



**SHIRE OF ASHBURTON
SPECIAL MEETING OF COUNCIL**

CONFIRMED PUBLIC MINUTES

via electronic means

26 November 2020

6.30 pm

PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020

SHIRE OF ASHBURTON

SPECIAL MEETING OF COUNCIL

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



Mr Kenn Donohoe
Chief Executive Officer

Date: 26.11.2020

These minutes were confirmed by Council as a true and correct record of proceedings of the Ordinary Meeting of Council on the 26 November 2020.

Presiding Member: _____



Date: 11/12/2020

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.

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

1.	DECLARATION OF OPENING.....	4
1.1	ACKNOWLEDGEMENT OF COUNTRY	4
2.	ANNOUNCEMENT OF VISITORS.....	4
3.	ATTENDANCE	4
3.1	PRESENT.....	4
3.2	APOLOGIES.....	5
3.3	APPROVED LEAVE OF ABSENCE.....	5
4.	PUBLIC QUESTION TIME	5
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.2	PUBLIC QUESTION TIME	5
5.	DECLARATION BY MEMBERS.....	5
5.1	DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA	5
5.2	DECLARATIONS OF INTEREST.....	5
6.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	6
7.	BUSINESS	6
8.	CONFIDENTIAL BUSINESS	7
8.1	CONFIDENTIAL – PROPOSED PURCHASE OF LAND, ONSLOW.....	9
8.2	CONFIDENTIAL ITEM – APPOINTMENT OF DIRECTOR PROJECTS & PROCUREMENT	11
8.3	CONFIDENTIAL ITEM – APPOINTMENT OF DIRECTOR INFRASTRUCTURE SERVICES	13
9.	CLOSURE OF MEETING	14

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.35 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 and emerging.

2. ANNOUNCEMENT OF VISITORS

Members of the public are unable to attend in person due to COVID-19 guidelines and therefore, the option to teleconference has been advised to the public.

3. ATTENDANCE

3.1 PRESENT

Elected Members:	Cr K White	Shire President (Presiding Member) Onslow Ward (called in from home address in Perth WA 6149)
	Cr D Diver	Deputy Shire President Tom Price Ward (called In from home address in Tom Price WA 6751)
	Cr L Rumble	Paraburdoo Ward (called in from home address in Paraburdoo WA 6754)
	Cr M Lynch	Tom Price Ward (called in from home address in Tom Price WA 6751)
	Cr M Gallanagh	Pannawonica Ward (called in from home address in Perth WA 6157)
	Cr R de Pledge	Ashburton Ward (called in from home address – (Station) Joined the meeting at 6.37 pm.
	Cr J Richardson	Tablelands Ward (called in from home address (Station, Tom Price)
Staff:	Mr K Donohoe	Chief Executive Officer (Present in the Tom Price Administration Building)
Guests: No guests were involved in this meeting.		
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.	

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

3.2 APOLOGIES

Cr P Foster Tom Price Ward
Cr D Dias Paraburdoo Ward

3.3 APPROVED LEAVE OF ABSENCE

There were no Approved Leave of Absence for this meeting.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

No public questions have been received for this meeting.

5. DECLARATION BY MEMBERS

5.1 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.

5.2 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 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:
- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) 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 measure 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.

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

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 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
There were no declarations of interest provided.		

Cr R de Pledge phoned in at 6.37 pm.

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

There were no announcements by the Presiding Member for this meeting.

7. BUSINESS

There are no public agenda items for this meeting.

8. CONFIDENTIAL BUSINESS

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;**
- (e) a matter that if disclosed, would reveal:
 - (I) a trade secret;**
 - (II) information that has a commercial value to a person; or**
 - (III) 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.

- (f) a matter that if disclosed, could be reasonably expected to:
 - (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;****
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and**
- (h) such other matters as may be prescribed.**

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

Under the Local Government (Administration) Regulations 1996, s14A. Attendance by telephone etc. states in part:

- (1) *A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —***
- (a) *the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and***
 - (b) *the person is in a suitable place; and***
 - (c) *the council has approved* of the arrangement.***
- (2) *A council cannot give approval under subregulation (1) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.***
- (3) *A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.***
- (4) *In this regulation — disability has the meaning given in the Disability Services Act 1993 section 3; suitable place —***
- (a) *in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and***
 - (b) *in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —***
 - (i) *in a townsite or other residential area; and***
 - (ii) *150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;***

townsite has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

**** Absolute majority required.***

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr M Gallanagh

That Council close the meeting to the public at 6.39 pm pursuant to sub section 5.23 (2) (a) (b) and (e) of the *Local Government Act 1995.*

CARRIED 7/0

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

8.1 CONFIDENTIAL – PROPOSED PURCHASE OF LAND, ONSLOW

FILE REFERENCE: SEC.0381

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

AUTHORISING OFFICER AND POSITION: John Bingham
Director Corporate Services

NAME OF APPLICANT/RESPONDENT: Not Applicable

DATE REPORT WRITTEN: 2 November 2020

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 13.1 (Minute No. 31/2020) Ordinary Meeting of Council 10 March 2020

REASON FOR CONFIDENTIALITY

This Report 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; and*
- d) *a matter that if disclosed, would reveal —*
 - (i) *information that has a commercial value to a person; or*
 - (ii) *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...'*

Roll Call –Cr Diver, Cr Rumble, Cr Lynch, Cr de Pledge, Cr Gallanagh, Cr White and Cr Richardson present.

