



SHIRE OF LAVERTON

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

HELD AT 5:02PM ON THURSDAY 28 MARCH 2019

IN THE SHIRE COUNCIL CHAMBERS AT

9 MACPHERSON PLACE, LAVERTON WA 6440

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ATTACHMENTS

ATTACHMENT NO	DESCRIPTION	DISTRIBUTION
OMC190328-8.1.A	Minutes of Ordinary Meeting of Council 28 February 2019	Previously
OMC190328-10.1.A	President’s Report	To be Tabled
OMC190328-10.2.A	Elected Member(s) Report(s)	To be Tabled
OMC190328-11.1.1.A	List of Accounts for Payment for February 2019	Attached
OMC190328-11.1.2.A	Statement of Financial Activity for the Period ending 31 December 2018	Attached
OMC190328-11.1.3.A	Statement of Financial Activity for the Period ending 31 January 2019	Attached
OMC190328-11.3.1.A	RFT 05.18-19 Supply and Delivery of Sealing Aggregate	Attached
OMC190328-11.3.1.B	RFT 06.18-19 Supply of Cement Stabilisation Services	Attached

ATTACHMENT NO	DESCRIPTION	DISTRIBUTION
OMC190328-11.3.1.C	RFT 07.18-19 Supply and Installation of Bitumen Sealing	Attached
OMC190328-11.3.2.A	CONFIDENTIAL - Tender Prices RFT 02.18-19	Separately
OMC190328-11.3.2.B	CONFIDENTIAL - Tender Assessment Matrix RFT 02.18-19	Separately
OMC190328-11.3.2.C	CONFIDENTIAL - Tender Assessment RFT 02.18-19	Separately
OMC190328-11.3.3.A	Letter of Application to keep three dogs	Attached
OMC190328-11.4.2.A	CONFIDENTIAL - Extension and Variation of Medical Services Deed	Separately

MINUTES

OF THE ORDINARY MEETING OF COUNCIL HELD AT 5:02PM ON THURSDAY 28 MARCH 2018 IN THE SHIRE OF LAVERTON COUNCIL CHAMBERS

1. DECLARATION OF OPENING

The Shire President, Cr Patrick Hill, declared the meeting open at 5:02pm.

2. ANNOUNCEMENT OF VISITORS

There were no visitors present at this meeting.

3. RECORD OF ATTENDANCE

3.1 PRESENT

Cr Patrick Hill	President
Cr Shaneane Weldon	Deputy President
Cr Robin Prentice	Councillor
Cr Rex Ryles	Councillor
Cr Rex Weldon	Councillor
Mr Peter Naylor	Chief Executive Officer
Mr Phil Marshall	Deputy Chief Executive Officer
Mr Les Vidovich	Executive Manager Technical Services

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Deanne Ross	Councillor
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4. APPLICATIONS FOR LEAVE OF ABSENCE

The CEO tabled a Leave of Absence request for this meeting from Cr D Ross for work and medical reasons (Attachment OMC190328-4.0.A).

OMC190328.01 COUNCIL DECISION/PROCEDURAL MOTION

MOVED: Cr R Ryles SECONDED: Cr R Weldon

That the application for Leave of Absence for this meeting from Cr D Ross (Attachment OMC190328-4.0.A) as tabled, be approved.

SIMPLE MAJORITY VOTES FOR 5 VOTES AGAINST 0

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

There were no Public Questions.

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

There were no items listed for discussion behind closed doors in Section 14.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF COUNCIL – 28 FEBRUARY 2019 (FILE REF: 793)

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.02 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Weldon SECONDED: Cr R Prentice

That the Minutes of the Ordinary Meeting of Council held on 28 February 2019, be confirmed as a true and correct record of proceedings with the following corrections:

- **Cr Rex Weldon included as being in attendance not as an apology**
- **Cr Robin Prentice's Elected Member's Report to include attendance at OHDC meeting via teleconference.**

SIMPLE MAJORITY VOTES FOR 5 VOTES AGAINST 0

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

There were no petitions/deputations or presentations listed for

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

10.1 PRESIDENT'S REPORT (FILE REF: 198)

There were no items for this section.

10.2 ELECTED MEMBERS' REPORTS (FILE REF: 198)

There were no items for this section.

11. COUNCIL BUSINESS

11.1 FINANCE AND ADMINISTRATION BUSINESS

11.1.1 ACCOUNTS PAID AS AT 28 FEBRUARY 2019 (FILE REF: 1276)

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Shire of Laverton
AUTHOR:	Natasha Fuamatu, Accounts & Payroll Officer
SENIOR OFFICER:	Phil Marshall, Deputy Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

The presentation of a list of accounts paid in February 2019 in accordance with Council Delegation 21.

ATTACHMENTS

OMC190328-11.1.1.A List of accounts for payment for February 2019

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

In accordance with Delegation 21, the Chief Executive Officer has approved the accounts listed in Attachment OMC190328–11.1.1.A for payments in February 2019.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Reg. 34(2)(c) – Each statement of financial activity is to be accompanied by documents containing such other supporting information as is considered relevant by the local government.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Not applicable.

