.

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.2 Confidential Item – Tom Price Childcare Centre		
Cr Gallanagh	Financial	The nature of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. The extent of my interest is myself and my husband are employed by Rio Tinto, have company housing and shares in Rio Tinto. We have shares of greater value than \$10,000 in Rio Tinto.
Cr de Pledge	Financial	The nature of my interest is I am a shareholder with Rio Tinto Pty Ltd. The extent of my interest is I have shares to a value greater than \$10,000.
Mr S Deckert	Impartiality	The nature of my interest is within the past 18 months I have been involved in the recruitment of a CEO at the Shire of Halls Creek, where WALGA was appointed. I undertake to consider this matter impartially on its merits and put aside any past working relationship with WALGA.
Mr S Deckert	Financial	The nature of my interest is I am a shareholder of Rio Tinto. The extent of my interest is I have shares of greater value than \$10,000 in Rio Tinto.
Mrs S Johnston	Financial	The nature of my interest is my husband is a Rio Tinto employee, we live in a house provided by Rio Tinto as part of my husband's employment and we have Rio Tinto Shares. The extent of my interest is my husband earns an income from Rio Tinto, we have housing provided by Rio Tinto and we have Rio Tinto Shares in excess of \$10,000. I'm employed in a role funded by Rio Tinto through a funding agreement.
Item Number/ Name	Type of Interest	Nature/Extent of Interest
18.4 Councillor Confidential Item – CEO Recruitment and Acting CEO Arrangements		
Mr S Deckert	Financial	The nature of my interest is I am currently employed as the Acting CEO. The extent of my interest is The value of the employment/remuneration package.

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

The Acting Chief Executive Officer read out aloud to the meeting the following correspondence from the Department of Local Government, Sport and Cultural Industries:

"Dear Mr Deckert,

I refer to your correspondence dated 10 December 2019 and advise that, in accordance with authority delegated by the Minister for Local Government, I have approved your application, under section 5.69(3) of the Local Government Act 1995 (the Act).

This approval allows all disclosing members Cr Gallanagh, Cr Diver, Cr Foster, Cr Rumble, Cr Lynch and Cr de Pledge to fully participate in the discussion and decision making relating to the following agenda items at the Shire's Ordinary Council Meeting of 17 December 2019.

18.2 CONFIDENTIAL ITEM – TOM PRICE CHILDCARE CENTRE

Subject to the following conditions:

- 1. The approval is only valid for the 17 December 2019 Ordinary Council Meeting when agenda item 18.2 is considered;*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Should you require further information in relation to this matter, please contact Mrs Carmen Chia, Legislation Officer via the details provided above.

Yours sincerely

*Michael Connolly
Deputy Director General – Regulation
17 December 2019*

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER AND COUNCILLORS WITHOUT DISCUSSION

Cr Peter Foster reported that he has attended the following since the last Ordinary Meeting.

WALGA Pilbara Zone Meeting (teleconference) and was elected Deputy Chairperson and Deputy State Councillor for Pilbara Zone, Tuesday 25th November.

Pilbara Regional Road Group Meeting (teleconference) where Tom Price Paraburdoo Road, Karratha Tom Price Road and Wittenoom Roebourne Road were discussed, Tuesday 25th November.

Mountain View Sporting Club Inc Committee Meeting, lease over the Golf Course and Indoor Cricket Nets with the Shire of Ashburton was discussed, Tuesday 25th November.

Australian Citizenship Ceremony as Presiding Officer for the Dela Cruz Family of Tom Price, Saturday 30th November.

Tom Price Community Sundowner at the Tom Price Community Centre, opening address on behalf of the Shire President, Saturday 30th November.

Tom Price Community Christmas Carols in the grounds of Tom Price Primary School, opening address on behalf of the Shire of Ashburton, Sunday 1st December.

Tom Price Senior High School Emergency Services Cadet Graduation on behalf of the Shire of Ashburton and presented awards, Tuesday 3rd December.

WALGA State Council Meeting (in Perth) as Deputy State Councillor for Pilbara Zone, Wednesday 4th December.

Tom Price Primary School P&C Meeting, elected as General Committee Member, Tuesday 9th December.

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Nil at the time of preparing the agenda.

8.2 DEPUTATIONS

Nil at the time of preparing the agenda.

8.3 PRESENTATIONS

Presentation of a Plaque from the Tom Price Senior High School

On Tuesday 3rd December, Cr Foster attended the Tom Price Senior High School Emergency Services Cadet Graduation at Tom Price Senior High School.

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

Cr Foster was presented with a plaque on behalf of Tom Price Senior High School in appreciation for the sponsorship and support given by the Shire of Ashburton to the Emergency Services Cadet Unit and Program in 2019.

Deputy Principal and Unit Leader Ms Nicole Kelly has asked Cr Foster to thank the Shire of Ashburton for all their help in 2019, and in particular the Pool Managers and Lifeguards at Vic Hayton Memorial Swimming Pool for their help and supporting with the Cadets swimming and lifesaving courses.

Ms Kelly looks forward to working with the Shire of Ashburton again in 2020.

9. CONFIRMATION OF MINUTES

**9.0.1 UNCONFIRMED MINUTES ORDINARY MEETING OF COUNCIL HELD ON
19 NOVEMBER 2019 (ATTACHMENT 9.0.1)**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

**That the Unconfirmed Minutes of the Ordinary Meeting of Council held 19 November 2019, as previously circulated on 30 November 2019 (ATTACHMENT 9.0.1) be confirmed as a true and accurate record.
(AMENDMENT TO MINUTE NUMBERS SEE MARCH 2020 MINUTES)**

CARRIED 8/0

Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

**9.0.2 MINUTES OF THE PILBARA COUNTRY ZONE MEETING HELD ON 25
NOVEMBER 2019 (ATTACHMENT 9.0.2) BE RECEIVED**

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That the Minutes of the Pilbara Country Zone Meeting held 25 November 2019, held by Teleconference (ATTACHMENT 9.0.2) be received.

CARRIED 8/0

Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

9.0.3 MINUTES OF THE STATE COUNCIL MEETING HELD ON 4 DECEMBER 2019 (ATTACHMENT 9.0.3) BE RECEIVED

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That the Minutes of the State Council Meeting held 4 December 2019, held at WALGA on 4 December 2019 (ATTACHMENT 9.0.3) be received.

CARRIED 8/0

Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

9.1 RECEIPT OF COMMITTEE MINUTES – ‘EN BLOC’

Nil at the time of preparing the agenda.

9.2 RECEIPT OF COMMITTEE AND OTHER MINUTES

9.2.1 UNCONFIRMED MINUTES OF THE AUDIT AND RISK COMMITTEE MEETING TO BE HELD 17 DECEMBER 2019 (ATTACHMENT 9.2.1 TO BE PRESENTED TO COUNCIL)

Council Decision

MOVED: Cr P Foster

SECONDED: Cr L Rumble

That the Unconfirmed Minutes of the Audit and Risk Committee Meeting to be held on 17 December 2019 (ATTACHMENT 9.2.1) be received.

CARRIED 8/0

Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

**9.3 RECOMMENDATIONS OF AUDIT AND RISK COMMITTEE
MEETING HELD 17 DECEMBER 2019**

**9.3.1 REVIEW OF 2018-19 INDEPENDENT AUDIT REPORT AND
MANAGEMENT REPORTS**

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council adopt the recommendations of the Audit and Risk Management Committee as a decision of Council, namely:

That with respect to the 2018-19 Audit:

- 1. Note the presentation by the Auditor to the Committee; and**
- 2. Acknowledge and receive the Audit Closing Report for 2019.**

CARRIED 8/0

Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

9.3.2 FRAUD AND CORRUPTION CONTROL PLAN

Committee Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That Council adopt the recommendations of the Audit and Risk Management Committee as a decision of Council, namely:

That with respect to the Draft Fraud and Corruption Control Plan, the Audit and Risk Committee recommend Council adopt the plan. As appended ATTACHMENT 7.2B.

CARRIED 8/0

Councillor White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

**9.3.3 CONFIDENTIAL ITEM - UPDATE ON WITTENOOM LITIGATION,
WITTENOOM STEERING COMMITTEE, SENIOR COUNSEL LEGAL
ADVICE AND ROEBOURNE - WITTENOOM ROAD**

Committee Recommendation and Council Decision - Public

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to the Confidential Item – Update on Wittenoom Litigation, Wittenoom Steering Committee, Senior Counsel Legal Advice and Roebourne - Wittenoom Road, the Audit and Risk Committee recommend Council:

- 1. Receive the Confidential Item – Update on Wittenoom Litigation, Senior Council Report Roebourne - Wittenoom Road and Wittenoom Steering Committee Report (CONFIDENTIAL ATTACHMENTS 8.1A, 8.1B and 8.1C) and remain confidential in accordance s5.23 (2)(b) & (d) of the *Local Government Act 1995*; and**
- 2. Ensure that the Shire management continue to provide Wittenoom related reports to the Audit and Risk Management Committee; and**
- 3. Adopt the recommendation contained in the officer's confidential memo dated 15 December 2019, tabled in this agenda item.**

CARRIED 8/0

Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

10. AGENDA ITEMS ADOPTED "EN BLOC"

10.1 AGENDA ITEMS ADOPTED 'EN BLOC'

The following information is provided to Councillors for guidance on the use of En Bloc voting as is permissible under the Shire of Ashburton Standing Orders Local Law 2012:

"Part 5 – Business of a meeting

Clause 5.6 Adoption by exception resolution:

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.*
- (2) Subject to subclause (3), the Local Government may pass an adoption by exception resolution.*
- (3) An adoption by exception resolution may not be used for a matter;*
 - (a) that requires a 75% majority or a special majority;*
 - (b) in which an interest has been disclosed;*
 - (c) that has been the subject of a petition or deputation;*
 - (d) that is a matter on which a Member wishes to make a statement; or*
 - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation."*

There were no items carried En Bloc for this meeting.

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

11. OFFICE OF THE CEO REPORTS

**11.1 PROGRESS OF IMPLEMENTATION OF COUNCIL DECISIONS STATUS
REPORT FOR NOVEMBER 2019**

MINUTE: ~~690/2019~~ 720/2019

FILE REFERENCE: GV04

**AUTHOR'S NAME AND
POSITION:** Michelle Lewis
Council Liaison Officer

**AUTHORISING OFFICER AND
POSITION:** Steve Deckert
Acting Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 1 December 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The author and authorising officer have no financial,
proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:** Agenda Item 11.1 (Minute No 692/2019) - Ordinary
Meeting of Council 19 November 2019

Summary

The purpose of this agenda item is to report back to Council on the progress of the implementation of Council decisions.

Background

The best practice in governance supports the regular review of Council decisions to ensure that they are actioned and implemented in a timely manner.

Comment

Wherever possible, Council decisions are implemented as soon as practicable after a Council meeting. However, there are projects or circumstances that mean some decisions take longer to action than others.

This report presents a summary of the "Decision Status Reports" for Office of the CEO, Corporate Services, Infrastructure Services, Community Services and Property and Development Services.

ATTACHMENT 11.1

Consultation

Executive Management Team

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“

**CONFIRMED AND AMENDED PUBLIC MINUTES
ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019**

Role of council

- (1) *The council —*
 (a) *governs the local government's affairs; and*
 (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 (a) *oversee the allocation of the local government's finances and resources; and*
 (b) *determine the local government's policies."*

The above section of the Act notwithstanding, there is no specific legal requirement to present such a report to Council or for Council to receive or consider such a report. Given it is always 'received', it could simply be provided to elected members via weekly or monthly updates, such as in the weekly Information Bulletin.

The decision to retain the report in the Council's monthly agenda is entirely Council's prerogative. Staff acknowledge the critical and ongoing nature of the document, in that Council 'speaks by resolution'.

Financial Implications

There are no known financial implications for this matter

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027 (Desktop Review 2019)

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

That Council receive the "Council Decisions Status Reports" for the month of November 2019 as per ATTACHMENT 11.1.

