



SHIRE OF LAVERTON

AGENDA

**FOR THE ORDINARY MEETING OF COUNCIL
TO BE HELD AT 5:00PM ON THURSDAY 12 DECEMBER 2019
IN THE SHIRE COUNCIL CHAMBERS AT
9 MACPHERSON PLACE, LAVERTON WA 6440**

**SHIRE OF LAVERTON
NOTICE OF ORDINARY COUNCIL MEETING**

Dear Council Member,

The next Ordinary Meeting of the Shire of Laverton Council will be held on Thursday 12 December 2019 at the Shire Council Chambers, commencing at 5:00pm.



Peter Naylor
Chief Executive Officer

6/12/2019

Date

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Laverton for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

**FINANCIAL INTEREST
(Effective 1 July 1996)**

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the CEO before the meeting; or**
- b) At the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

- * preside at the part of the meeting relating to the matter; or
- * participate in, or be present during any discussion or decision making procedure relating to the matter,

unless the member is allowed to do so under Section 5.68 or 5.69, *Local Government Act 1995*.

Ref: *Local Government Act 1995* Division 6 – Disclosure of Financial Interest. Specifically Sections 5.60, 5.61, 5.65 and 5.67

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ATTACHMENTS

ATTACHMENT NO	DESCRIPTION	DISTRIBUTION
OMC191212-8.1.A	Minutes of Ordinary Meeting of Council 14 November 2019	Previously
OMC191212-8.2.A	Minutes of Special Meeting of Council 05 December 2019	Previously
OMC191212-10.1.A	President's Report	To be tabled
OMC191212-10.2.A	Elected Members' Report – Cr R Prentice	Attached
OMC191212-11.1.1.A	List of Accounts for Payment for November 2019	Attached
OMC191212-11.1.2.A	Statement of Financial Activity for the Period Ending 31 October 2019	Attached
OMC191212-11.1.2.B	Operating Statement by Function and Activity for the Period Ending 31 October 2019	Attached
OMC191212-11.1.6.A	Asbestos Management Plan – October 2019	Attached
OMC191212-11.1.6.B	Asbestos Register – October 2019	Attached
OMC191212-11.1.6.C	ACM Inspection – Airport Buildings	Attached
OMC191212-11.3.1.A	RFT 03-19/20 Tender Documentation	To be tabled
OMC191212-11.3.1.B	RFT 03-19/20 Drawings	Attached
OMC191212-11.3.1.C	RFT 03-19/20 Location Plan	Attached
OMC191212-11.3.2.A	CONFIDENTIAL – Grader Specifications	Separately
OMC191212-11.3.2.B	CONFIDENTIAL – Grader Quotation	Separately

AGENDA

FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD AT 5:00PM ON THURSDAY 12 DECEMBER 2019 IN THE SHIRE OF LAVERTON COUNCIL CHAMBERS

1. DECLARATION OF OPENING

2. ANNOUNCEMENT OF VISITORS

3. RECORD OF ATTENDANCE

3.1 PRESENT

Cr Patrick Hill	Shire President
Cr Shaneane Weldon	Deputy Shire President
Cr Rex Ryles	Councillor
Cr Jack Carmody	Councillor
Cr Gary Buckmaster	Councillor
Cr Robin Prentice	Councillor
Mr Peter Naylor	Chief Executive Officer
Mr Phil Marshall	Deputy Chief Executive Officer
Mr Wayne Butler	Acting Executive Manager Technical Services

3.2 APOLOGIES

Cr Rex Weldon	Councillor
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3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

There were no Applications for Leave of Absence at the time of preparing this Agenda.

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

No Public Questions had been received for this meeting at the time of preparing this Agenda.

7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

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

8. CONFIRMATION OF MINUTES

8.1 ORDINARY MEETING OF COUNCIL - 14 NOVEMBER 2019

VOTING REQUIREMENTS

Simple majority decision of Council required.

PROCEDURAL MOTION

MOVED: Cr SECONDED: Cr

That the Minutes of the Ordinary Meeting of Council held on 14 November 2019, be confirmed as a true and correct record of proceedings.

SIMPLE MAJORITY VOTES FOR VOTES AGAINST

8.2 SPECIAL MEETING OF COUNCIL - 05 DECEMBER 2019
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VOTING REQUIREMENTS

Simple majority decision of Council required.

PROCEDURAL MOTION

MOVED: Cr SECONDED: Cr

That the Minutes of the Special Meeting of Council held on 05 December 2019, be confirmed as a true and correct record of proceedings.