COMMENT

This report continues to “refine” processes as part of the implementation of the new Synerysoft accounting software to provide Council with the appropriate level of information in accordance with legislative requirements.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.03 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Prentice SECONDED: Cr R Ryles

That Council endorses the list of payments for the month of February 2019 made under Delegation 21 as per Attachment OMC190328–11.1.1A totalling \$2,627,832.27 and summarised as follows:

TYPE	REFERENCE	AMOUNT
Direct Debit Payments	DDPAY0801-DDPAY0803, DD398.1-DD398.7, DD418.6, DD424.1, DD427.1-DD429.1, DD439.1-DD439.7, DD442.1-DD442.2	\$247,716.27
EFT Payments	EFT766-EFT802	\$2,328,950.79
Trust Payments	EFT895	\$200.00
Cheques	13278-13295	\$50,965.21
Total Payments		\$2,627,832.27

SIMPLE MAJORITY VOTES FOR 5 VOTES AGAINST 0

11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 DECEMBER 2018 (FILE REF: 1270)

SUBMISSION TO: Ordinary Meeting of Council 28 March 2019
DISCLOSURE OF INTEREST: The author has no financial interest in this matter
OWNER/APPLICANT: Not applicable
AUTHOR: Phil Marshall, Deputy Chief Executive Officer
SENIOR OFFICER: Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE: Not applicable

MATTER FOR CONSIDERATION

To accept the Statement of Financial Activity for the period ending 31 December 2018.

ATTACHMENTS

OMC 190328-11.1.2.A Statement of Financial Activity for the period ending 31 December 2018

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the preparation of a statement of financial activity each month, reporting on revenue and expenditure. Material variances (as determined by the Council annually) between actual and budgeted figures must be commented on.

Variances between budgeted and actual expenditure, including the required Material Variances of plus or minus 10% and \$10,000 (which is the limit set as per Council Resolution), should be reported on.

STATUTORY IMPLICATIONS

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Local Government (Financial Management) Regulations 1996

Section 34 Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month ..
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.

- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances”

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS

Civic Leadership Objective - A financially strong and knowledgeable Shire, leading an empowered community

CONSULTATION

Chief Executive Officer

COMMENT

The Statements of Financial Activity having been generated and prepared by consultants Moore Stephens are presented to Council in their entirety.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.04 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr S Weldon SECONDED: Cr R Prentice

That Council in accordance with Clause 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statement of Financial Activity for the period ending 31 December 2018 as shown in Attachment OMC190328–11.1.2.A.

SIMPLE MAJORITY	X	VOTES FOR	5	VOTES AGAINST	0
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11.1.3	STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 JANUARY 2019 (FILE REF: 1270)
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SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Phil Marshall, Deputy Chief Executive Officer
SENIOR OFFICER:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:NA	Not applicable

MATTER FOR CONSIDERATION

To accept the Statement of Financial Activity for the period ending 31 January 2019

ATTACHMENTS

OMC190328-11.1.3.A Statement of Financial Activity for the period ending 31 January 2019

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the preparation of a statement of financial activity each month, reporting on revenue and expenditure. Material variances (as determined by the Council annually) between actual and budgeted figures must be commented on.

Variances between budgeted and actual expenditure, including the required Material Variances of plus or minus 10% and \$10,000 (which is the limit set as per Council Resolution), should be reported on.

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Local Government (Financial Management) Regulations 1996

Section 34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month ..
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances”

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS

Civic Leadership Objective – A financially strong and knowledgeable Shire, leading an empowered community

CONSULTATION

Chief Executive Officer

COMMENT

The Statements of Financial Activity having been generated and prepared by consultants Moore Stephens are presented to Council in their entirety.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.05 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr P Hill SECONDED: Cr S Weldon

That Council, in accordance with Clause 34 of the *Local Government (Financial Management) Regulations 1996* receives the Statement of Financial Activity for the period ending 31 January 2019 as shown in Attachment OMC190328 – 11.1.3.A.

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 5	VOTES AGAINST	<input type="checkbox"/> 0
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11.1.4. LOT 251 (8) CABLE STREET LAVERTON (FILE REF: 707)

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Phil Marshall, Deputy Chief Executive Officer
SENIOR OFFICER:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE	Minute No OMC180919.09 of Ordinary Meeting of Council held on 19 September 2018

MATTER FOR CONSIDERATION

That the Council rescind Resolution OMC180919.09 of the 19 September 2018 Ordinary Meeting of Council which reads:

That Council:

- (1) Authorise the Chief Executive Officer to advertise the sale of Lot 251 (8) Cable Street, Laverton in accordance with the *Local Government Act 1995* (Section 3.25(3)&(4) refers) for the consideration of \$15,000 to Ms Regina O'Donoghue; and**
- (2) Credit the proceeds of \$15,000 from the sale of Lot 251 (8) Cable Street, Laverton to the Reserve Account titled Council Building Reserve.**

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

The Council at its Ordinary Meeting on 19 September 2018 resolved to sell 8 Cable Street as per the Council Resolution.

The administration has been working with the buyer and due to various circumstances, the buyer has advised the Council on Thursday 21 March 2019 that she can no longer proceed with the purchase.

The main issue is the re-connection of the power.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Local Government Act 1995

Article I.5.25. Regulations about council and committee meetings and committees

- 1) Without limiting the generality of section 9.59, regulations may make provision in relation to —
 - (e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); ...”

Local Government (Administration) Regulations 1996

Article II. 10. Revoking or changing decisions (Act s. 5.25(1)(e))

- “(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.

- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different....”

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation will cost the Council a fee from the Settlement Agency for the work completed to date. The fee was recorded as \$818.06 under the settlement statement and this would be the Council's maximum liability.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Chief Executive Officer

COMMENT

As the settlement on 8 Cable Street will not be proceeding, the aim is to correct the Council records by rescinding the motion from the 19 September 2018 Ordinary Meeting of Council.

The property at 8 Cable Street is considered surplus to the Council's requirements and as such will be subject to a further report for disposal from the respective section of the Council to determine future use along with other Council properties. The CEO would like to undertake a complete review of all Council housing.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.06 OFFICER RECOMMENDATION

MOVED: Cr S Weldon SECONDED: Cr R Ryles

That the Council rescind the following motions from the 19 September 2018 Ordinary Meeting of Council in accordance with Section 5.25 of the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*:

- 1. Authorise the Chief Executive Officer to advertise the sale of Lot 251 (8) Cable Street, Laverton in accordance with the *Local Government Act 1995* (Section 3.25(3)&(4) refers) for the consideration of \$15,000 to Ms Regina O'Donoghue; and**
- 2. Credit the proceeds of \$15,000 from the sale of Lot 251 (8) Cable Street, Laverton to the Reserve Account titled Council Building Reserve.**

MAJORITY VOTES FOR 5 VOTES AGAINST 0

11.1.5. SCHEDULE OF FEES AND CHARGES – COMMUNITY BUS (FILE REF: 0046)

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Phil Marshall, Deputy Chief Executive Officer
SENIOR OFFICER:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE	Not applicable

MATTER FOR CONSIDERATION

The purpose of this report is to waive the deposit and kilometre rate as scheduled under the Council's Fees and Charges.

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

A verbal request has been received from the Laverton Police to utilise the Community Bus to take Laverton youth and participate in the Kalgoorlie Junior Football competition. The Police are seeking assistance from the Council to waive the deposit and kilometres fee for the Community Bus.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Section 5.42. **Delegation of some powers and duties to CEO**

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

** Absolute majority required.*

Section 5.43. **Limits on delegations to CEO** ²⁹

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;

Section 6.16. **Imposition of fees and charges**

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

** Absolute majority required.*

The following is taken from The Councils Fees and Charges and adopted for the 2018/19 financial year.

Community Bus Hire			
All hire of the Community Bus has to be approved by the CEO or the Executive Manager Corporate and Community Services prior to payment of fees.			
Cash deposit per day	200.00	N/A	200.00
Bitumen road per kilometre	1.00	0.10	1.10
Gravel road per kilometre	1.50	0.15	1.65

POLICY IMPLICATIONS

Policy 02-16 Administration: Guidelines for the Use of the Community Bus.

HIRE FEES FOR BUS:

The cost to hire the bus is \$1 (Plus GST) per kilometre while travelling on a bitumen road, this includes the cost of maintenance and repairs. The hire rate for the bus when travelling on a gravel road is \$1.50 (plus GST) per kilometre. Travel on gravel roads is only permitted with the express written consent of the Chief Executive Officer. Fuel is at the expense of the hirer.

A cash bond of \$200 (GST Excluded) per day is required before any booking will be confirmed.

The bus seats 22 including the driver and has space available for 2 wheelchairs.

The hirer is responsible for returning the bus in a clean and tidy state and will be subject to an inspection prior to the bond being returned. Should the bus require cleaning, the Shire of Laverton will organise that cleaning to be carried out and the costs for that cleaning will be the responsibility of the hirer

The bus is only covered for hire to Community Groups under the Shire of Laverton insurance agreement. Any hire outside of these parameters will require the hirer to produce evidence of carrying their own insurance cover to the satisfaction of the Chief Executive Officer.

FINANCIAL IMPLICATIONS

Loss of revenue equal to \$750.00 approx for the mileage outlined in the Fees and Charges.

STRATEGIC IMPLICATIONS

Social Opportunities

Core services, and facilities for youth and families are essential to provide a good incentive to attract and retain youth and families in the town.

The community acknowledge they need to continue to develop leadership groups and promote opportunities for involvement in sporting, community and volunteer groups to build a stronger Laverton.

CONSULTATION

Chief Executive Officer

COMMENT

It is understood that the local police will attend the Council meeting and address the Council of their intentions for the use of the bus and provide a first-hand account of their motives, intentions and outcomes for the Youth of Laverton.

VOTING REQUIREMENTS

Absolute majority decision of Council required.

OMC190328.07 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles SECONDED: Cr R Weldon

That the Council by an absolute majority approve the waiving of the deposit and the kilometre rate as outlined in the Schedule of Fees and Charges for the use of the Community Bus to the Laverton Police for the 2019 Goldfields League football season.

ABSOLUTE MAJORITY	X	VOTES FOR	5	VOTES AGAINST	0
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11.2 ENVIRONMENTAL HEALTH & BUILDING SERVICES BUSINESS

There was no Environmental Health & Building Services business for this meeting.