CARRIED 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion

**CONFIRMED AND AMENDED PUBLIC MINUTES
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**11.2 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER
DELEGATED AUTHORITY FOR THE MONTH OF NOVEMBER 2019**

MINUTE: ~~691/2019~~–721/2019

FILE REFERENCE:	GV21 CM02
AUTHOR'S NAME AND POSITION:	Michelle Lewis Council Liaison Officer Brooke Beswick Executive Assistant
AUTHORISING OFFICER AND POSITION:	Steve Deckert Acting Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	1 December 2019
DISCLOSURE OF FINANCIAL INTEREST:	The authors and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

The purpose of this agenda item is to report to Council for information, use of the Common Seal, actions performed under delegated authority requiring referral to Council and a copy of the Tender Register, for the month of November 2019.

Background

Council has historically sought a monthly update of the more significant activities for the organisation relative to (1) use of the Common Seal, and (2) actions performed under delegated authority requiring referral to Council as per the Shire of Ashburton Delegated Authority Register 2019.

Comment

A report on use of the Common Seal, relevant actions performed under delegated authority and the Tender Register has been prepared for Council.

**ATTACHMENT 11.2A
ATTACHMENT 11.2B**

Consultation

Relevant officers as listed in the Attachment.

Statutory Environment

Local Government Act 1995

Clause 9.3 of the Shire of Ashburton Town Planning Scheme No. 7
Delegated Authority Register

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Financial Implications

There are no known financial implications for this matter.

Strategic Implications

Shire of Ashburton 10 Year Strategic Community Plan 2017- 2027 (Desktop Review 2019)

Goal 05 Inspiring Governance

Objective 4 Exemplary team and work environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" in light of the report being for information purposes only and the risk can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

ELM 13 – Affixing the Shire of Ashburton Common Seal

FIN12 – Purchasing Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr D Diver

That with respect to the Use of Common Seal and Actions Performed under Delegated Authority for the month of November 2019, Council receive the reports relating to:

- 1. The use of the Common Seal as per ATTACHMENT 11.2A;**
- 2. Actions performed under delegated authority for the month as per ATTACHMENT 11.2A; and**
- 3. The Tender Register as per ATTACHMENT 11.2B.**

CARRIED 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion

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11.3 ANNUAL POLICY REVIEW 2019

MINUTE: ~~692/2019~~ 722/2019

FILE REFERENCE: GV20

AUTHOR'S NAME AND POSITION: Nicky Tyson
Manager Governance

AUTHORISING OFFICER AND POSITION: Steve Deckert
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 December 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 11.4 (Minute No. 695/2019) Ordinary Meeting of Council 19 November 2019

Summary

Section 2.7(2) (b) of the Local Government Act 1995 states that the making of policy is a role of the Council. A review of all due policies has been conducted to ensure accuracy and currency which reflect the Council's commitment to ensuring best practice principles and good Governance.

The policies attached have been reviewed by the Chief Executive Officer, all Directors and relevant stakeholders. The review included the need to define policy level; currency of the policy content; relevant statutory environments; review timeframes; and to align with identified legislative changes.

Background

The role of Council in setting policy is most effective when it is linked with a professional organisation that implements these policies through the development of appropriate management practices and work processes. Council policy should set the standards for the administration to achieve and make strategic policy decisions that guide officers in their decision making processes.

The Policy review process is now in its fifth year and highlights Council's focus on strategic governance as it provides clarity, ownership, and accountability to the Ashburton community and for the staff of the Shire.

Comment

Council policies which have undergone changes during their review are attached to this Agenda in final draft for consideration. It is to be noted that the Department of Local Government, Sports and Cultural Industries is currently conducting a consultation process for a mandatory Code of Conduct for Council Members, Committee Members and Candidates including guidelines.

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Whilst it is still in its draft form (**ATTACHMENT 11.3A**) once finalised, will be implemented into our existing ELM04 Code of Conduct Policy, and a subsequent new Code of Conduct for Staff, Volunteers and Contractors will be created with both policies being presented to council for review and adoption.

Whilst it is difficult to advise a final time frame, WALGA is monitoring and anticipate a final mandate late 2019, or early 2020. The Acting Chief Executive Officer will ensure Council are kept up to date as to its progress. All policy amendment details are kept in an internal Policy Register. All current policies are included in our 'Policy Manual' and uploaded onto the Shire's website.

The annual review by the Manager Governance and Executive Management Team including relevant stake holders is now complete and recommendations to the policies are as summarised below:

NO CONTENT CHANGES (ATTACHMENT 11.3B)

NUMBER	POLICY	ACTION
ELM01	Council and Other Meetings	Adopt with no changes
EMP17	Occupational Health and Safety	Adopt with no changes
ENG13	Road Management Policy	Adopt with no changes

MINOR SUGGESTED CHANGES- (ATTACHMENT 11.3C)

NUMBER	POLICY	ACTION	DETAIL
ADM09	Complaints Management	Adopt with suggested changes	Minor wording amendments
ELM02	Official Photographs	Adopt with suggested changes	Minor wording amendments
ELM09	Elected Member Information Forums	Adopt with suggested changes	Minor amendments to review dates
ELM14	Governance Manual	Adopt with suggested changes	Minor amendments made to align with legislation.
ELM17	Anonymous Communications	Adopt with suggested changes	Removal of legislation detail as not relevant. Updates to relevant policies quoted within the document
ELM18	Community Projects Letters of Support	Adopt with suggested changes	Minor amendments to wording and process

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NUMBER	POLICY	ACTION	DETAIL
ELM24	Appointment of an Acting Chief Executive Officer	Adopt with suggested changes	Minor wording amendments to 'Aim' and 'Application'
ELM25	EMACCESS and Discussion Board	Adopt with suggested changes	Minor amendments to titles to reflect currency of document and structure
FIN20	Related Party Disclosures	Adopt with suggested changes	Very minor wording amendments
REC06	Vandalism Reward for Conviction	Adopt with suggested changes	Very minor wording amendments and minor amendments to review dates

MAJOR SUGGESTED CHANGES- (ATTACHMENT 11.3D)

NUMBER	POLICY	ACTION	DETAIL
CORP5	Risk Management	Adopt with suggested changes	New detail provided as standalone document. Previous version also provided for information. Main areas of change are details shifted within the document for continuity and easier understanding. Risk assessment criteria added into Policy for reference.
ENG08	Bush Fire Policy	Adopt with suggested changes	Significant amendments by Manager Community Safety to align with current requirements
FIN21	Rating	Adopt with suggested changes	New inclusion regarding exemptions of non-rateable land, interim rates and rate concessions.
REC07	Shire of Ashburton Tourism	Adopt with suggested changes	Significant inclusions to align with current level of service to Tourism and Economic Development.

**CONFIRMED AND AMENDED PUBLIC MINUTES
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NEW POLICIES SUGGESTED FOR ADOPTION – (ATTACHMENT 11.3E)

NUMBER	POLICY	ACTION	DETAIL
EMP01	Equal Employment	Adopt New Policy	Previously an internal Directive, due to significant legislative requirements, propose this to become a Council Policy.
EMP41	CEO Leave Authorisations and other Approvals	Adopt New Policy	Due to the position held by the CEO, there is no individual person authorised under the <i>Local Government Act 1995</i> to approve or authorise the CEO's timesheet, leave applications, use of the corporate credit card and the reimbursement of CEO expense applications. These functions can only be approved by resolution of Council.

Consultation

Executive Management Team

Statutory Environment

The Local Government Act 1995 Section 2.7(2) (b) states that the making of a policy is a role of the Council.

Financial Implications

There are no known financial implications

Strategic Implications

Shire of Ashburton 10 Year Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance
Objective 3 Council leadership
Objective 4 Exemplary team and work environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be Low: Managed by routine procedures, unlikely to need specific application of resources.

Policy Implications

Multiple Policies amended as part of the Annual Policy Review.

**CONFIRMED AND AMENDED PUBLIC MINUTES
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Voting Requirement
Absolute Majority Required

Officer Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to the Annual Policy Review 2019, Council:

- 1. Note the Department of Local Government, Sports and Cultural Industries draft Mandatory Code of Conduct including guidelines as per ATTACHMENT 11.3A; and**
- 2. Adopt all suggested Policy changes as per ATTACHMENTS 11.3B, 11.3C, 11.3D and 11.3E.**

CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion

**CONFIRMED AND AMENDED PUBLIC MINUTES
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11.4 ANNUAL REPORT FOR 2018/19 AND ANNUAL GENERAL MEETING OF ELECTORS

MINUTE: ~~693/2019~~ 723/2019

FILE REFERENCE: CM08

AUTHOR'S NAME AND POSITION: Nicky Tyson
Manager Governance

AUTHORISING OFFICER AND POSITION: Steve Deckert
Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 November 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Agenda Item 11.4 (Minute No. 474/2018) – Ordinary Meeting of Council 18 December 2018

Summary

Council are requested to endorse the 2018/19 Annual Report and to select a date, time and venue for the Annual General Meeting of Electors.

Background

Pursuant to section 5.53 of the *Local Government Act 1995 (the Act)*, a local government is required to prepare an Annual Report for each financial year. The report is to contain:

- A report from the Shire President and the Chief Executive Officer;
- An overview of the Plan for the Future, including any major initiatives that are proposed to commence or continue in the next financial year;
- The 2018/19 Financial Report;
- The 2018/19 Auditor Report;
- Prescribed information in relation to payments made to employees; and
- Any other prescribed information.

Comment

The draft Annual Report for 2018/19 is in the process of being finalised and will be available under separate cover at the Meeting. Council is also requested to give consideration to recommending the date, time and location of the Annual General Meeting (AGM). The AGM must be held within 56 days from the date Council accepts the Annual Report and Financial Statements.

Should Council accept the Annual Report at this meeting, the latest possible date for the AGM is Tuesday 11 February 2020.

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Consultation

Executive Management Team
Manager Media and Communications

Statutory Environment

Local Government Act 1995

5.27. Electors' general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

5.54. Acceptance of annual reports

- (1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*
** Absolute majority required.*
- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available*

Financial Implications

The financial implications are detailed in the Annual Financial Report.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance
Objective 3 Council leadership
Objective 4 Exemplary team and work environment

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be Low Risk: Managed by routine procedures, unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

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Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the 2018/19 Annual Report and the Annual General Meeting of Electors, Council:

1. Accept the 2018/19 Annual Report;
2. Hold the Annual General Meeting of Electors on Tuesday 11 February 2020 commencing at 4.00pm at the Ashburton Hall, Ashburton Avenue, Paraburdoo; and
3. Advertise the 2018/19 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the *Local Government Act 1995*.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr R de Pledge

That with respect to the 2018/19 Annual Report and the Annual General Meeting of Electors, Council:

1. Receive the 2018/19 Draft Annual Report;
2. Hold the Annual General Meeting of Electors on Tuesday 10 March 2020 commencing at 4.00pm at the Council Chambers, Onslow Shire Complex, Second Avenue Onslow; and
3. Advertise the 2018/19 Annual Report and Annual General Meeting of Electors giving at least 14 days local public notice in accordance with section 5.29 of the *Local Government Act 1995*.

CARRIED BY ABSOLUTE MAJORITY 8/0

**Councillor White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

Reason for change:

Pending receipt of the Audited Financial Statements for the year ended 30 June 2019.

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12. CORPORATE SERVICES REPORTS

12.1 MONTHLY FINANCIALS AND SCHEDULE OF ACCOUNTS PAID

MINUTE: 694/2019-724/2019

FILE REFERENCE: FM03

AUTHOR'S NAME AND POSITION: John Bingham
Director Corporate Services

AUTHORISING OFFICER AND POSITION: Steve Deckert
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 December 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

In accordance with *Regulation 34 of the Local Government (Financial Management) Regulations*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

The Financial Reports for November 2019 are presented with comments on variances for Actuals to 2019/20 Budget amounts.

