



Published Minutes

Special Council Meeting

Tuesday, 18 April 2023

Date:	Tuesday 18 April 2023
Time:	6:30pm
Location:	Council Chambers, Onslow Shire Complex, Second Avenue, Onslow
Distribution Date:	Wednesday 19 April 2023



**Shire of Ashburton
Special Council Meeting**

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

K Donohoe
Chief Executive Officer
19 April 2023

These minutes were confirmed by Council as a true and accurate record of proceedings at the Special Council Meeting held on Tuesday, 18 April 2023.

Presiding Member

Date

9/05/2023
~~12/04/2023~~

Disclaimer

The Shire of Ashburton warns anyone who has an 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 Council in respect of the application. No responsibility whatsoever is implied, or accepted, by the Shire of Ashburton for any act, omission, statement, or intimation occurring during a Council meeting.

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1 Declaration Of Opening

The Presiding Member declared the meeting open at 6:30pm.

Presiding Member Recommendation

In accordance with regulation 14C(2)(b) of the *Local Government (Administration) Regulations 1996*, approves Councillor M Lynch, T Mladenovic, R De Pledge, J Richardson to attend the meeting via electronic means, noting they are in instantaneous communication with the meeting.

Cr M Lynch Declaration

In accordance with regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*, I declare that I can maintain confidentiality during the meeting or the closed part of the meeting.

Cr T Mladenovic Declaration

In accordance with regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*, I declare that I can maintain confidentiality during the meeting or the closed part of the meeting.

Cr R De Pledge Declaration

In accordance with regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*, I declare that I can maintain confidentiality during the meeting or the closed part of the meeting.

Cr J Richardson Declaration

In accordance with regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*, I declare that I can maintain confidentiality during the meeting or the closed part of the meeting.

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

Nil

3 Attendance

3.1 Present

Elected Members:	Cr K White Cr M Lynch Cr R De Pledge Cr J Richardson Cr T Mladenovic	Shire President (Presiding Member), Onslow Ward Deputy Shire President, Tom Price Ward Ashburton Ward Tableland Ward Tom Price Ward
Employees:	K Donohoe C McGurk T Dayman R Miller J Bray R Marlborough A Furfaro N Cochrane	Chief Executive Officer Director Projects and Procurement Acting Director Corporate Services Director Infrastructure Services Manager Governance Senior Governance Officer Governance Officer Council Support Officer
Guests:	Nil	
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

Cr M Gallanagh	Pannawonica Ward
Cr L Rumble	Paraburdoo Ward
Cr A Sullivan	Paraburdoo Ward
Cr A Smith	Tom Price Ward

3.3 Approved Leave Of Absence

Nil

4 Question Time

4.1 Public Question Time

Nil

5 Declaration By Members

5.1 Due Consideration By Councillors To The Agenda

Councillors noted they have given due consideration to all matters contained in this agenda. The Presiding Member requested the Chief Executive Officer to read aloud the following correspondence from the Department of Local Government, Sport and Cultural Industries and noted each Councillor had been provided a copy.



Our ref E23034129
Enquiries Kimberley Craik
Phone (08) 6552 1408
Email legislation@dlgsc.wa.gov.au

Mr Kenn Donohoe
Chief Executive Officer
Shire of Ashburton

Email: governance@ashburton.wa.gov.au

Dear Mr Donohoe

I refer to your correspondence dated 12 April 2023 and advise that, in accordance with the 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).

It has been noted that the Shire requires a minimum approval of two members in order to achieve quorum. Accordingly, approval has been granted for Cr Lynch and Cr Mladenovic to fully participate in the discussion and decision making relating to the following agenda item at the Special Council Meeting, to be held on 18 April 2023:

8.1 – CONTRACT FOR CONSULTANCY SERVICES – COMMUNITY LIFESTYLE AND INFRASTRUCTURE PLAN FOR TOM PRICE AND PARABURDOO

Conditions of approval:

1. *The approval is only valid for the 18 April 2023 Special Council Meeting when agenda item 8.1 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 Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) 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 DLGSC, to allow the DLGSC 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.*

In granting approvals of this kind, my primary objectives are to enable the council to have a sufficient quorum to resolve the matter, while also ensuring that the number of conflicted councillors voting on a matter is minimized

For this reason, it is not always possible for me to approve all of the councillors who might be seeking to participate on an agenda item when a large number of potential conflicts are involved.

Should you require further information in relation to this matter, please contact Kimberley Craik, A/Legislation Officer, via the details provided above.

Yours sincerely

TIM FRASER
EXECUTIVE DIRECTOR – LOCAL GOVERNMENT

16 April 2023

5.2 Declaration Of Interest

A member who has an Impartiality, Proximity or Financial interest in any matter to be discussed at this meeting must disclose the nature of the interest either in a written notice, given to the Chief Executive Officer, prior to the meeting, or at the meeting immediately before the matter is discussed.

A member who makes a disclosure in respect to an interest must not preside at the part of the meeting which deals with the matter, or participate in, or be present during any discussion or decision-making process relative to the matter, unless the disclosing member is permitted to do so under Section 5.68 or Section 5.69 of the *Local Government Act 1995*.