11.3 WORKS AND SERVICES BUSINESS

11.3.1 MT WELD, MEROLIA AND RACECOURSE ROAD TENDERS FOR THE SUPPLY OF AGGREGATE, CEMENT STABILISATION AND BITUMEN SEALING SERVICES (FILE REF: 0372)

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Les Vidovich. Executive Manager Technical Services
SENIOR OFFICER:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

This report is seeking for Council to approve the calling of tenders for the supply of materials and services associated with the construction of Mt Weld, Merolia and Racecourse Roads and approve the selection criteria and weighting to be used for the assessment of the three tenders.

ATTACHMENTS

OMC190328-11.3.1.A	RFT 05-18/19 Supply and Delivery of Sealing Aggregate
OMC190328-11.3.1.B	RFT 06-18/19 Supply of Cement Stabilisation Services
OMC190328-11.3.1.C	RFT 07-18/19 Supply and Installation of Bitumen Sealing

APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

The Shire of Laverton is managing in-house a \$4.8M dollar project for the upgrading of a section of Mt Weld Road (21.5 km), Merolia Road (1.0 km) and Racecourse Road (1.4 Km's) to an 8 meter wide bitumen sealed standard. Funds for the construction of these roads is from Council and three nearby mining companies including Goldfields, Lynas Corporation and AngloGold Ashanti.

Following the completion of the survey, design and necessary approvals, the construction phase commenced in late February 2019 using a local construction plant hire company, C & A Taylors.

These roadworks will rapidly reach a stage where the procurement process will need to call for tenders for the supply of the following materials and services associated with the project.

- Supply and Delivery of Sealing Aggregate
- Cement Stabilisation of Floodways; and
- Supply and Installation of Bitumen Sealing Services

STATUTORY ENVIRONMENT

Local Government Act (1995)

Section 3.57 Requires a local government to invite tenders before entering into a contract of a prescribed kind for the supply of goods or services.

Local Government (Functions and General) Regulations (1996)

Part 4 Provision of Goods and Services – Provides the detail of when tenders are required to be called and the process for dealing with and awarding tenders.

In accordance with the Tender Regulations of the *Local Government Act 1996*, Councils are required to call tenders for works where the value exceeds \$150,000.00.

POLICY IMPLICATIONS

Council Policy 2.18 – “Purchasing” will be applied by staff when calling for tenders, including section 8 “Buy Local” which states, as much as practicable, the Shire must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

FINANCIAL IMPLICATIONS

The financial commitment for the Supply of Aggregate, Cement Stabilisation and Bitumen Sealing Services is included in the relevant construction and operational budgets for the Technical Services Section.

To construct Mt Weld, Merolia and Racecourse Roads, significant individual contributions are being received from GoldFields Australia, Lynas Corporation and AngloGold Ashanti to supplement the Shire's contribution.

The mining contributions are being received over a two (2) year period and Council's funding allocation is through the Federal Government's Roads to Recovery program. These funds are required to be fully spent this financial year and cannot be deferred until 2019/20.

STRATEGIC IMPLICATIONS

The Shire of Laverton's Strategic Community Plan identifies a safe and efficient transport network as a desired focus and outcome.

Traffic counters placed on Mt Weld Road show that on average 4,000 vehicles per month or 133 vehicles per day are using the road. Of this count 40 Percent are heavy vehicles which would be providing goods and services directly to the mine sites.

Besides making each section of road all weather, upgrading the thoroughfares will:

- Improve transport access, efficiency and safety;
- Reduce road closures and lost productivity time; and
- Enhance commuting into Laverton by mine personnel for residential purposes, services, supplies or meetings.

CONSULTATION

Nil

COMMENT

It is proposed that the three supply contracts would each be tendered separately noting that the nature of the services associated with each is distinctly different.

Whilst it is not uncommon to include the supply of aggregate within the bitumen sealing contracts, the remote location of Laverton and the long lead distances associated with the project is such that by separating out the aggregate supply and delivery an opportunity is created whereby the haulage component can be tendered by a greater range of transport operators including local companies. This can be achieved by allowing tenders to price, the supply only, transport only or a combination of both.

As with all tenders, the RFT document will incorporate a number of selection criteria and weightings to be applied during the tender analysis. Permission to advertise these tenders is now sought from Council and a copy of the tender documents for each is attached at OMC190328-11.3.1.A, OMC190328-11.3.1.B and OMC190328-11.3.1.C.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.08 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr S Weldon SECONDED: Cr R Prentice

That Council:

1. **Receives the following Request for Tender documents for the construction of Mt Weld, Merolia and Racecourse Roads.**
 - RFT 05-18/19 Supply and Deliver of Sealing Aggregate
 - RFT 06-18/19 Supply of Cement Stablisation Services
 - RFT 07-18/19 Supply and Installation of Bitumen Sealing Services
2. **Approves the Selection Criteria and Weightings contained in the RFT's as follows:**

<p>A: Organisational Experience and Capacity</p> <p>Tenderers must address the following information in an attachment and label it “Organisational Experience and Capacity”:</p> <p>(a) Details of similar work previously undertaken including reference to dates, value of works and time taken to complete and evidence of having achieved outcomes;</p> <p>(b) Reference sheet or list of relevant previously completed projects;</p> <p>(c) Provide referees who can substantiate previous experience and demonstrated capability of the organisation;</p> <p>(d) Demonstrated capacity of organisation to resource the work ie current workload vs forecast workload including this contract;</p>	<p>30%</p>
<p>B: Road Construction Experience in Rural and Remote</p> <p>Tenderers must address the following information in an attachment and label it “Road Construction Experience in Rural and Remote Areas”:</p> <p>(a) Nominate specific examples in previous projects reference sheet;</p> <p>(b) Provide details of Organisations Occupational, Health and Safety records and systems with particular relevance to works in rural and remote areas and communications;</p>	<p>20%</p>
<p>C: Key Personnel Experience and Overall Capacity</p> <p>Tenderers must address the following information in an attachment and label it “Key Personnel Experience and Overall Capacity”:</p> <p>(a) Provide details of past experience of key staff including Supervisory and Operators of key items of plant;</p>	<p>30%</p>