Background

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of Financial Activity for Consideration by Council as well as Budget Amendment Register and Schedule of Accounts and Credit Card payments. .

Please note the financial reports as presented provide an estimate of the November position, pending finalisation of the audit of the 2018/19 accounts. This will mainly impact balance sheet and opening and closing balance items (including the brought-forward Net Current Assets). However, depreciation is not able to be charged in 2019-20 until after year-end is completed. It is estimated that depreciation charges would increase YTD spend by about \$4M. Depreciation is a non-cash expense and would not impact closing balances.

A 2019/20 Capex Tracker is also available as part of the Monthly Reports.

**ATTACHMENT 12.1A
ATTACHMENT 12.1B
ATTACHMENT 12.1C
ATTACHMENT 12.1D**

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NB: The November 2019 Finance Statement includes figures for October which were not presented at last month's meeting.

Comment

The following budget variations are recommended for November 2019:

GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
135097	Works/Ocean View Caravan Park	56,180	(15,275)	40,905	Estimated scope of works program not as big as forecast.
041093	Consultant/Project Costs	226,945	(15,000)	211,945	Consultancy Costs projected to be lower than forecast.
092271	Projects to be Identified (Pannawonica)	25,000	30,275	55,275	Re-instated Original 2018/19 provision.
114507	Program Expenses	3,785	(1,000)	2,785	Pannawonica Library program costs lower than forecast.
114467	Minor Assets	2,040	1,000	3,040	Purchase of DVD repair machine required at Pannawonica Library.
113727	Program Expenses	2,650	(1,000)	1,650	Onslow Library program costs lower than forecast.
113687	Minor Assets	2,040	1,000	3,040	Purchase of DVD repair machine required at Onslow Library.
111502	Program Expenses	5,750	(1,000)	4,750	Tom Price Library program costs lower than forecast.
115422	Minor Assets	2,040	1,000	3,040	Purchase of DVD repair machine required at Tom Price Library.
114117	Program Expenses	4,550	(1,000)	3,550	Paraburdoo Library program costs lower than forecast.
114077	Minor Assets	2,040	1,000	3,040	Purchase of DVD repair machine required at Paraburdoo Library.
102385	Infrastructure Reserve	596,794	(220,000)	376,794	Transfer funds from Infrastructure Reserve to fund urgent storm water network in Tom Price and Paraburdoo.

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GL/Job No.	General Ledger Description	Current Budget	Variation Amount	Revised Budget	Reason
New	Tom Price and Paraburdoo Drainage Renewals 2019/20	0	220,000	220,000	Urgent works required to fix damaged sections of the urban stormwater network.
AB2011	Tom Price Community Hall – Renewal of Air Conditioners	35,000	(5,000)	30,000	Less than forecast cost associated with this project.
AB2008	Paraburdoo Ashburton Hall – Install New Air Conditioner	100,000	5,000	105,000	Greater than forecast cost associated with this project.

Projects to be identified (Pannawonica)

The 2019/20 Original Budget includes a \$25,000 capital expenditure provision for Pannawonica to purchase community garden furniture and equipment. During the preparation of the 2019/20 budget process, the 2018/19 funding level of \$55,275 for Projects to be identified was drawn down to assist the overall balancing of the capital expenditure budget, as well as a result of re-allocating capital expenditure amounts to the operating budget (i.e. \$20,000 for a community events trailer and \$25,000 for caravan park works).

This report proposes Council re-instate to Projects to be identified the 2018/19 funding provision of \$55,275 with recommended budget variations from Ocean View Caravan Park works and Corporate Services consultancy costs.

Consultation

Executive Management Team
Finance Team

Statutory Environment

Section 6.4 Local Government Act 1995, Part 6 Financial Management, and Regulation 34 Local Government (Finance Management) Regulation 1996.

The Local Government Act 1995 Part 6 Division 4 s 6.8 (1) requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure

(b) Is authorised in advance by resolution*

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

*requires an absolute majority of Council.

Financial Implications

Financial implications and performance to budget are reported to Council on a monthly basis.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered "Low" and can be managed by routine procedures, and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Absolute Majority Required

Officers Recommendation

That with respect to the Monthly Financials and Schedule of Accounts Paid, Council:

1. Receive the Financial Report for November 2019 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2019/20 Budget as outlined below;
 - a. Decrease Expenditure Account GL 135097 Works / Ocean View Caravan Park by \$15,275 from \$56,180 to \$40,905;
 - b. Decrease Expenditure Account GL 041093 Consultants / Project costs by \$15,000 from \$226,945 to \$211,945;
 - c. Increase Expenditure account GL 092271 Projects to be identified (Pannawonica) by 30,275 from \$25,000 to \$55,275;
 - d. Decrease Expenditure Account GL 114507 Program Expenses by \$1,000 from \$3,785 to \$2,785;
 - e. Increase Expenditure Account GL 114467 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - f. Decrease Expenditure Account GL 113727 Program Expenses by \$1,000 from \$2,650 to \$1,650;
 - g. Increase Expenditure Account GL 113687 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - h. Decrease Expenditure Account GL 111502 Program Expenses by \$1,000 from \$5,750 to \$4,750;
 - i. Increase Expenditure Account GL 115422 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - j. Decrease Expenditure Account GL 114117 Program Expenses by \$1,000 from \$4,550 to \$3,550;
 - k. Increase Expenditure Account GL 114077 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - l. Decrease Reserve Account GL 102385 Infrastructure Reserve by \$220,000 from \$596,794 to \$376,794;
 - m. Increase New Expenditure Account Tom Price and Paraburdoo Drainage Renewals 2019/20 by \$220,000 from \$0 to \$220,000;
 - n. Decrease Expenditure Job no. AB2011 Tom Price Community Hall – Renewal of Air Conditioners by \$5,000 from \$35,000 to \$30,000;
 - o. Increase Expenditure Account Job no. AB2008 Paraburdoo Ashburton Hall – Install New Air Conditioner by \$5,000 from \$100,000 to 105,000; and

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- p. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$1,500,000.
3. Receive the Capital Expenditures Progress Tracker for November 2019 **ATTACHMENT 12.1B**;
 4. Receive the Budget Amendment Register as at 30 November 2019 **ATTACHMENT 12.1C**; and
 5. Receive the Schedule of Accounts and Credit Card payments made in November 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) **ATTACHMENT 12.1D**.

Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Monthly Financials and Schedule of Accounts Paid, Council:

1. Receive the Financial Report for November 2019 **ATTACHMENT 12.1A**; and
2. Approve budget variations for the 2019/20 Budget as outlined below;
 - a. Decrease Expenditure Account GL 135097 Works / Ocean View Caravan Park by \$15,275 from \$56,180 to \$40,905;
 - b. Decrease Expenditure Account GL 041093 Consultants / Project costs by \$15,000 from \$226,945 to \$211,945;
 - c. Increase Expenditure account GL 092271 Projects to be identified (Pannawonica) by \$30,275 from \$25,000 to \$55,275;
 - d. Decrease Expenditure Account GL 114507 Program Expenses by \$1,000 from \$3,785 to \$2,785;
 - e. Increase Expenditure Account GL 114467 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - f. Decrease Expenditure Account GL 113727 Program Expenses by \$1,000 from \$2,650 to \$1,650;
 - g. Increase Expenditure Account GL 113687 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - h. Decrease Expenditure Account GL 111502 Program Expenses by \$1,000 from \$5,750 to \$4,750;
 - i. Increase Expenditure Account GL 115422 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - j. Decrease Expenditure Account GL 114117 Program Expenses by \$1,000 from \$4,550 to \$3,550;
 - k. Increase Expenditure Account GL 114077 Minor Assets by \$1,000 from \$2,040 to \$3,040;
 - l. Decrease Reserve Account GL 102385 Infrastructure Reserve by \$220,000 from \$596,794 to \$376,794;
 - m. Increase New Expenditure Account Tom Price and Paraburdoo Drainage Renewals 2019/20 by \$220,000 from \$0 to \$220,000;
 - n. Decrease Expenditure Job no. AB2011 Tom Price Community Hall – Renewal of Air Conditioners by \$5,000 from \$35,000 to \$30,000;
 - o. Increase Expenditure Account Job no. AB2008 Paraburdoo Ashburton Hall – Install New Air Conditioner by \$5,000 from \$100,000 to 105,000; and

**CONFIRMED AND AMENDED PUBLIC MINUTES
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- p. Increase income Account Transfer from Reserve GL no 113640 by \$20,000 from \$105,000 to \$125,000;
 - q. Decrease income account Contributions Income Parks GL no. 111290 by \$20,000 from \$131,340 to 111,340.
 - r. Note that the Budgeted Surplus position carried forward (Net Current Assets position) forecast as at 30 June 2020 is \$1,500,000.
- 3. Receive the Capital Expenditures Progress Tracker for November 2019 ATTACHMENT 12.1B;
 - 4. Receive the Budget Amendment Register as at 30 November 2019 ATTACHMENT 12.1C; and
 - 5. Receive the Schedule of Accounts and Credit Card payments made in November 2019 (approved by the Chief Executive Officer in accordance with delegation DA03-1 Payments from Municipal Fund and Trust Funds) ATTACHMENT 12.1D.

CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion

Reason for change:

Points 2 p and q were added at the request of Council to provide funding for the new flag pole at the Onslow Anzac Memorial.

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12.2 CHIEF EXECUTIVE OFFICER AUTHORISATIONS AND REPORTING TO COUNCIL

MINUTE: ~~695/2019~~ 725/2019

FILE REFERENCE: GV35

AUTHOR'S NAME AND POSITION: Rebecca Smith
Executive Assistant CEO and Corporate Services

AUTHORISING OFFICER AND POSITION: John Bingham
Director Corporate Services

NAME OF APPLICANT/RESPONDENT: Steve Deckert
Acting Chief Executive Officer

DATE REPORT WRITTEN: 12 December 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

The purpose of this agenda item is to report to Council on Acting Chief Executive Officer (Acting CEO) leave applications, use of the corporate credit card and the reimbursement of Acting CEO expense applications.

Background

Due to the position held by the Acting CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the Acting CEO's leave applications, use of the corporate credit card and the reimbursement of Acting CEO expense applications. These functions can only be approved by resolution of the Council.

Comment

Given the findings of the WA Crime and Corruption Commission in several local governments, it is necessary for an Acting CEO to report to Council:

- proposed leave;
- detail of any leave taken (with or without pay);
- claims for additional work over and above of the reasonable additional hours under the Acting CEO employment contract;
- details of all corporate credit card purchases issued to the Acting CEO; and
- any reimbursements claimed.

Acting CEO's Timesheet

The Acting CEO's timesheets are provided for the period between 13 November 2019 and 8 December 2019.

ATTACHMENT 12.2A

CONFIRMED AND AMENDED PUBLIC MINUTES ORDINARY MEETING OF COUNCIL 17 DECEMBER 2019

Acting CEO's Leave Taken

This report covers leave taken by the Acting CEO for the period between 13 November 2019 and 8 December 2019. There were three days of leave taken for this period (undertaken with the consent of the President).

From Date	To Date	Number of Days	Type of Leave
29 November 2019	3 December 2019	3	Leave without Pay and Personal Carers Leave

Acting CEO's Leave Sought

This report covers the period the period between 13 November and 27 December 2019. The Acting CEO has sought leave over the Xmas shut down period between 21 December 2019 and 27 December 2019.

Reimbursement Applications

This report covers November and December 2019. No reimbursements were claimed during this period.

Acting CEO's Credit Card

The Acting CEO has not been issued with a credit card.