SIMPLE MAJORITY VOTES FOR VOTES AGAINST

9. PETITIONS/DEPUTATIONS/PRESENTATIONS

There were no petitions/deputations or presentations listed for hearing at the time of preparing this Agenda.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

A Report from the President may be tabled at the meeting.

10.1 PRESIDENT'S REPORT

VOTING REQUIREMENTS

Simple majority decision of Council required.

PROCEDURAL MOTION

MOVED: Cr SECONDED: Cr

That the President's report (Attachment OMC191212-10.1.A) as tabled, be received.

SIMPLE MAJORITY	<input type="checkbox"/>	VOTES FOR	<input type="checkbox"/>	VOTES AGAINST	<input type="checkbox"/>
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10.2 ELECTED MEMBERS' REPORTS (FILE REF: 198)
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Reports from Elected Members may be tabled at the meeting.

VOTING REQUIREMENTS

Simple majority decision of Council required.

PROCEDURAL MOTION

MOVED: Cr SECONDED: Cr

That the reports from Cr R Prentice (Attachment OMC191212-10.2.A) be received.

SIMPLE MAJORITY	<input type="checkbox"/>	VOTES FOR	<input type="checkbox"/>	VOTES AGAINST	<input type="checkbox"/>
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11. COUNCIL BUSINESS

11.1 FINANCE AND ADMINISTRATION BUSINESS

11.1.1 ACCOUNTS PAID AS AT 30 NOVEMBER 2019 (FILE REF: 0040)

SUBMISSION TO:	Ordinary Meeting of Council, 12 December 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Shire of Laverton
AUTHOR:	Isaac Stout, Accounts 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 November 2019 in accordance with Council Delegation 21.

ATTACHMENTS

OMC191212-11.1.1.A List of accounts for payment for November 2019

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

In accordance with Delegation 21, the Chief Executive Officer has approved the accounts listed in Attachment OMC191212–11.1.1.A for payment in November 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 Synergysoft accounting software to provide Council with the appropriate level of information in accordance with legislative requirements.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OFFICER RECOMMENDATION

MOVED: Cr SECONDED: Cr

That Council endorses the list of payments for the month of November 2019 made under Delegation 21 as per Attachment OMC191212–11.1.1.A totalling \$1,269,212.15 and summarised as follows:

Direct Debit Payments	DD912.1-DD912.8, DD918.1, DD919.1, DD920.1, DD921.1, DD928.1, DD931.1, DD934.1, DD943.1, DD944.4, DD946.1, DD947.1, DD950.1, DD951.1	\$142,245.96
EFT Payments	EFT1822-EFT1965	\$1,102,472.16
Trust Payments	Nil	\$0.00
Cheques	13378 - 13386	\$24,494.03
Total Payments		\$1,269,212.15

SIMPLE MAJORITY VOTES FOR VOTES AGAINST

11.1.2	STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 OCTOBER 2019 (FILE REF: 0094)
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SUBMISSION TO:	Ordinary Meeting of Council, 12 December 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Darren Friend, Special Projects Officer
SENIOR OFFICER:	Phil Marshall, Deputy Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

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

ATTACHMENTS

- OMC191212-11.1.2.A Statement of Financial Activity for the Period Ending 31 October 2019
- OMC191212-11.1.2.B Operating Statement by Function and Activity for the Period Ending 31 October 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.

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 (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 IMPLICATION

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

CONSULTATION

Chief Executive Officer

COMMENT

The Statement of Financial Activity, having been generated and prepared by consultants Moore Stephens, is presented to Council in its entirety.

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

As part of the “housekeeping/tidying up” of the Trust Bank Account identified previously by management, Financial Consultants and Auditors, a number of Trust items should be cleared from the account for use within operational areas of Council or lodged with the proper authority/s.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.6 – Funds to be established

- (1) A local government is to have –
 - (a) a municipal fund, and
 - (b) a trust fund.
- (2) The municipal fund is to be kept separate and distinct from the trust fund.

***Section 6.9 – Trust fund**

- (1) A local government is to hold in the trust fund all money or the value of assets —
 - (a) that are required by this Act or any other written law to be credited to that fund; and
 - (b) held by the local government in trust.
- (2) Money or other property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it.
- (3) Where money or other property is held in the trust fund, the local government is to –
 - (a) in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment;
 - (b) in the case of property, deliver it to the person entitled to it.
- (4) Where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.

* *[Section 6.9 amended by No. 49 of 2004 s. 57.]*

Section 37 - Trust fund, information about in annual financial report

In relation to the trust fund, the annual financial report is to include, separately for each class of trust, a statement of –

- (a) the amounts brought forward on 1 July; and
- (b) the amounts received during the financial year; and
- (c) the purpose for which the money was held or received; and
- (d) the amounts paid out during the financial year; and
- (e) the closing balance at 30 June.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

Increase income within the current budget of \$17,603.25.