<p>(b) Provide CV's or as a minimum, employment history (including reference to projects worked on and roles undertaken) years of experience and qualifications or relevant memberships for key personnel;</p> <p>(c) Provide referees who can substantiate previous experience and demonstrated capability of key personnel;</p> <p>(d) Include reference to the organisations capacity to provide back-up resources for key personnel should the need arise;</p> <p>(e) Provide details for employment and training opportunities for local Aboriginal and Torres Strait Islanders</p>	
<p>D: Extent of Road Construction Plant & Mechanical Support</p> <p>Tenderers must address the following information in an attachment and label it “Extent and Condition of Plant & Mechanical Support”:</p> <p>(a) Identify total numbers of each type of plant available for this project for assessment against the required task;</p> <p>(b) Nominate age or hours of each item of plant or some indication of condition or reliability;</p> <p>(c) Specifically detail the items of mechanical support and equipment available to ensure continuity of service for this project;</p> <p>(d) Identify any particular items of plant or attachments which are considered to have special or advantageous application to the works and locations identified within this tender;</p>	<p>20%</p>

3. Endorses the calling of tenders with the item being brought back to an Ordinary Meeting of Council for determination once advertised and closed.

SIMPLE MAJORITY X
 VOTES FOR 5
 VOTES AGAINST 0

05:30pm Cr R Ryles declared a Financial Interest in Agenda Item 11.3.2 and left the meeting.

11.3.2 RFT 02-18/19 BANDYA ROAD CULVERT INSTALLATION (FILE REF: 0272)

SUBMISSION TO: Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST: The author has no financial interest in this matter
OWNER/APPLICANT: Not applicable
AUTHOR: Les Vidovich, Executive Manager Technical Services
SENIOR OFFICER: Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE: Minute OMC181025.17 of Ordinary Meeting of Council held on 25 October 2018

MATTER FOR CONSIDERATION

For Council to consider RFT 02.18-19 for the Installation of Culverts on Bandy Road at SLK 36.5.

ATTACHMENTS

OMC190328-11.3.2.A **CONFIDENTIAL** - Tender Prices RFT 02.18-19
OMC190328-11.3.2.B **CONFIDENTIAL** - Tender Assessment Matrix RFT 02.18-19
OMC190328-11.3.2.C **CONFIDENTIAL** - Tender Assessment RFT 02.18-19

APPLICANT'S SUBMISSION

Submissions in relation to this item comprise the three tender submissions lodged in accordance with the *Local Government (Functions & General) Regulations 1996* and the RFT 02.18-19 tender documentation.

BACKGROUND

At its Ordinary Meeting held on 25 October 2018, Council endorsed the calling of tenders for the installation of culverts on Bandy Road, with the item being brought back to an Ordinary Meeting of Council for determination.

The proposal to install culverts on Bandy Road at SLK 36.5 was identified following a road safety audit which was performed by Shawmac Consulting Civil and Traffic Engineers in July 2015. The nature of concern was that the vertical geometry for the approach to the creek crossing, restricted sight distance to the creek bed which is significantly lower than the general road level approaching the creek. This has the potential to be hazardous to road users due to restricted sight lines in particular at times of flash flooding from upstream storm events.

Tender 02.18-19 Culvert Installation on Bandy Road was advertised in the “West Australian” newspaper on Saturday 16 February 2019. A total of seventeen prospective tenderers requested the tender documentation prior to the closing date. When tenders closed at 2pm on Thursday 07 March 2019, three submissions were received from the following organisations:

1. Castle Civil	34 Satellite Place Carlisle WA 6101
2. Comiskeys Contracting	80 Coast Road West Swan WA 6055
3. Hazelmere Group	178 Bushmead Road Hazelmere WA 6055

It is planned that the project will be managed by staff at the Shire of Laverton with the assistance of Shawmac who completed the detail design drawings.

STATUTORY ENVIRONMENT

Local Government Act (1995)

Section 3.57 - Requires a local government to invite tenders before entering into a contract of a prescribed kind for the supply of goods or services.

Local Government (Functions and General) Regulations (1996)

Part 4 - Provision of Goods and Services – Provides the detail of when tenders are required to be called and the process for dealing with and awarding tenders.

In accordance with the Tender Regulations of the *Local Government Act 1996*, Councils are required to call tenders for works where the value exceeds \$150,000.00.

POLICY IMPLICATIONS

Council Policy “02.18 – Purchasing” has been applied by staff when calling for tenders.

FINANCIAL IMPLICATIONS

An amount of \$289,700 has been allocated in Council’s 2018/19 budget to complete the installation of the culverts on Bandy Road. This project is 75% funded through the State’s Blackspot Program.