Consultation

Director Corporate Services
HR Manager

Statutory Environment

Section 2.7 of the Local Government Act 1995 states:

“Role of council

- (1) The council —
 - (a) governs the local government's affairs; and*
 - (b) is responsible for the performance of the local government's functions.**
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and*
 - (b) determine the local government's policies.”**

Financial Implications

There are no known financial implications for this matter

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017- 2027 (Desktop Review 2019)

Goal 05 Inspiring Governance
Objective 4 Exemplary team and work environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedures, and is unlikely to need specific application of resources.

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Policy Implications

There are currently no known policy implications for this matter. However, a draft Policy is provided to Council addressing CEO authorisations and reporting as part of the Annual Policy review (draft Policy EMP41).

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr J Richardson

SECONDED: Cr R de Pledge

That with respect to the Acting Chief Executive Officer Authorisations and Reporting to Council:

- 1. Council receive the information presented to this meeting of the time worked by the Acting CEO between 13 November 2019 and 8 December 2019 and acknowledges that the time worked is in accordance with the Acting Chief Executive Officer's Contract of Employment (ATTACHMENT 12.2A).**
- 2. Council receive the information presented to this meeting of three day's leave taken by the Acting Chief Executive Officer period between 13 November 2019 and 8 December 2019.**
- 3. Council receive the information presented to this meeting that the Acting Chief Executive Officer is seeking to take leave between 21 December 2019 and 27 December 2019.**
- 4. Council acknowledge the Acting Chief Executive Officer has not been issued with a credit card; and**
- 5. Council receive the information presented to this meeting of no reimbursement applications made by the Chief Executive Officer during November and December 2019.**

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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13. PROPERTY AND DEVELOPMENT SERVICES REPORTS

13.1 AGREEMENT FOR FIXED STANDPIPE WATER SUPPLY SERVICE

MINUTE: 696/2019–726/2019

FILE REFERENCE:	WS01 ONS.0072
AUTHOR'S NAME AND POSITION:	Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Brian Cameron Director Property and Development Services
NAME OF APPLICANT/RESPONDENT:	Water Corporation
DATE REPORT WRITTEN:	25 November 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Water Corporation has presented a Fixed Standpipe Water Supply Service Agreement for the Shire of Ashburton managed and maintained standpipe on Lot 71 McAullay Road, Onslow.

Council endorsement to execute the Agreement is requested.

Background

Onslow's standpipe, which provides potable water to maintain town facilities and undertake essential construction projects, is located on Lot 71 on Deposited Plan 21441, McAullay Road. Lot 71 is vacant Crown land, though Water Corporation have requested the creation of a Reserve for the purpose of "Water", with the Management Order granted in their favour.

The standpipe utilisation allowance has historically been set at 50 kL (50,000 litres) per day based on the Cane River bore field capacity. With the 50 kL per day limit, the Shire initiated a strategy that each user, can only consume a maximum of 10 kL per day, assuming a maximum of five users per day. This scheme was faulty as consumption was monitored on an honesty log book system with the data provided post consumption. Resultant, and due to the recent construction activities, water demand and consumption at the standpipe resulted in a concerning rise in consumption whereby residents water supply was being compromised. To avoid residential supply issues, a Shire funded swipe card system was put in place in 2017 whereby users prepaid and the valve deactivated when the daily 50 kL limit was reached. The 2017 upgrade of the standpipe facility also included a controller, RPZ valve and protective bollards. These works allowed remote access with administration by Onslow Reception.

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At the November 2018 Ordinary Meeting of Council, Councillors endorsed:

1. To retain the standpipe in McAullay Road, Onslow as a 80mm standpipe for commercial purposes;
2. Install a 80mm standpipe at the Shire Depot, Beadon Creek Road, Onslow for local government purposes at no cost to the Shire.

Comment

Resolution Number Two above is not considered viable due to the approximately \$30,000 to purchase and install. The Shire incurs a rate of \$2.534 per kL at the McAullay Road standpipe, which would be applicable if a standpipe was to be installed at the Shire Depot, negating the requirement to install a second asset.

Water Corporation has prepared an Agreement for Regional Fixed Standpipe Water Service for the 98 local governments within Western Australia. The 80mm meter on McAullay Road is for Potable Water and is charged according to the Commercial Standpipe (high flow) Fee. All other particulars in the Agreement are being met due to the Shire's ongoing management of the facility. The standpipe agreements have been drafted without a termination date to allow the Local Government to terminate when they no longer require the water. Termination of the Agreement by Water Corporation may occur if the Shire fails to comply with any of its Obligations. While there is no provision in the Agreement for the Shire to terminate, Water Corporation have advised that the Shire can terminate the service at any time, as per any water service operated by Water Corporation.

CONFIDENTIAL ATTACHMENT 13.1

By executing the Agreement, the Shire indemnifies Water Corporation against any loss or damage in connection with the Agreement or any failure by the Shire to comply with our obligations under the Agreement.

Consultation

Executive Management Team
Water Corporation

Statutory Environment

Water Services Act 2012

Water Services (Water Corporations Charges) Regulations 2014

Financial Implications

The annual service charge for the 80mm standpipe is \$4,245.85. As at 1 July 2019, a commercial rate of \$8.353 per kL was actioned by Water Corporation for the standpipe. Shire consumption incurs a charge of \$2.534 per kL while fire-fighting consumption attracts a 100% discount. Consumption is captured through the Smart City Control program which is administered by Shire personnel with any Shire usage claimed back at the concessional rate via credit in the billing period following the claim.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

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Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low", can be managed by routine procedures and is unlikely to need specific application of resources.

Policy Implications

There are no known policy implications for this matter.

Voting Requirement

Simple Majority Required

Revocation of Minute No 454/2018:

Regulation 10 of the Administration Regulations, pursuant to section 5.25(1) (e) of the Act, establishes the circumstances in which an earlier decision of council or a committee may be revoked or changed. These circumstances apply only when a new decision of the council or committee would either reverse an earlier decision entirely, or result in a decision that is 'substantially different' from the earlier decision.

A notice of motion to revoke or change a previous decision of council or a committee must, in the first instance, be supported and signed by members (inclusive of the mover) numbering at least one third of the total membership, that being the total number of positions on the council or committee, whether vacant or not.

Cr White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson supported the consideration of the proposed motion to revoke Decision Number Two of Minute No. 454/2018.

Officers Recommendation 1 and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to the Agreement for Fixed Standpipe Water Supply Service, Council:

- 1. Revoke Decision Number Two of Minute No. 454/2018 (as contained within this report) of the November 2018 Ordinary Meeting of Council; and namely;**

Install an 80mm standpipe at the Shire Depot, Beadon Creek Road, Onslow for local government purposes at no cost to the Shire.

CARRIED BY ABSOLUTE MAJORITY 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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Officers Recommendation 2 and Council Decision

MOVED: Cr R de Pledge

SECONDED: Cr L Rumble

That with respect to the Agreement for Fixed Standpipe Water Supply Service, Council:

- 1. Authorise the Acting Chief Executive Officer to execute the Fixed Standpipe Water Supply Service Agreement between the Shire of Ashburton and Water Corporation for the standpipe located on Lot 71 on Deposited Plan 21441.**

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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13.2 HOUSING STRATEGY 2020-2025

MINUTE: ~~697/2019~~ 727/2019

FILE REFERENCE: PE06

AUTHOR'S NAME AND POSITION: Brian Cameron
Director Property and Development Services

AUTHORISING OFFICER AND POSITION: Steven Deckert
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 November 2019

DISCLOSURE OF FINANCIAL INTEREST: The authors and authorising officer have no financial, proximity or impartiality interests in the proposal

PREVIOUS MEETING REFERENCE: Agenda Item 12.2 (Minute No. 613/2019) – Ordinary Meeting of Council 16 July 2019

Summary

In accordance with the Corporate Business Plan and the 2019/20 Annual Budget, a Housing Strategy for 2020-2025 has been developed for Council's endorsement.

Background

Developed alongside the Workforce Plan, and to inform the Long Term Financial Plan, the Housing Strategy addresses future planning and sustainability of suitable accommodation needs for current and future Staff.

Historically, housing was provided to higher level positions and, positions considered of a technical or specialist nature and unlikely to be sourced from existing residents, which was subjective and altered over time. More recently the vast percentage of new recruits have relocated from interstate or Perth and surrounds, putting a strain on housing stocks and availability. The provision of quality Staff housing is essential to attracting and retaining high quality Staff.

The Shire currently owns the following residential dwellings:

- Tom Price - 27 (two to be constructed)
- Paraburdoo - 10
- Onslow – 18

Leased properties comprise:

- Tom Price – 28 (\$431,657 per annum)
- Paraburdoo – 2 (\$32,800 per annum)
- Onslow – 14 (\$274,064.44 per annum)

Comment

The Housing Strategy provides a valuable insight into current and speculated financial costs associated with providing suitable accommodation to Staff.

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ATTACHMENT 13.2

The objectives of the Housing Strategy include, but are not limited to the following:

- Provide a clear direction to the Shire for preparation of existing and future requirements for Staff housing;
- Provide an estimated cost over the next five (5) years for budgetary consideration;
- Provide an estimated cost over the next five (5) years for the refurbishment and sustainability of existing Shire owned properties;
- Provide evidence based on exhaustive research as to the type of accommodation needed and projected over the next five (5) years;
- Implementation of programs with the view to increase the current energy efficiency levels to limit and reduce the out-of-pocket expenses; and
- Implementation of programs to increase the standard and amenity of the existing Staff accommodation.

The recent change in the housing directive has seen all full-time and ongoing part-time residential employees eligible to apply for accommodation or rent assistance. The Housing Strategy will provide clear direction for Shire Officers to follow with the ability of achieving a level of accommodation that will not only provide Staff with comfortable efficient accommodation, but assist with attraction and retention of Staff.

Based on historical data, the following projections are included in the Housing Strategy.

Tom Price

HOUSING TYPE	2019/20	2020/21	2021/22	2022/23	2024/25	Costs (Based on current market values)
Single House	1	1	1	1	1	\$2,000,000
Unit/ Apartment	-	-	-	-	-	-
Duplex	2	2	2	2	2	\$3,500,000
Group Development	-	-	-	-	-	-
Townhouse	-	-	-	-	-	-
Total	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$5,500,000

Paraburdoo

HOUSING TYPE	2019/20	2020/21	2021/22	2022/23	2024/25	Costs (Based on current market values)
Single House	1	1	-	-	-	\$800,000
Unit/Apartment	-	-	1	1	-	\$700,000
Duplex	-	-	-	-	-	-
Group Development	-	-	-	-	-	-
Townhouse	-	-	-	-	-	-
Total	\$400,000 (purchased)	\$400,000	\$350,000	\$350,000	-	\$1,100,000

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Onslow

HOUSING TYPE	2019/20	2020/21	2021/22	2022/23	2024/25	Costs (Based on current market values)
Single House	-	-	1	1	-	\$800,000
Unit/Apartment	-	2	-	1	1	\$500,000
Duplex	-	-	-	-	-	-
Group Development	3	-	-	-	-	\$750,000
Townhouse	-	-	-	-	-	-
Total	\$750,000 (purchased)	\$600,000	\$400,000	\$700,000	\$300,000	\$2,000,000

The Housing Strategy provides a number of speculative measures, including number and type of suitable housing needs applicable to each town based on current population numbers and projected growth etc. , which can be adapted if the environment changes by possible population reduction or increase and the affect to Staff numbers associated with these changes. Based on a five year plan, the Housing Strategy will be reviewed as required with any proposed changes brought to Council prior to implementation.

Consultation

Executive Management Team
Housing Coordinator

Statutory Environment

Corporate Business Plan 2019-2023
Town Planning Scheme No. 7
NCC BCA Volume 1 2019 Amendment 1
AS 1428.1 (2009) Design for Access & Mobility

Financial Implications

Projected annual expenditure of \$3,177,920.00 and a total expected expenditure of \$15,889,600.00 over five (5) years.