Officers Recommendation and Council Decision

MINUTE: 211/2020

MOVED: Cr D Diver

SECONDED: Cr L Rumble

That with respect to the Proposed Purchase of Land, Onslow, Council:

- 1. Approve the following budget amendment:**
 - a. Decrease the Property Development Reserve by \$2,000,000; and**
 - b. Increase Land Purchase (Onslow) Account GL No. 11400430 by 2,000,000 ex GST;**

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

- 2. Authorise the Chief Executive Officer to submit an offer to purchase the land parcel in Onslow up to the maximum amount indicated, as referenced behind closed doors;**
- 3. Authorise the Shire President and Chief Executive Officer to execute an offer and acceptance contract if the offer is accepted; and**
- 4. Authorise the Shire President and Chief Executive Officer to execute and/or apply the Common Seal to any land titling forms.**

CARRIED BY ABSOLUTE MAJORITY 7/0

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

8.2 CONFIDENTIAL ITEM – APPOINTMENT OF DIRECTOR PROJECTS & PROCUREMENT

FILE REFERENCE:	GV05
AUTHOR'S NAME AND POSITION:	Adele Heraty Manager Human Resources
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 November 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

REASON FOR CONFIDENTIALITY

The 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.*

Roll Call – Cr Diver, Cr Rumble, Cr Lynch, Cr de Pledge, Cr Gallanagh, Cr White and Cr Richardson present.

Officers Recommendation and Council Decision

MINUTE: 212/2020

MOVED: Cr D Diver

SECONDED: Cr M Gallanagh

That with respect to the Councillor Confidential Item – Appointment of Director Projects & Procurement, Council:

- 1. Pursuant to section 5.37(1) of the *Local Government Act 1995* and Council Policy - EMP11 – Senior Employees Policy, designates the position of Director Projects & Procurement as a Senior Employee;**
- 2. Note the report in relation to selection activities undertake in regard to the position of Director Projects & Procurement; and**

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

- 3. Pursuant to s5.37(2) of the *Local Government Act 1995*, accept the Chief Executive Officer's recommendation to appoint the preferred candidate (as outlined in the report) for the position of Director Projects & Procurement for a contract term of five (5) years as a Senior Designated Employee.**

CARRIED 7/0

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

**8.3 CONFIDENTIAL ITEM – APPOINTMENT OF DIRECTOR
INFRASTRUCTURE SERVICES**

FILE REFERENCE:	GV05
AUTHOR'S NAME AND POSITION:	Adele Heraty Manager Human Resources
AUTHORISING OFFICER AND POSITION:	Kenn Donohoe Chief Executive Officer
NAME OF APPLICANT/ RESPONDENT:	Not Applicable
DATE REPORT WRITTEN:	24 November 2020
DISCLOSURE OF FINANCIAL INTEREST:	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
PREVIOUS MEETING REFERENCE:	Not Applicable

REASON FOR CONFIDENTIALITY

The 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) 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.

Roll Call –Cr Diver, Cr Rumble, Cr Lynch, Cr de Pledge, Cr Gallanagh, Cr White and Cr Richardson present.

Officers Recommendation and Council Decision

MINUTE: 213/2020

MOVED: Cr D Diver

SECONDED: Cr R de Pledge

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

- 1. Pursuant to section 5.37(1) of the *Local Government Act 1995* and Council Policy - EMP11 – Senior Employees Policy, designates the position of Director Infrastructure Services as a Senior Employee;**
- 2. Note the report in relation to selection activities undertake in regard to the position of Director Infrastructure Services; and**

**PUBLIC MINUTE
SPECIAL MEETING OF COUNCIL 26 NOVEMBER 2020**

- 3. Pursuant to s5.37(2) of the *Local Government Act 1995*, accept the Chief Executive Officer's recommendation to appoint the preferred candidate (as outlined in the report) for the position of Director Infrastructure Services for a contract term of five (5) years as a Senior Designated Employee.**

CARRIED 7/0

Council Decision

MOVED: Cr M Lynch

SECONDED: Cr D Diver

Council re-open the meeting at 6.53 pm.

There were no members of the public involved in this meeting.

Roll Call – Cr Diver, Cr Rumble, Cr Lynch, Cr de Pledge, Cr Gallanagh, Cr White and Cr Richardson present.

CARRIED 7/0

9. CLOSURE OF MEETING

There being no further business to discuss the Presiding Member closed the meeting at 6.54 pm.