STRATEGIC IMPLICATIONS

The Shire of Laverton’s Strategic Community Plan identifies a safe and efficient transport network by maintaining and improving its roads as a desired focus and outcome.

CONSULTATION

Consultation in respect to this project has occurred between the Shire of Laverton's Executive Manager Technical Services and Shawmac Consulting Engineers. Technical Services staff will notify all companies that have sent in tenders as per the recommendation which is adopted by Council.

COMMENT

There is a prerequisite under the tender document that the contract will be awarded to an organisation whose tenders are assessed as offering the best value for money outcome for the Shire of Laverton.

Tenders are evaluated using a point scoring system with scores being awarded for an approved selection criteria. Each benchmark is weighted to reflect its relative importance, scores are then summed to yield a total. The higher the score indicates a more favourable pricing structure for Council. A copy of the tenderers' cost, selection criteria and results on which the tender is assessed is attached at OMC190328-11.3.2.A.

All companies that submitted tenders have the capability, expertise and experience to carry out the requirements of the contract to the complete satisfaction of Council. Based on the selection criteria and the results shown, it is therefore recommended by staff that Council award the contract for the installation of culverts on Bandy Road in accordance with Tender 02.18-19 to Castle Civil.

A copy of each tender received and a copy of the tender document is available by contacting the Executive Manager Technical Services at the Shire of Laverton Administration Centre.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.09 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr S Weldon SECONDED: Cr R Weldon

That Council, having considered tenders received in response to RFT 02.18-19 (Supply and Installation of Culverts on Bandy Road at SLK 36.5) accept the tender submitted from Castle Civil as per their submitted tender rates specified in the tender document.

SIMPLE MAJORITY	X	VOTES FOR	4	VOTES AGAINST	0
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05:37pm Cr R Ryles rejoined the meeting.

11.3.3 APPLICATION TO KEEP THREE (3) DOGS (FILE REF: 0102)

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	Nil
OWNER/APPLICANT:	Ms Janene LeBoydre
AUTHOR:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Nil

MATTER FOR CONSIDERATION

An application has been received from Ms Janene LeBoydre requesting permission to keep three (3) dogs on her rental property at 2 Boomerang Street, Laverton.

ATTACHMENTS

OMC190328-11.3.3.A Letter of application to keep three dogs

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

It is a requirement of the Shire of Laverton Dogs Local Law that the maximum number of dogs that can be kept on a premise within a townsite is two (2) unless an exemption is granted by Council under the provisions of section 26(3) of the *Dog Act 1976* (as amended).

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

Dog Act 1976

Part V – The keeping of dogs

Clause 26 Limitations as to numbers – Provides for a local government, by a local law, to limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district. The provisions also allow a local government to grant an exemption to a specific premises upon receipt of an application from the owner/occupier.

Shire of Laverton Dogs Local Law

Part 3 – Requirements and limitations on the keeping of dogs

Clause 3.2 Limitation on the number of dogs – Sub clause 2 limits the number of dogs that may be kept on a premises within a townsite to 2 dogs over the age of 3 months and the young of those dogs under that age.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Peter Smith, Canine Control, Shire of Laverton Contract Ranger Services

COMMENT

The property at 2 Boomerang Street, Laverton, is owned by the Shire of Laverton and being rented to the Department of Communities for a period of six (6) months whilst State Housing is being organised for Ms LeBoydre.

Ms LeBoydre has recently relocated to Laverton from Wyndham to take up a position with the Department of Communities.

Mr Smith, Canine Control, has inspected the premises at 2 Boomerang Street and has found the fences to be adequate and in a suitable state of repair to contain the 3 dogs.

Full details pertaining to the three dogs are included in the letter of application, attachment OMC190328-11.3.3.A to this item.

Should Council be in favour of granting an exemption, it may be appropriate for certain conditions to be imposed to provide an opportunity for the exemption to be revoked or varied, in accordance with the provisions of the *Dog Act 1976*.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.10 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles SECONDED: Cr R Weldon

That Council approves the application to keep three (3) dogs at 2 Boomerang Street, Laverton, subject to the following conditions:

- 1. The applicant must maintain and hold valid registrations for each of the dogs kept at the premises.**
- 2. The exemption is only valid for the life of these three (3) dogs, should one (1) of the dogs become deceased it cannot be replaced prior to seeking further approval from Council.**
- 3. Should there be any significant breach of the *Dog Act 1976* or the *Shire of Laverton Dogs Local Law* then the exemption may be withdrawn at any time.**

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 5	VOTES AGAINST	<input type="checkbox"/> 0
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11.4 PLANNING AND DEVELOPMENT BUSINESS

The Chief Executive Officer, Mr Peter Naylor, declared a Financial Interest in Agenda Item 11.4.1.

The Executive Manager Technical Services, Mr Les Vidovich, declared a Financial Interest in Agenda Item 11.4.1.

11.4.1 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE (FILE REF: 290)
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SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	The Author and the Executive Manager Technical Services both Declare a Financial Interest
OWNER/APPLICANT:	Chief Executive Officer
AUTHOR:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

The Chief Executive Officer is seeking Council approval to clear annual leave entitlements for the period Monday 1 April 2019 to Friday 26 April 2019, inclusive.

It is proposed to appoint the Executive Manager Technical Services (EMTS), Les Vidovich, as Acting CEO for the duration of the period of leave.