\$2,050,000 is allocated in the 2019/20 budget to New Staff Housing and \$1,370,000 to Staff Housing Refurbishments.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure
Objective 2 Well-planned towns

Goal 05 Inspiring Governance
Objective 1 Effective planning for the future
Objective 4 Exemplary team and work environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Low' risk and can be managed by routine procedures, and is unlikely to need specific application for resources.

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Policy Implications

FIN12 Purchasing Policy

ENG13 Asset Management Policy

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to the Housing Strategy 2020- 2025, Council;

- 1. Adopt the Housing Strategy 2020-2025 as appended, ATTACHMENT 13.2; and**
- 2. Agree to make provision of \$3,177,920.00 per year over the next 5 year period, or an acceptable amount, in accordance with the Housing Strategy projections, to be considered in the adoption of the Annual Budget.**

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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13.3 AWARD OF REQUEST FOR TENDER (RFT) 09.19 DESIGN AND CONSTRUCTION OF NEW (STAFF) HOUSES IN TOM PRICE

MINUTE: ~~698/2019~~ 728/2019

FILE REFERENCE: CM09.19

AUTHOR'S NAME AND POSITION: Nicky Pratt
Housing Coordinator

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 4 December 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in this report.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

Request for Tender (RFT) 09.19 Design and Construction of New (Staff) houses in Tom Price was issued via the Shire's e-tendering portal known as TenderLink on 25 October to the 28 November 2019 and advertised via state wide public notice in The West Australian Newspaper on the 26 October 2019.

Three (3) tenders (all conforming) were received in response to the RFT 09.19. The evaluation panel has completed its assessment of the submissions and makes its recommendation.

Council is requested to authorise the engagement of the preferred contractor to design and construct new residences at 215 Grevillea Street, Tom Price.

Background

The Shire's housing new build program was initiated to ensure all Shire owned housing was up to a live-able standard. During a Building Inspection Audit carried out by the Director Property and Development Services and the Housing Coordinator early this year, it was identified that the existing three bedroom, one bathroom single story dwelling at 215 Grevillea required extensive work and demolition was a more cost efficient alternative. Due to the current housing shortage, two three bedroom, two bathroom units will be built.

Having a new Shire house is a valuable tool to attract potential employees to work at the Shire. By engaging professional and skilled contractors, it can be expected that the new build will be completed to the highest quality and any ongoing maintenance costs can be reduced.

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Selection Criteria

In line with FIN12 Purchasing Policy, the advertised selection criteria is as follows:

Criteria	Weighting
Relevant Experience	25%
Key Personnel	10%
Past Company Performance	15%
Resources, Plant and Equipment	5%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	5%
Price	40%

Only tenders that meet the initial compliance criteria are deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 13.3

Consultation

Executive Management Team
Housing Coordinator
Manager Eastern Facilities
Building Surveyor Compliance Officer
Senior Procurement Officer
Workshops held with Council
Budget Workshop 2019/20

Statutory Environment

Local Government Act 1995 Section 3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government Act 1995 Section 5.23. Meetings generally open to public

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; and*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

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Financial Implications

The combined budgeted provision for Staff Housing - Refurbishments and Staff Housing – New Purchases is \$3,420,000 for the 2019/2020 financial year. The current budget expended for Staff Housing - Refurbishments and Staff Housing - New Purchases is \$830,168 leaving \$2,589,832. This remaining budget provision includes the works that are the subject of this report.

It needs to be noted, that the tendered amount exceeds the indicative amount at the time of adopting the Budget, by around \$300,000. Therefore if Council proceeds with the recommendation of this report, it is unlikely that some of the other indicative projects will be completed this financial year.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk from the Risk Matrix is "Minor (3)" considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is "Minor", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

Policy FIN12 Purchasing Policy
ENG09 Asset Management Policy

This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publicly advertised RFT.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to RFT 09.19 Design and Construction of New (Staff) houses in Tom Price Council:

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 13.3 is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2) (c):**

"a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;"

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- 2. Note the attached Evaluation report CONFIDENTIAL ATTACHMENT 13.3.**
- 3. Award RFT 09.19 Design and Construction of New (Staff) houses in Tom Price to Modular WA for \$906,454.00 excluding GST;**
- 4. Authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractor; and**
- 5. Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.**

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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14. COMMUNITY SERVICES REPORTS

**14.1 WAIVER OF WASTE FEES AND ASSOCIATED COSTS FOR THE
DISPOSAL OF TWO TRANSPORTABLE BUILDINGS – TOM PRICE
MOTORCYCLE CLUB**

MINUTE: 699/2019–729/2019

FILE REFERENCE:	CR01
AUTHOR'S NAME AND POSITION:	Sarah Johnston Acting Director Community Services
AUTHORISING OFFICER AND POSITION:	Steve Deckert Acting Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Tom Price Motorcycle Club
DATE REPORT WRITTEN:	27 November 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and authorising officer have no financial, proximity or impartiality interests in the proposal.
PREVIOUS MEETING REFERENCE:	Not Applicable

Summary

Tom Price Motorcycle Club are seeking consideration and assistance from the Shire of Ashburton with the waiving of tip fees associated with the disposal of one 12 metre and one 6 metre transportable building.

Background

Tom Price Motorcycle Club are a small not for profit organisation servicing a small group of members that are motor cross enthusiasts.

Comment

The club have two transportable buildings, comprising of toilet and shower blocks that are surplus to their needs and are seeking support from the Shire to assist with the associated fees for the disposal of the two transportables.

Prior to the removal of the transportable buildings from their current location an application for a Demolition permit will be required to be submitted to the Shire and approved. The cost of the application for a Demolition permit is \$105.00 plus \$61.65 for the Building Services Levy.

The transportable buildings will need to be weighed through the weighbridge at the Tom Price Waste Disposal Site to determine the fees associated to the disposal of the buildings. The buildings will be billed at \$120 per tonne under the category of construction and demolition.

ATTACHMENT 14.1

Consultation

Executive Management Team

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Statutory Environment

Section 6.12 (1) (c) of the *Local Government Act 1995* states that Council may write off money that is owed to the Local Government by Absolute Majority.

Financial Implications

The Shire of Ashburton will be absorbing the cost of the disposal as per Fees and Charges 2109/20.

The transportable buildings will need to be weighed through the weighbridge at the Tom Price Waste Disposal Site to determine the fees associated to the disposal of the buildings. The buildings will be billed at \$120 per tonne under the category of construction and demolition. The estimate cost of the disposal of the transportable buildings is \$800.

A demolition permit will be required to be submitted to the Shire and approved. The cost of the application for a Demolition permit is \$105.00 plus \$61.65 for the Building Services Levy.

It is proposed that the costs for the above transactions are absorbed in general ledger code 10402820 Donations – from Council General.

Strategic Implications

Shire of Ashburton Strategic Community Plan 2017-2027 (Desktop Review 2019)

Goal 01 Vibrant and Active Communities
Objective 1 Connected, caring and engaged communities

Risk Management

Adoption of this item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be "Low" risk and can be managed by routine procedures.

Policy Implications

REC08 Community Donations, Grants and Funding, makes provision for \$500 Small Assistance Donation to clubs and groups. As the donation requested is over \$500 it is presented to Council for consideration.

Voting Requirement

Absolute Majority Required

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That with respect to the waiving of waste fees and associated costs for the disposal of two transportable buildings for Tom Price Motorcycle Club, Council:

- 1. Agree to waive the waste disposal and permit fees for the disposal of the two buildings.**

CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion

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15. INFRASTRUCTURE SERVICES REPORTS

15.1 RFT 15.19 URBAN ROADS ASPHALT RESEALING PROGRAM

MINUTE: ~~700/2019~~–730/2019

FILE REFERENCE: CM15.19

AUTHOR'S NAME AND POSITION: Douglas Bailey
Manager Projects and Assets

AUTHORISING OFFICER AND POSITION: Alan McColl
Acting Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 November 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in this report.

PREVIOUS MEETING REFERENCE: Agenda Item 15.3 (Minute No 508/2019) – Ordinary Meeting of Council 12 February 2019

Summary

A request for Tender RFT 15.19 Urban Roads Asphalt Resealing Program was issued via the Shire's e-tendering portal known as TenderLink and advertised via state wide public notice in The West Australian Newspaper from 26 October 2019 to 12 November 2019.

Four (4) conforming tenders were received in response to RFT 15.19. The evaluation panel has completed its assessment of the submissions and makes its recommendation.

Infrastructure Services requests to engage a contractor to undertake the works required to carry out the Urban Roads Asphalt Resealing Program for a fixed term of 2 Years with an option to extend for a further 1 year at the Shire's request.

Background

A report regarding the sustainable renewal of urban roads was tabled at the Ordinary Meeting of Council held on the 12 February 2019.

This report put in place a systematic, transparent framework for the cost effective management of the Shire's Urban Road Network that will ensure that these roads continue to provide an acceptable level of service to the Shire's community and visitors alike, whilst enhancing asset management maturity and sustainability into the foreseeable future. The report also established a 15 year program of works to undertake this task based on road conditions.

The following works were carried out last financial year under the 15 Year Urban Roads Renewal Program:

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Table 1

Plan 3 - Barrow Avenue, Onslow (Millout and 25mm DGA)	Plan 13- Acacia Street, Tom Price (Millout and 25mm DGA)
Plan 4- Bellary Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 14- Central Road, Tom Price (Millout and 25mm DGA)
Plan 5 - Bennett Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 17- Hibiscus Street, Tom Price (Millout and 25mm DGA)
Plan 6 - Howies Close, Paraburdoo (Millout and 25mm DGA)	Plan 23- Central Road, Tom Price (Millout and 25mm DGA)
Plan 7- Lockyer Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 24- Central Road, Tom Price (Millout and 25mm DGA)
Plan 8 - Mc Rae Avenue, Paraburdoo (Millout and 25mm DGA)	

It is the intention of this request to complete all of the remaining roads scheduled in the first three years of the 15 year Urban Roads Program over this financial year and next financial year:

Table 2

Plan 9 - Meeka Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 35 - Gasgoyne Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 11 - Monte Bello Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 36 - Maguire Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 12 - Vampire Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 37 - Robe Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 21 - Hardy Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 42 - Coppin Court, Paraburdoo (Millout and 25mm DGA)
Plan 30 - Ashburton Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 43 - De Gray Road, Paraburdoo (Millout and 25mm DGA)
Plan 31 - Ashburton Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 44 - Wittenoom Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 32- Ashburton Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 82 - Samson Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 33 - Ashburton Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 114 - Capricorn Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 34 - Ashburton Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 116 - Jope Court, Paraburdoo (Millout and 25mm DGA)
Plan 15 - Doradeen Road, Tom Price (Millout and 25mm DGA)	Plan 40 - Coolibah Street, Tom Price (Millout and 25mm DGA)
Plan 16 - Doradeen Road, Tom Price (Millout and 25mm DGA)	Plan 41 - Frangipani Street, Tom Price (Millout and 25mm DGA)
Plan 18 - Forrest Court, Onslow (Millout and 25mm DGA)	Plan 45 - Kiah Street, Tom Price (Millout and 25mm DGA)
Plan 19 - Hedditch Street, Onslow (Millout and 25mm DGA)	Plan 46 - Larnook Street, Tom Price (Millout and 25mm DGA)
Plan 20 - Laphorn Avenue, Onslow (Millout and 25mm DGA)	Plan 47 - Milpera Street, Tom Price (Millout and 25mm DGA)
Plan 25 - Court Road, Tom Price (Millout and 25mm DGA)	Plan 49 - Mungarra Street, Tom Price (Millout and 25mm DGA)
Plan 27 - First Avenue, Onslow (Millout and 25mm DGA)	Plan 56 - Stadium Road, Tom Price (Millout and 25mm DGA)
Plan 28 - First Avenue, Onslow (Millout and 25mm DGA)	Plan 57 - Stadium Road, Tom Price (Millout and 25mm DGA)
Plan 39 - Boolee Street, Tom Price (Millout and 25mm DGA)	

Upon the completion of the financial year 2020/21 all roads in the first three years of the 15 Year Urban Roads Renewal Program will be completed (Plans 3 – 47), within the annual budgets dedicated under the Plan, with the exception of:

Plan 22- Pilbara Ave, Paraburdoo moved to 2025/26 to complete the loop with Channar Ave.

