



**SHIRE OF ASHBURTON  
SPECIAL MEETING OF COUNCIL**

**AGENDA  
(Public Document)**

**via electronic means**

**26 November 2020**

**6.30 pm**

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

**SHIRE OF ASHBURTON  
SPECIAL MEETING OF COUNCIL**

Notice is hereby given that a Special Meeting of Council of the Shire of Ashburton will be held on 26 November 2020 via electronic means, commencing at 6.30 pm.

The business to be transacted is shown in the Agenda.



Kenn Donohoe  
**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

*The recommendations contained in the Agenda 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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**1. DECLARATION OF OPENING**

The Presiding Member declared the meeting open at \_\_\_\_\_ 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**

**3. ATTENDANCE**

**3.1 PRESENT**

<b>Elected Members:</b>	Cr K White Cr D Diver Cr L Rumble Cr M Lynch Cr M Gallanagh Cr R de Pledge Cr J Richardson	Shire President (Presiding Member) Onslow Ward Deputy Shire President Tom Price Ward Paraburdoo Ward Tom Price Ward Pannawonica Ward Ashburton Ward Tablelands Ward
<b>Staff:</b>	Mr K Donohoe Mrs M Lewis	Chief Executive Officer Council Liaison Officer
<b>Guests:</b>		
<b>Members of Public:</b>	There were ____members of the public in attendance at the commencement of the meeting.	
<b>Members of Media:</b>	There were ____ members of the media in attendance at the commencement of the meeting.	

**3.2 APOLOGIES**

Cr P Foster          Tom Price Ward  
Cr D Dias          Paraburdoo Ward

**3.3 APPROVED LEAVE OF ABSENCE**

**4. PUBLIC QUESTION TIME**

**4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**4.2 PUBLIC QUESTION TIME**

**5. DECLARATION BY MEMBERS**

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**5.1 DUE CONSIDERATION BY COUNCILLORS TO THE AGENDA**

Councillors are requested to give 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.
- 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.

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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.		

**6. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

**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.*

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- (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.***

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**8.1 CONFIDENTIAL – PROPOSED PURCHASE OF LAND, ONSLOW**

<b>FILE REFERENCE:</b>	SEC.0381
<b>AUTHOR'S NAME AND POSITION:</b>	Janelle Fell Manager Land and Asset Compliance
<b>AUTHORISING OFFICER AND POSITION:</b>	John Bingham Director Corporate Services
<b>NAME OF APPLICANT/RESPONDENT:</b>	Not Applicable
<b>DATE REPORT WRITTEN:</b>	2 November 2020
<b>DISCLOSURE OF FINANCIAL INTEREST:</b>	The author and the authorising officer have no financial, proximity or impartiality interests in the proposal
<b>PREVIOUS MEETING REFERENCE:</b>	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...*

**Officers Recommendation**

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;
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.



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**8.2 CONFIDENTIAL ITEM – APPOINTMENT OF DIRECTOR PROJECTS & PROCUREMENT**

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

**Officers Recommendation**

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
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.

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

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

**Officers Recommendation**

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
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.

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**9. CLOSURE OF MEETING**

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