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

Refer to Matter for Consideration, above.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Nil.

COMMENT

The CEO is seeking Council approval for annual leave to attend to a family matter in New South Wales.

The 20 days of leave include 15 days of annual leave entitlements and 5 days of public holidays.

Given the duration of leave being requested it is proposed to appoint the EMTS as Acting CEO. Les has been with the Shire for a period in excess of two (2) years and the opportunity to act as CEO will provide him with great experience and exposure for future development.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.11 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles SECONDED: Cr R Prentice

That Council:

1. **Endorses the Chief Executive Officer (CEO) clearing 20 days of annual leave and public holiday entitlements from Monday 1 April 2019 to Friday 26 April 2019, inclusive.**
2. **Appoints the Executive Manager Technical Services, Les Vidovich, as Acting CEO for period 01 April 2019 to 26 April 2019, inclusive.**

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 5	VOTES AGAINST	<input type="checkbox"/> 0
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11.4.2 LAVERTON MEDICAL PRACTICE (FILE REF: 225)

SUBMISSION TO:	Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Pier Street Medical
AUTHOR:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Minute OMC161231 Ordinary Meeting of Council 15 December 2016 Minute OMC170921.17 Ordinary Meeting of Council 21 September 2017 Minute OMC190228.16 Ordinary Meeting of Council 28 February 2019

MATTER FOR CONSIDERATION

Council to consider the Draft Extension and Variation Medical Services Deed for the continued provision of Medical Services within the Shire of Laverton.

ATTACHMENTS

OMC190328-11.4.2.A **CONFIDENTIAL** - Extension and Variation of Medical Services Deed

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

At the Ordinary Meeting of Council held on 28 February 2019, Council resolved:

OMC190228-16	COUNCIL DECISION/OFFICER RECOMMENDATION
MOVED: <u>Cr S Weldon</u>	SECONDED: <u>Cr R Street</u>
That Council:	
1. Authorises the Chief Executive Officer (CEO) to continue to liaise with Pier Street Medical Pty Ltd for provision of medical services within the Shire of Laverton.	
2. Authorises the CEO to prepare a draft Deed of Agreement for a five year period, following the outcome of negotiations with Pier Street Medical Pty Ltd, and present to Council for approval.	

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation of this report has no immediate financial implications for Council.

Future funding requirements, beyond 30 June 2019, will be included in the Health Schedule of the 2019/2020 Budget.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Pier Street Medical Pty Ltd

COMMENT

The existing Deed for the Supply of Medical Services between the Shire of Laverton and Pier Street Medical Pty Ltd has provision, Clause 22 Renewal, whereby both parties can agree to enter into an extended term of agreement.

In accordance with Council resolution of 28 February 2019, the CEO requested Civic Legal to prepare an “Extension and Variation of Medical Services Deed” to continue the existing Deed for an additional five (5) year period.

The Draft Deed was prepared and has been provided to Pier Street Medical for comment.

Pier Street Medical have advised, via email on Monday 11 March 2019, that they are happy with the draft Deed and to please proceed.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC190328.12 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr S Weldon SECONDED: Cr R Weldon

That Council:

1. **Endorses the Draft ‘Extension and Variation of Medical Services Deed’ between the Shire of Laverton and the Pier Street Medical Pty Ltd for continued provision of Medical Services within the Shire of Laverton for five (5) year period, from 1 July 2019 to 30 June 2025.**
2. **Authorises the Shire President and Chief Executive Officer to sign the ‘Extension and Variation of Medical Services Deed’ on behalf of the Shire of Laverton.**

SIMPLE MAJORITY	X	VOTES FOR	5	VOTES AGAINST	0
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11.4.3 SHIRE OF LAVERTON COUNCILLOR REPRESENTATION (FILE REF: 00232)

SUBMISSION TO: Ordinary Meeting of Council, 28 March 2019
DISCLOSURE OF INTEREST: Nil
OWNER/APPLICANT: Not applicable
AUTHOR: Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE: Nil

MATTER FOR CONSIDERATION

For Council to consider future Councillor representation following the resignation of Cr Rosemary Street.

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

Cr Rosemary Street resigned as a Councillor for the Shire of Laverton effective immediately from the closure of the Ordinary Meeting of Council held on Thursday 28 February 2019.

STATUTORY ENVIRONMENT

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- Section 2.32 - How extraordinary vacancies occur in offices elected by electors
The office of a member of a council as an elector mayor or president or as a councillor becomes vacant if the member —
- (a) *dies; or*
 - (b) *resigns from the office; or*
 - (c) *does not make the declaration required by section 2.29(1) within 2 months after being declared elected to the office; or*

- (d) *advises or accepts under section 2.27 that he or she is disqualified, or is declared to be disqualified by the State Administrative Tribunal acting on an application under section 2.27; or*
 - (da) *is disqualified by an order under section 5.113, 5.117 or 5.119 from holding office as a member of a council; or*
 - (db) *is dismissed under section 8.15L or 8.25(2); or*
- (e) *becomes the holder of any office or position in the employment of the local government; or*
- (f) *having been elected to an office of councillor, is elected by the electors to the office of mayor or president of the council.*

[Section 2.32 amended by No. 55 of 2004 s. 686; No. 24 of 2005 s. 58; No. 1 of 2007 s. 5; No. 31 of 2018 s.6.]