Plan 26 - Mine Road, Tom Price, this will be addressed via a separate RFT, which is subject to MRWA Black Spot Funding.

Plan 29 – Second Avenue, Onslow - to be completed under a future dedicated project RFT

Some roads have also been added from future years to meet the annual budget and complete road “loops” and proximity areas in Paraburdoo & Tom Price, included in the above Table 2, and noted separately below:

Plan 42 - Coppin Court, Paraburdoo (Millout and 25mm DGA)	Plan 49 - Mungarra Street, Tom Price (Millout and 25mm DGA)
Plan 43 - De Gray Road, Paraburdoo (Millout and 25mm DGA)	Plan 56 - Stadium Road, Tom Price (Millout and 25mm DGA)
Plan 44 - Wittenoom Avenue, Paraburdoo (Millout and 25mm DGA)	Plan 57 - Stadium Road, Tom Price (Millout and 25mm DGA)
Plan 45 - Kiah Street, Tom Price (Millout and 25mm DGA)	Plan 82 - Samson Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 46 - Larnook Street, Tom Price (Millout and 25mm DGA)	Plan 114 - Capricorn Avenue, Paraburdoo (Millout and 25mm DGA)
Plan 47 - Milpera Street, Tom Price (Millout and 25mm DGA)	Plan 116 - Jope Court, Paraburdoo (Millout and 25mm DGA)

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Comments

The works to be completed under this contract involve the overlay of approximately 47,000m² of existing urban roads annually with 25mm dense grade A10 Type C320 hot-mixed asphalt, including:

- The supply and delivery of all materials;
- The design of the asphalt mix;
- Site Traffic management;
- Cold Planning (Milling) of existing surface edges to match existing kerb/gutter edges;
- Preparation/correction of existing surfaces;
- Supply of asphalt;
- Application of asphalt;
- Compaction/rolling of Asphalt; and
- Clean-up.

Selection Criteria

In line with FIN12 Purchasing Policy, the advertised selection criteria is as follows:

Criteria	Weighting
Relevant Experience	15%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant and Equipment	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	15%
Price	40%

Only submissions that meet the initial compliance criteria are deemed compliant for further assessment against the selection criteria and value for money.

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.1

Consultation Assessment

Executive Management Team
Acting Manager Rural Roads
Manager Projects and Assets
Senior Procurement Officer
Financial Support Officer

Statutory Environment

Local Government Act 1995 Section 3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government Act 1995 Section 5.23. Meetings generally open to public

- 1 (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- 2 (c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”*

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Local Government (Functions and General) Regulations 1996

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.

Financial Implications

The budgeted provision for all the works in 2019/20 included in this contract is \$1,134,000. This budget provision is sufficient to meet the scope of works included in the contract.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure
Objective 1 Quality public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Moderate' (consequences 'moderate', likelihood 'possible'). This level of risk is being driven by the possibility of significant flood events occurring that may interrupt and/or stop the works. To reduce the possibility of such an event occurring the works will be undertaken outside of the wet season.

Policy Implications

Policy FIN12 Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publicly advertised RFT.

Policy ENG09 Asset Management Policy. This policy has been developed to support effective asset management ensuring that all Infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

Policy ENG13 Road Management Policy. This policy is required to set out a framework for making consistent, structured and justifiable decisions as to whether a gazetted road or area of land used as a road is reasonably required for general public use and is therefore considered to be a "Public Road".

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Voting Requirement
Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr D Diver

SECONDED: Cr P Foster

That with respect to RFT 15.19 Urban Roads Asphalt Resealing Program, Council:

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 15.1 is confidential in accordance with s5.23 (2) of the Local Government Act 1995 because it deals with matters affecting s5.23 (2) (c);**

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”
- 2. Award RFT 15.19 Urban Roads Asphalt Resealing Program to Urban Pavements Pty Ltd (T/A AAA Asphalt Surfaces) for a total of \$1,116,788.00 excluding GST per year, for a term of two years with the option to extend for an additional one year;**
- 3. Authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractors; and**
- 4. Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project; and**
- 5. Authorise the Acting Chief Executive Officer to enter into negotiations for a possible extension to the Contract for an additional 1 year to present back to Council for final approval.**

CARRIED 8/0

**Councillor White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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15.2 RFT 21.19 RURAL UNSEALED ROADS RENEWAL PROGRAM

MINUTE: ~~701/2019~~–731/2019

FILE REFERENCE: CM21.19

AUTHOR'S NAME AND POSITION: Douglas Bailey
Manager Projects and Assets

AUTHORISING OFFICER AND POSITION: Alan McColl
Acting Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 25 November 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in this report.

PREVIOUS MEETING REFERENCE: Agenda Item 15.2 (Minute No 535/2019) – Ordinary Meeting of Council 12 March 2019.

Summary

A request for Tender (RFT) 21.19 Rural Unsealed Roads Renewal Program was issued via the Shire's e-tendering portal known as TenderLink and advertised via state wide public notice in The West Australian Newspaper from 2 November 2019 to 26 November 2019.

Ten (10) tenders were received in response to RFT 21.19. Seven (7) tender submissions were conforming to the assessment criteria and three (3) were deemed non-conforming to the assessment criteria.

The evaluation panel has completed its assessment of the submissions and makes its recommendation. Infrastructure Services requests to engage a contractor to undertake the works required to carry out the Rural Unsealed Roads Renewal Program.

Background

A report regarding the sustainable renewal of rural unsealed roads was tabled at the Ordinary Meeting of Council held on the 12 March 2019.

This report put in place a systematic, transparent framework for the cost effective management of the Shire's Rural Unsealed Road Network that will ensure that these roads continue to provide an acceptable level of service to the Shire's community and visitors alike, whilst enhancing asset management maturity and sustainability into the foreseeable future. The report also established a 15 year program of works to undertake this task. This report relates to the implementation of year 1 of the 15 year program.

Comment

These works to be completed under this contract include general comprise of gravel resheeting, formation reshaping, roadside drainage maintenance, vegetation clearing and cattle grid removal and installation on the below list of unsealed roads within the Shire of Ashburton, including:

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Road Name	SLK (Start)	SLK (Finish)	Works to be completed
Towera - Lyndon Road	7.59	27.59	Gravel resheet to a compacted depth of 200mm x 8 metre
Towera - Lyndon Road	16.76 22.50		Remove existing cattle grid, widen fence, install new 8 metre cattle grid x 2
Twitchen Road	38.03	103.10	Widening and reformation of the road to create a formation to the desired 10 metre cross sectional formation width
Ashburton Downs – Meekatharra Road	0.10	21.21	Gravel resheet to a compacted depth of 200mm x 8 metre
Ashburton Downs – Meekatharra Road	16.59		Remove existing cattle grid, widen fence, install new 8 metre cattle grid x 1

Specification of works to be included:

- Extraction and mixing of materials from Shire gravel pits in order to form a homogeneous, well graded, compactable blend of gravel;
- Transportation of the pavement materials to the work location;
- Placement, compaction and trimming of the pavement materials in a single layer in order to achieve the specified cross sectional surface shape;
- Reforming of V – Drains and offshoot drains; and
- Removal of existing cattle grids and installation of new cattle grids.

Selection Criteria

In line with FIN12 Purchasing Policy, the advertised selection criteria is as follows:

Criteria	Weighting
Relevant Experience	15%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant and Equipment	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	15%
Price	40%

Only submissions that meet the initial compliance criteria are deemed compliant for further assessment against the selection criteria and value for money.

The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.2

Consultation

Executive Management Team
Acting Manager Rural Roads
Manager Projects and Assets
Senior Procurement Officer
Financial Support Officer

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Statutory Environment

Local Government Act 1995 Section 3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government Act 1995 Section 5.23. Meetings generally open to public

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;”*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*

Financial Implications

The budgeted provision for all the works in 2019/20 included in this contract is \$2,630,000.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure

Objective 1 Quality public infrastructure

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk is considered to be 'Moderate' (consequences 'moderate', likelihood 'possible'). This level of risk is being driven by the possibility of significant flood events occurring that may interrupt, stop or damage the works. To reduce the possibility of such an event occurring the works will be undertaken outside of the wet season.

Policy Implications

Policy FIN12 Purchasing Policy. This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publicly advertised RFT.

Policy ENG09 Asset Management Policy. This policy has been developed to support effective asset management ensuring that all Infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

Policy ENG13 Road Management Policy. This policy is required to set out a framework for making consistent, structured and justifiable decisions as to whether a gazetted road or area of land used as a road is reasonably required for general public use and is therefore considered to be a "Public Road".

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr D Diver

That with respect to RFT 21.19 Rural Unsealed Roads Renewal Program, Council:

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 15.2 is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2) (c);**

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”
- 2. Award RFT 21.19 Rural Unsealed Roads Renewal Program to Goodwork Holdings Pty Ltd for a total of \$2,145,546.00 excluding GST;**
- 3. Authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractors; and**
- 4 Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.**

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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15.3 RFT 16.19 PARABURDOO CRIB ROOM REFURBISHMENT

MINUTE: ~~702/2019~~–732/2019

FILE REFERENCE: CM16.19

AUTHOR'S NAME AND POSITION: Tracey Rogers
Acting Technical Officer

AUTHORISING OFFICER AND POSITION: Alan McColl
Acting Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 26 November 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in this report.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A Request for Tender (RFT) 16.19 Paraburdoo Crib Room Refurbishment was issued via the Shire's e-tendering portal known as Tenderlink on the 30 October 2019 to 20 November 2019 and advertised via state wide public notice in The West Australian Newspaper on 30 October 2019.

Three tenders (two conforming) were received in response to the RFT 16.19. The evaluation panel has completed its assessments of the submissions and makes its recommendation.

Council is requested to authorise the engagement of a contractor to refurbish the Paraburdoo Depot facilities.

Background

The Shire of Ashburton depots are key service delivery hubs to the community. To ensure continued quality standards are met and depots have been identified to undergo upgrades that will improve the standards of safety and functionality.

The current condition of the Paraburdoo crib room and staff facilities has been found to be in need of refurbishment, this will bring it up to the same standard as the Tom Price facilities and soon to be built new Onslow building.

Comments

The facility upgrade will include the expansion of the staff crib room that will be merged with the current rear storage area. This will result in a more appropriately sized indoor area for staff to utilise for breaks and to retreat from the heat.

Installation of a new kitchenette, updated toilet suites, new hot water heater system and air-conditioner will form part of the fit out works. The current ice machine, water filter unit and fridge will be reinstalled as they have been deemed still fit for purpose, it was decided unnecessary to replace these at this time. A dividing wall will be installed to help reduce the odors from the adjoining dog and

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chicken areas, this along with a new patio roof and outdoor fans will improve the outdoor areas available to staff.



Current Outdoors Area



Current Indoors Area

Selection Criteria

In line with FIN12 Purchasing Policy, the advertised selection criteria was as follows:

Criteria	Weighting
Relevant Experience	10%
Key Personnel	10%
Past Company Performance	10%
Resources	5%
Plant, Equipment & Material	5%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	10%
Price	50%

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Only tenders that meet the initial compliance criteria are deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item

CONFIDENTIAL ATTACHMENT 15.3

Consultation

Executive Management Team
Acting Director Infrastructure Services
Acting Manager Operations East
Senior Procurement Officer
Financial Support Officer
Technical Officer Tom Price

Statutory Environment

Local Government Act 1995 Section 3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government Act 1995 Section 5.23. Meetings generally open to public

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; and*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

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Financial Implications

The budgeted provision for the Paraburdoo depot new crib room and staff facilities is \$200,000 for the 2019/2020 financial year. This budget provision includes the works that are the subject of this report.

Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 04 Quality Services and Infrastructure
Objective 3 Well planned towns

Goal 04 Quality Services and Infrastructure
Objective 4 Exemplary team and work environment

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk from the Risk Matrix is "Minor (3)" considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is "Minor", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

Policy FIN12 Purchasing Policy

This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publicly advertised RFT

Policy ENG09 Asset Management Policy

This policy has been developed to support effective asset management ensuring that all Infrastructure assets are well planned and delivered to the expectations of the community now and into the future.

Voting Requirement

Simple Majority Required

Officers Recommendation and Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Gallanagh

That with respect to RFT 16.19 Paraburdoo Crib Room Refurbishment, Council:

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 15.3 is confidential in accordance with s5.23 (2) of the Local Government Act 1995 because it deals with matters affecting s5.23 (2) (c);**

"A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting."

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- 2. Award RFT 16.19 Paraburdoo Depot New Crib Room to Byblos for \$95,748.00 excluding GST; with an allowance for cost variation of up to but not exceeding \$25,000.00. Variation may be required to modify some of the accessories fitted to the facility;**
- 3. Authorise the Acting Chief Executive Officer to enter into a contract with the preferred contractor; and**
- 4. Authorise the Acting Chief Executive Officer to manage the contract, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract and managed within the overall budget for the project.**

CARRIED 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion

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15.4 RFT 17.19 PLANT, TREE AND LANDSCAPING SUPPLIES

MINUTE: ~~703/2019~~ 733/2019

FILE REFERENCE: CM17.19

AUTHOR'S NAME AND POSITION: Tracey Rogers
Acting Technical Officer

AUTHORISING OFFICER AND POSITION: Alan McColl
Acting Director Infrastructure Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 27 November 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in this report.

PREVIOUS MEETING REFERENCE: Not Applicable

Summary

A Request for Tender (RFT) 17.19 Plant Tree and Landscaping Supplies was issued via the Shire's WALGA portal from 6 November 2019 to 25 November 2019.

Two tenders (both conforming) were received in response to the RFT 17.19. The evaluation panel has completed its assessments of the submissions and makes its recommendation.

Council is requested to authorise the engagement of suitable contractors on an ongoing basis to carry out the requirements of this request.

Background

The Shire of Ashburton understands that the vegetative enhancement in the form of tree and shrub planting has been found to be a highly effective strategy for cooling urban environments, encouraging outdoor activity, improving mental well-being, assisting with carbon sequestration, soil amelioration and providing habitat and greater biodiversity in urban environments.

Comments

We intend to engage suitable contractors to supply and deliver suitable quality plants, trees and landscaping supplies for use throughout all of the Shire town sites.

Through the implementation of an ongoing contract we envisage that the Shire will benefit in better quality products and pricing as well as more prompt turnaround times with our requests for supply. The term of this contract will be initially for two years with an option of one year extension dependent on contractor performance.

As no one contractor was able to supply all of the requirements of the request, we would like to award the contract to two suppliers for differing products.

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Selection Criteria

In line with FIN12 Purchasing Policy, the advertised selection criteria is as follows:

Criteria	Weighting
Relevant Experience	20%
Key Personnel	10%
Past Company Performance	10%
Resources, Plant, Equipment & Material	10%
Methodology/Quality and OHS Systems/Life Cycle/Risk Management	10%
Price	40%

Only tenders that meet the initial compliance criteria are deemed compliant for assessment against the selection criteria and value for money. The evaluation and recommendation report, including the overall evaluation scores and rankings, is attached as a confidential item.

CONFIDENTIAL ATTACHMENT 15.4

Consultation

Executive Management Team
Acting Director Infrastructure Services
Town Maintenance Coordinator Tom Price
Tree Maintenance Coordinator Tom Price
Senior Procurement Officer
Financial Support Officer
Technical Officer Tom Price

Statutory Environment

Local Government Act 1995 Section 3.57. Tenders for providing goods or services

- (1) *A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) *Regulations may make provision about tenders.*

Local Government Act 1995 Section 5.23. Meetings generally open to public

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (c) *A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*

Local Government (Functions and General) Regulations 1996

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub-regulation (2) states otherwise.*
- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if:*
 - (a) *the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; and*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.*

Financial Implications

The budgeted provision for Greening Ashburton is \$75,000 for the 2019/2020 financial year. This budget provision includes the works that are the subject of this report.

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Strategic Implications

Shire of Ashburton 10 Year Community Strategic Plan 2017-2027 (Desktop Review 2019)

Goal 03 Unique Heritage and environments
Objective 1 Flourishing natural environments

Goal 03 Unique Heritage and environments
Objective 2 Leading regional sustainability

Risk Management

This item has been evaluated against the Shire of Ashburton's Risk Management Policy CORP5 Risk Matrix. The perceived level of risk from the Risk Matrix is "Minor (3)" considering the potential impacts to natural environment and project items, time and cost. As the Risk Acceptance is "Minor", the Director Infrastructure Services will monitor progress of this item.

Policy Implications

Policy FIN12 Purchasing Policy

This Policy outlines how the Shire of Ashburton will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process through a publicly advertised RFT

Policy ENG01 Street Lawns and Gardens

This Policy outlines how the guidelines that the Shire of Ashburton will follow regarding the installation and maintenance of the street road reserve lawns and gardens.

Voting Requirement

Simple Majority Required

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Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr P Foster

That with respect to RFT 17.19 Plant, Tree and Landscaping Supplies, Council:

- 1. Resolve that Report CONFIDENTIAL ATTACHMENT 15.4 is confidential in accordance with s5.23 (2) of the Local Government Act 1995 because it deals with matters affecting s5.23 (2) (c);**

“A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.”
- 2. Award RFT 17.19 Plant Tree and Landscaping Supplies jointly to TJ Depiazzi & Sons and Domus Nursery for a combined total of up to \$75,000.00 excluding GST per year, for a term of two years with the option to extend for an additional one year;**
- 3. Authorise the Acting Chief Executive Officer to enter into contracts with the preferred contractors; and**
- 4. Authorise the Acting Chief Executive Officer to manage the contracts, including the provision of possible variations, providing the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contracts and managed within the overall budget for the project.**

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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16. COUNCILLOR AGENDA ITEMS / NOTICES OF MOTIONS

There are no Councillor Agenda items/Notices of Motions for this meeting.

**17. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF MEETING**

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That Council accept the following as New Business of an Urgent Nature, to be considered in Section 18 – Confidential items:

18.5 CONFIDENTIAL ITEM – ONSLOW SUN CHALETS; and

18.6 RECRUITMENT OF DIRECTOR OF INFRASTRUCTURE

CARRIED 8/0
**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

18. CONFIDENTIAL MATTERS

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

2. If a meeting is being held by a Council or by a committee referred to in subsection (2)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;*
- (b) the personal affairs of any person;*
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (I) a matter that if disclosed, would reveal;*
 - (II) a trade secret;*
 - (III) information that has a commercial value to a person; or*
 - (IV) information about the business, professional, commercial or financial affairs of a person,*

Where the trade secret or information is held by, or is about, a person other than the local government.

- (e) a matter that if disclosed, could be reasonably expected to:*

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- (I) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
- (II) endanger the security of the local government's property; or*
- (III) prejudice the maintenance or enforcement of any lawful measure for protecting public safety.*
- (f) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and*
- (g) such other matters as may be prescribed.*

Council Decision

MOVED: Cr D Diver

SECONDED: Cr M Gallanagh

That Council move behind closed doors at 1.30 pm to consider the following Confidential Items.

- 18.1 CONFIDENTIAL CHEVRON AUSTRALIA PTY LTD AND SHIRE OF ASHBURTON SPONSORSHIP AGREEMENT**
- 18.2 TOM PRICE CHILDCARE CENTRE**
- 18.3 CONFIDENTIAL ITEM - ACTING POSITION OF DIRECTOR INFRASTRUCTURE SERVICES**
- 18.4 CEO RECRUITMENT AND ACTING CEO ARRANGEMENTS**
- 18.5 CONFIDENTIAL ITEM – ONSLOW SUN CHALETS; and**
- 18.6 CONFIDENTIAL ITEM - APPOINTMENT OF DIRECTOR INFRASTRUCTURE SERVICES**

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pursuant to sub section 5.23 (2) (a) (b) (c) and (d) of the *Local Government Act 1995* which provides:

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (I) a matter that if disclosed, would reveal;
 - (II) a trade secret;
 - (III) information that has a commercial value to a person; or
 - (IV) information about the business, professional, commercial or financial affairs of a person.

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

Mrs K Bartley left the meeting at 1.30 pm. All other attendees remained in the meeting.

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18.1 CONFIDENTIAL ITEM - CHEVRON AUSTRALIA PTY LTD AND SHIRE OF ASHBURTON SPONSORSHIP AGREEMENT

MINUTE: ~~704/2019~~–734/2019

FILE REFERENCE:	CS20
AUTHOR'S NAME AND POSITION:	Sarah Johnston Acting Director Community Services
AUTHORISING OFFICER AND POSITION	Steve Deckert Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	2 December 2019
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal

REASON FOR CONFIDENTIALITY

The Acting Chief Executive Officer's Report is confidential in accordance with s5.23 (2) the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

Officers Recommendation and Council Decision

MOVED: Cr R de Pledge

SECONDED: Cr D Diver

That with respect to the Confidential Chevron Australia Pty Ltd and Shire of Ashburton Sponsorship Agreement, Council:

- 1. Authorise the Acting Chief Executive Officer and Shire President to finalise the negotiations of the contract and execute the contract;**
- 2. Approve a budget variation of \$200,000 for the forecasted income for the contract; and**
- 3. Approve the following budget variations for the reflective expenditure for the proposed events,**
 - **113144 Community Showcase – Onslow on Show \$20,000**
 - **113145 School Holiday Activities \$25,000**
 - **113146 Community Events \$107,000**
 - **113147 Onslow Keepers \$12,000**
 - **113148 Cultural Community Development \$19,500**
 - **113149 Misc WTO Activities \$16,500.**

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CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion

18.2 CONFIDENTIAL ITEM - TOM PRICE CHILDCARE CENTRE

Declaration of Interest

Prior to consideration of this Agenda Item:

***Cr Rumble declared a financial interest
Cr Lynch declared an indirect financial interest
Cr Foster declared a financial interest
Cr Diver declared a financial interest
Cr Gallanagh declared a financial interest
Cr de Pledge declared a financial interest
Mr S Deckert declared a financial interest
Mr S Deckert declared a financial interest
Mrs S Johnstone declared a financial interest***

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

All Councillors remained in the meeting in line with the approval given by the Deputy Director General – Regulation of the Department of Local Government, Sport and Cultural Industries as noted at item 6.2.
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MINUTE: ~~705/2019~~ 735/2019

FILE REFERENCE:	POI.0400
AUTHOR'S NAME AND POSITION:	Sarah Johnston Acting Director Community Services Janelle Fell Manager Land and Asset Compliance
AUTHORISING OFFICER AND POSITION:	Steven Deckert Acting Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	28 November 2019
DISCLOSURE OF FINANCIAL INTEREST:	The authors and the authorising officer have a financial interest in the proposal. The authors and the authorising

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officer do not have any proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:**

Agenda Item 13.2 (Minute No. 666/2019) – Ordinary Meeting of Council 22 October 2019

REASON FOR CONFIDENTIALITY

The Acting Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (a) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (b) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Revocation of Minute No 666/2019

Regulation 10 of the Administration Regulations, pursuant to section 5.25(1) (e) of the Act, establishes the circumstances in which an earlier decision of council or a committee may be revoked or changed. These circumstances apply only when a new decision of the council or committee would either reverse an earlier decision entirely, or result in a decision that is 'substantially different' from the earlier decision.

A notice of motion to revoke or change a previous decision of council or a committee must, in the first instance, be supported and signed by members (inclusive of the mover) numbering at least one third of the total membership, that being the total number of positions on the council or committee, whether vacant or not.