The following declarations of interest are disclosed –

8.1 Contract for Consultancy Services - Community Lifestyle and Infrastructure Plan for Tom Price and Paraburdoo	
Name	Cr L Rumble JP
Nature of interest	Direct Financial
Interest description	Rio Tinto share holder greater than the prescribed amount.
Name	Cr M Gallanagh
Nature of interest	Direct Financial
Interest description	My husband and I both work for Rio Tinto, live in company housing and own shares in Rio Tinto both individually and collectively to a greater value than the prescribed amount.
Name	Deputy Shire President M Lynch
Nature of interest	Indirect Financial
Interest description	I am an employee of Rio Tinto and a tenant of Pilbara Iron. I am paid a salary by Pilbara Iron.
Name	Cr T Mladenovic
Nature of interest	Indirect Financial
Interest description	My partner is employed by Rio Tinto and we live in subsidised housing provided as part of his employment. My partner has shares under the prescribed amount.

6 Announcements By The Presiding Member And Councillors Without Discussion

Nil

7 Petitions / Deputations / Presentations

Nil

8 En Bloc Resolutions

8.1 Agenda Items Adopted En Bloc

Nil

9 Confidential Matters

Procedural Motion

Moved Cr R De Pledge

Seconded Cr T Mladenovic

That Council move behind closed doors at 6:39pm, pursuant to clause 6.2 of the *Shire of Ashburton Standing Orders Local Law 2012* to consider the following confidential items.

8.1 Contract for Consultancy Services - Community Lifestyle and Infrastructure Plan for Tom Price and Paraburdoo

Pursuant to sub section 5.23(2)(c) of the *Local Government Act 1995* which provides:

- (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; or
 - (ii) information that has a commercial value; or
 - (iii) information about the business, professional, commercial or financial affairs of a person

Carried 5/0

Cr L Rumble JP disclosed a direct financial interest in Item 8.1 (detailed in Item 5.2).

Cr M Gallanagh disclosed a direct financial interest in Item 8.1 (detailed in Item 5.2).

Deputy Shire President Cr M Lynch disclosed an indirect financial interest in Item 8.1 (detailed in Item 5.2).

Cr T Mladenovic disclosed an indirect financial interest in Item 8.1 (detailed in Item 5.2).

8.1 Contract for Consultancy Services - Community Lifestyle and Infrastructure Plan for Tom Price and Paraburdoo

File Reference	CM21.21
Applicant or Proponent(s)	Not Applicable
Author	C McGurk, Director Community Development
Authorising Officer	C McGurk, Director Community Development
Previous Meeting Reference	Nil
Disclosure(s) of interest	Author – Nil
	Authorising Officer – Nil
Attachments	<ol style="list-style-type: none"> 1. RFT 21.21 Consultancy Services - Community Lifestyle and Infrastructure Plan for Tom Price and Paraburdoo 2. General Conditions of Contract for Consultants - signed 3. Shire of Ashburton CLIP Position Statement 4. Letter of Response to Shire of Ashburton's CLIP Position Statement

Reason for Confidentiality

Section under the Act	<i>This matter is to be considered behind closed doors pursuant to s.5.23(2)(d) and (e) of the Local Government Act 1995 as the subject matter relates to:</i>
Sub-clause and Reason:	<p><i>“s.5.23(2)(d) and (e) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal –</i></p> <ol style="list-style-type: none"> <i>(i) a trade secret; or</i> <i>(ii) information that has a commercial value; or</i> <i>(iii) information about the business, professional, commercial or financial affairs of a person.”</i>

Report Purpose

To consider terminating the consultancy services contract to produce the Community Lifestyle and Infrastructure Plan (CLIP) for Tom Price and Paraburdoo.

Voting Requirements

Simple Majority

Council Decision **060/2023**

Moved **Cr T Mladenovic**

Seconded **Cr M Lynch**

That Council, in respect of Hames Sharley Pty Ltd's Consultancy Services Contract with the Shire of Ashburton (dated 6 December 2021) for production of the Community Lifestyle and Infrastructure Plan for Tom Price and Paraburdoo (RFT 21.21), authorises the Chief Executive Officer to:

- 1. Reach mutual agreement with Hames Sharley Pty Ltd for cessation of its contract pursuant to clause 26.1(a) of the General Conditions forming part of that contract; and**
- 2. Unilaterally cease Hames Sharley Pty Ltd's contract pursuant to clause 26.1(b) of the General Conditions forming part of that contract, if in the opinion of the Chief Executive Officer, mutual agreement cannot be reached for cessation of the contract in response to 1. above.**

Carried 5/0

Procedural Motion**Moved** Cr R De Pledge**Seconded** Cr M Lynch**That Council re-open the meeting to the public at 6:40pm.****Carried 5/0****10 Next Meeting**

The next Ordinary Council Meeting will be held at 1:00pm on Tuesday 9 May 2023 at Council Chambers, Onslow Shire Complex, Second Avenue, Onslow.

11 Closure Of Meeting

There being no further business, the Presiding Member closed the meeting at 6:41pm.