Section 4.17 - Cases in which vacant offices can remain unfilled:

- (1) *If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) *If a member's office becomes vacant under section 2.32 —*
 - (a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*
 - (b) *before the third Saturday in July in that election year, the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

(4A) Subsection (3) applies —

- (a) *if —*
 - (i) *the office is for a district that has no wards; and*
 - (ii) *at least 80% of the number of offices of member of the council in the district are still filled;*

or

- (b) if —
 - (i) the office is for a ward for which there are 5 or more offices of councillor; and
 - (ii) at least 80% of the number of offices of councillor for the ward are still filled.
- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

[Section 4.17 amended by No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s. 12.]

Schedule 2.2 - Clause 5. Local government may propose ward changes or make minor proposals

A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or
- (b) propose* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
 - (i) one of a minor nature; and
 - (ii) not one about which public submissions need be invited;

or

- (c) propose* to the Minister the making of an order changing the name of the district or a ward.

* Absolute majority required.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The recommendation of this report has no financial implications for Council.

STRATEGIC IMPLICATIONS

The recommendation of this report has no strategic implications for Council.

CONSULTATION

Nil.

COMMENT

In relation to this matter Council has three (3) options to consider:

1. Conducting an extraordinary election to fill the vacancy created by the resignation.
2. Apply to the Electoral Commissioner for approval under Section 4.17 (3) & (4A) of the *Local Government Act 1995* (following an absolute majority by Council) to reduce the number of offices of Council to six (6) members and filling the vacancy at the next Local Government Elections in October 2019.
3. Submit a proposal to the Local Government Advisory Board (LGAB) for the number of members to be reduced in a permanent capacity from seven to six, in accordance with the provisions of Schedule 2.2 of the *Local Government Act 1995*.

If Council was to consider option 3 it is recommended that option 2 be carried out in the first instance.

Option 2 is a distinct possibility as the Shire does not have wards and at least 80% of the offices of Member of Council are still filled.

Under Schedule 2.2 Council can decide to carry out a review to reduce in a permanent capacity the number of members or however can propose to the LGAB that this be treated as a minor matter (absolute majority required), in which case a review is not necessary.

The reduction can then be implemented as soon as possible or at the time of the 2019 elections.

VOTING REQUIREMENTS

Absolute majority decision of Council required.

OMC190328.13 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles SECONDED: Cr R Prentice

That Council requests the Electoral Commissioner to approve the reduction of the Shire of Laverton number of offices of Council from seven to six members with one vacancy being held over until the October 2019 Local Government Elections.

ABSOLUTE MAJORITY	X	VOTES FOR	5	VOTES AGAINST	0
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12. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There were no motions from Elected Members of which previous notice has been given at the time of preparing this Agenda.

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

There was no business of an urgent nature to be introduced by decision of the meeting at the time of preparing this Agenda.

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

There were no items listed for consideration behind closed doors at the time of preparing this Agenda.

Items in this section of the Agenda are presented to Council for consideration behind closed doors in accordance with the provisions of Section 5.23 of the *Local Government Act 1995* as listed below:

Section 5.23 of the *Local Government Act 1995* - Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public -
- (a) all council meetings and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- are to be open to members of the public. Subsection (3) allows that if a meeting is being held by a council or a committee referred to in subsection (1)(b),
- (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 —
- (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; 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; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (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; and
- (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; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- and
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

15. NEXT MEETING

The next Ordinary Meeting of Council will be held on Wednesday, 24 April 2019 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

16. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 05:48pm.

17. CERTIFICATION OF MINUTES

I, Patrick Hill, hereby certify that the Minutes of the Ordinary Meeting of Council held on 28 March 2019 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 24 April 2019.

SIGNED:

DATED:

24 APRIL 2019



**ORDINARY MEETING OF COUNCIL
28 MARCH 2019**

ATTACHMENTS

ATTACHMENT NO	DESCRIPTION	ATTACHED
OMC190328-4.0.A	Request for Leave of Absence – Cr D Ross	Attached
OMC190328-8.1.A	Minutes of Ordinary Meeting of Council 28 February 2019	Previously
OMC190328-11.1.1.A	List of Accounts for Payment for February 2019	Attached
OMC190328-11.1.2.A	Statement of Financial Activity for the Period ending 31 December 2018	Attached
OMC190328-11.1.3.A	Statement of Financial Activity for the Period ending 31 January 2019	Attached
OMC190328-11.3.1.A	RFT 05.18-19 Supply and Delivery of Sealing Aggregate	Attached
OMC190328-11.3.1.B	RFT 06.18-19 Supply of Cement Stabilisation Services	Attached
OMC190328-11.3.1.C	RFT 07.18-19 Supply and Installation of Bitumen Sealing	Attached
OMC190328-11.3.2.A	CONFIDENTIAL - Tender Prices RFT 02.18-19	Separately
OMC190328-11.3.2.B	CONFIDENTIAL - Tender Assessment Matrix RFT 02.18-19	Separately
OMC190328-11.3.2.C	CONFIDENTIAL - Tender Assessment RFT 02.18-19	Separately
OMC190328-11.3.3.A	Letter of Application to keep three dogs	Attached
OMC190328-11.4.2.A	CONFIDENTIAL - Extension and Variation of Medical Services Deed	Separately

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