Cr White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson supported the consideration of the proposed motion to revoke Decision Number Seven of Minute No. 666/2019.

Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Tom Price Childcare Centre, Council:

- 1. Revoke Decision Number Seven of Minute No. 666/2019 namely;**

Authorising the Chief Executive Officer to prepare supporting documents and lodge an application to potential funding agencies including Lotterywest for \$1,750,000, of the October 2019 Ordinary Meeting of Council.

CARRIED BY ABSOLUTE MAJORITY 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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Council Decision

MOVED: Cr P Foster

SECONDED: Cr M Lynch

That with respect to Tom Price Childcare Centre, Council:

- 1. Confirm its commitment to this project and to ensure that it proceeds, agrees to increasing its financial contribution to \$1.79M, to be funded through the following budget amendments:**
 - a. Increase Income Job no. 18069, Tom Price Child Care – Design and Consultancy Services, by \$1,650,000 from \$5,100,000 to \$6,750,000;**
 - b. Increase Capital Income Account GL no. 134850, Transfer from Reserve, by \$962,180, from \$600,000 to \$1,562,180;**
 - c. Decrease Expenditure Job no. DA000, Disability Access to SoA Buildings, by \$250,000 from \$250,000 to \$0;**
 - d. Increase Capital Income Job no. CI020, RTIO Funding – Tom Price Childcare Centre, by \$1,000,000 from \$3,000,000 to \$4,000,000;**
 - e. Decrease Expenditure Job no. AP2006, Foreshore Protection – Upgrade Sand and Wall plus Seawall Extension, by \$400,000 from \$400,000 to \$0;**
 - f. Decrease Expenditure Account GL no. 041093, Consultants / Project Costs, by \$16,762 from \$226,945 to \$210,183; and**
 - g. Decrease Capital Income Account GL no. 080510, Transfer from Reserve, by \$978,942 from \$1,866,762 to \$887,820.**
- 2. Extend its appreciation to Rio Tinto for their support of the project and increasing their financial contribution to enable the project to be fully funded between Rio Tinto and the Shire;**
- 3. Approve the rental value for the facility at \$99,400 per annum as documented in the business case, remaining static for the first five years of operation, with annual CPI applied from the five year lease anniversary;**
- 4. Authorise the Acting Chief Executive Officer to:**
 - a. Negotiate the terms of the funding deed with Rio Tinto and present back to Council for endorsement.**
 - b. Finalise and advertise the Business Case in accordance with section 3.59 of the *Local Government Act 1995*.**
 - c. Subject to no submissions being received in relation to the business case that require action from Council, item d and e can then proceed,**
 - d. Undertake a public tender process for disposition of the property by way of lease in accordance with section 3.58 of the *Local Government Act*;**
 - e. Undertake a closed tender process with the six businesses shortlisted as a result of the expression of interest process, as endorsed at the October 2019 Ordinary Meeting of Council and in accordance with section 3.57 of the *Local Government Act 1995*; and**
- 5. Request the Acting Chief Executive Officer to prepare a draft terms of reference for a Council Committee to oversee the project, to be referred to the next Ordinary Meeting of Council.**

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**CARRIED BY ABSOLUTE MAJORITY 8/0
Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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**18.3 CONFIDENTIAL ITEM - ACTING POSITION OF DIRECTOR
INFRASTRUCTURE SERVICES**

MINUTE: ~~706/2019~~–736/2019

FILE REFERENCE: GV05
PE03

**AUTHOR'S NAME AND
POSITION:** Steven Deckert
Acting Chief Executive Officer

**AUTHORISING OFFICER AND
POSITION** Steven Deckert
Acting Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 6 December 2019

**DISCLOSURE OF FINANCIAL
INTEREST:** The author and authorising officer have no financial,
proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:** Not Applicable

REASON FOR CONFIDENTIALITY

The Acting Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act* because it deals with matters affecting s5.23 (2):

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

Officers Recommendation and Council Decision

MOVED: Cr L Rumble

SECONDED: Cr M Lynch

That with respect to the matter of the position of Director Infrastructure Services, Council:

- 1. Appoint Mr Douglas Bailey in the role of (Acting) Director Infrastructure Services, pursuant to s5.37 (2) of the Local Government Act 1995, commencing 2 January 2020 concluding 17 January 2020.**

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<p>CARRIED BY ABSOLUTE MAJORITY 8/0 Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson voted for the motion</p>
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18.4 CONFIDENTIAL ITEM - CEO RECRUITMENT AND ACTING CEO ARRANGEMENTS

Declaration of Interest

Prior to consideration of this Agenda Item:

Mr S Deckert declared a financial interest

See item 6.2 for details of the interest declared.

RECORDED ON REGISTER GV07

MINUTE: ~~707/2019~~ 737/2019

FILE REFERENCE: PE.1782

AUTHOR'S NAME AND POSITION: Steven Deckert
Acting Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Steven Deckert
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 7 December 2019

DISCLOSURE OF FINANCIAL INTEREST: The author declares an impartiality interest. Within the past 18 months, I have been involved in the recruitment of a CEO at the Shire of Halls Creek, where WALGA was appointed. I undertake to consider this matter impartially on its merits and put aside any past working relationships with WALGA.

The author declares a financial interest. The nature of the interest being that the Author is currently employed as the Acting CEO and the extent is to the value of the employment package.

PREVIOUS MEETING REFERENCE: Not Applicable

REASON FOR CONFIDENTIALITY

The Acting Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act* because it deals with matters affecting s5.23 (2):

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

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Council Decision

MOVED: Cr P Foster

Cr D Diver

That in respect to the recruitment of a permanent Chief Executive Officer, Council:

- 1. Appoint John Phillips Consulting to undertake the process on behalf of Council for the recruitment of the new Chief Executive Officer as per the submission dated 28 November 2019 for a fee of \$7,650 (incl GST) plus other fees and disbursements (advertising, travel, accommodation etc) at cost.**
- 2. Delegate authority to the Acting Chief Executive Officer to prepare the following aspects of the CEO recruitment, in consultation with the President and Deputy President:**
 - a. The Position Description, information package and salary package;**
 - b. The advertisements;**
 - c. Any other preliminary documentation required by John Phillips Consulting in order to commence the advertising of the vacancy.**

CARRIED BY ABSOLUTE MAJORITY 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

Council Decision

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That in respect to the appointment of an Acting Chief Executive Officer for the interim period until such time as the permanent Chief Executive Officer commences, Council

- 1 Agree to extend the term of Mr Steven Deckert's appointment as Acting Chief Executive Officer, to conclude on 8 January 2020 on the same terms and conditions as per the Letter of Engagement dated 13 November 2019, noting that Mr Deckert will finish employment on Friday 10 January 2020.**
- 2 Appoint Mr Paul Sheedy as Acting Chief Executive Officer for a term commencing 9 January 2020 and concluding on 24 April 2020, noting that Mr Sheedy's employment will commence on 6 January 2020 to allow for a handover, on the following basis:**

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- a. As per S5.36(2) of the *Local Government Act 1995*, Council believes that Mr Sheedy is suitably qualified for the position;
- b. That Council is satisfied with the proposed provisions as contained in the Confidential Letter of Engagement, dated 17 December 2019 as tabled at this meeting; and
- c. Council authorises the current Acting Chief Executive Officer, Mr Steven Deckert, pursuant to S9.49A of the *Local Government Act 1995*, to sign the Confidential Letter of Engagement on behalf of Council.

CARRIED BY ABSOLUTE MAJORITY 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

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18.5 CONFIDENTIAL ITEM – ONSLOW SUN CHALETs

MINUTE: ~~708/2019~~ 738/2019

FILE REFERENCE: SEC.0588

AUTHOR'S NAME AND POSITION: Janelle Fell
Manager Land and Asset Compliance

AUTHORISING OFFICER AND POSITION: Brian Cameron
Director Property and Development Services

NAME OF APPLICANT/ RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 12 December 2019

DISCLOSURE OF FINANCIAL INTEREST: The author and the authorising officer have no financial, proximity or impartiality interests in the proposal.

PREVIOUS MEETING REFERENCE: Agenda Item 18.1 (Minute No. 686/2019) Ordinary Meeting of Council 22 December 2019

REASON FOR CONFIDENTIALITY

The Acting Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- (b) *the personal affairs of any person;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.*

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr P Foster

That with respect to the Confidential Item - Onslow Sun Chalets, Council:

1. **Note the information provided at this meeting in respect to Ashburton Investments Pty Ltd lease of Onslow Sun Chalets.**

CARRIED 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

Mr J Bingham, Mr B Cameron, Mr A McColl, Mr G Garside, Mr C Bryce, Mr A Davis, Mrs M Lewis and Mrs K Cameron left the meeting at 1.59 pm due to Confidential Item 18.6.

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**18.6 CONFIDENTIAL ITEM - APPOINTMENT OF DIRECTOR
INFRASTRUCTURE SERVICES**

MINUTE: ~~709/2019~~ 739/2019

FILE REFERENCE: PE.1237

AUTHOR'S NAME AND POSITION: Steven Deckert
Acting Chief Executive Officer

AUTHORISING OFFICER AND POSITION: Steven Deckert
Acting Chief Executive Officer

**NAME OF APPLICANT/
RESPONDENT:** Not Applicable

DATE REPORT WRITTEN: 11 December 2019

DISCLOSURE OF FINANCIAL INTEREST: The author has no financial, proximity or impartiality interests in the proposal.

**PREVIOUS MEETING
REFERENCE:** 653/2019

REASON FOR CONFIDENTIALITY

The Acting Chief Executive Officer's Report is confidential in accordance with s5.23 (2) *the Local Government Act* because it deals with matters affecting s5.23 (2):

- (a) *a matter affecting an employee or employees; and*
- (b) *the personal affairs of any person; and*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.*

Council Decision

MOVED: Cr L Rumble

SECONDED: Cr R de Pledge

That with respect to Confidential Item - Appointment of Director Infrastructure Services, Council:

- 1. Accept the Acting Chief Executive Officer's recommendation to progress with the preferred candidate (as outlined in the report) for the position of Director Infrastructure Services;**
- 2. Authorise the Acting Chief Executive Officer to conduct contract negotiations for a term of 3 to 5 years and conduct background checks, and, should they be satisfactory to the Chief Executive Officer, appoint the preferred candidate the position of Director Infrastructure Services; and**

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3. Authorises the Acting CEO, pursuant to Sections 9.49A(1)(b) & (4) of the *Local Government Act 1995*, to sign the Contract of Employment with the preferred candidate subject to concluding all aspects of point 2 above to the satisfaction of the Acting CEO.

CARRIED BY ABSOLUTE MAJORITY 8/0

**Councillors White, Diver, Rumble, Foster, Gallanagh, Lynch, de Pledge and Richardson
voted for the motion**

CORRESPONDENCE RECEIVED FROM MR R PAULL FOR COUNCIL

The Acting CEO tabled and provided all Councillors with a copy of correspondence received from the former CEO Mr R Paull.

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr R de Pledge

That Council re-open the meeting to the public at 2.13 pm pursuant to sub section 5.23 (2) (a) and (b) of the *Local Government Act 1995*.

CARRIED 8/0

**Councillor White, Rumble, Foster, Lynch, de Pledge, Diver, Gallanagh and Richardson
voted for the motion**

Mr J Bingham, Mr B Cameron, Mr A McColl, Mr G Garside, Mr C Bryce, Mr A Davis, Mrs M Lewis and Mrs K Cameron returned to the Chambers at 2.15 pm.

On re-opening of the meeting, the Presiding Member noted that there were no members of the public present and did not read aloud the decisions made behind closed doors however advised all staff of the outcome of confidential item 18.6.

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19. NEXT MEETING

The next Ordinary Meeting of Council will be held on 11 February 2020, Ashburton Hall, Ashburton Avenue, Paraburdoo commencing at 1.00 pm.

20. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 2.16 pm.