TRUST TYPE	TRUST NO	ORIGINATING SOURCE	DATE	AMOUNT	COMMENTS
Youth Advisory Council	T010	Various Fundraising	2005 – 2007	\$1,029.40	Transfer to Youth Activities Income for use in Youth Programs
Laverton Clubs and Discos	T006	Various Fundraising/ Footy Tipping	2005 – 2009	\$1,530.30	Transfer to Recreation Income
Donations Received	T008	Various	2005 – 2010	\$9,043.55	Transfer to Community Development Donations
Sport & Recreation Grant Funds	T007	Council/DSR	2011	\$6,000.00	Transfer to Swimming Pool Income – offset Hub Project
				\$17,603.25	
North Eastern Goldfields LCDC holding	T006	DAFWA	2007	\$14,332.66	Transfer to Rural Services – Other Income (as per Budget)
Unclaimed Monies	T011	Various	2011 – 2018	\$1,777.90	Lodge funds with WA State Treasury – Unclaimed Monies

STRATEGIC IMPLICATION

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

CONSULTATION

Chief Executive Officer

COMMENT

The Trust Account by law is a “custodial” account meaning Council has possession of the money but not ownership.

The funds listed in the attachment can be considered Council’s own in nature although, not all monies have reached the 10-year threshold.

As described within the *Local Government Act 1995*, where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.

The funds held in the Youth Advisory Council, Laverton Clubs and Disco, Donations Received, and North East Goldfields LCDC Holding meet the 10 year criteria, therefore the Council meets the requirements under the Act.

The Unclaimed Funds were transferred in 2018 and the process to complete the disposal is one for WA Treasury to undertake. Should any claim be made, then the person/entity will be referred to the State Treasury.

The overall aim has been to cleanse the Trust Account for funds being held for a considerable time and (for the want of a better phrase) “sitting there doing nothing”, whereas the community can benefit by Council utilising the funds as stated.

VOTING REQUIREMENTS

Absolute majority decision of Council required.

OFFICER RECOMMENDATION

MOVED: Cr SECONDED: Cr

That Council by an absolute majority approves the transfer of monies held within The Shire of Laverton Trust Account to the Shire of Laverton Municipal Account for distribution as follows:-

TRUST TYPE	TRUST NO	ORIGINATING SOURCE	DATE	AMOUNT	COMMENTS
Youth Advisory Council	T010	Various Fundraising	2005 – 2007	\$1,029.40	Transfer to Youth Activities Income for use in Youth Programs

TRUST TYPE	TRUST NO	ORIGINATING SOURCE	DATE	AMOUNT	COMMENTS
Laverton Clubs and Discos	T006	Various Fundraising/ Footy Tipping	2005 – 2009	\$1,530.30	Transfer to Recreation Income
Donations Received	T008	Various	2005 – 2010	\$9,043.55	Transfer to Community Development Donations to assist in event sponsorship, e.g. Laverfest
Sport & Recreation Grant Funds	T007	Council/DSR	2011	\$6,000.00	Transfer to Swimming Pool Income – offset Hub Project
				\$17,603.25	
North Eastern Goldfields LCDC holding	T006	DAFWA	2007	\$14,332.66	Transfer to Rural Services – Other Income (as per Budget)
Unclaimed Monies	T011	Various	2011 – 2018	\$1,777.90	Lodge funds with WA State Treasury – Unclaimed Monies

ABSOLUTE MAJORITY VOTES FOR VOTES AGAINST

11.1.4 ORDINARY MEETINGS OF COUNCIL – 2020 MEETING DATES

SUBMISSION TO: Ordinary Meeting of Council, 12 December 2019
DISCLOSURE OF INTEREST: Not applicable
OWNER/APPLICANT: Not applicable
AUTHOR: Tiffany Farlow, Executive Assistant to the CEO
SENIOR OFFICER: Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE: Resolution No. OMC181213.09 of the Ordinary Meeting of Council held on 13 December 2018

MATTER FOR CONSIDERATION

Council to determine the dates for Ordinary Meetings of Council to be held in 2020.

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

Council agreed in September 2017 that Ordinary Meetings of Council would be scheduled for the fourth Thursday in the calendar month.

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

There is generally no meeting scheduled for the first month of the year. As the February Ordinary Meeting of Council is scheduled for 27 February 2020, it may be necessary to call a Special Meeting of Council late in January or early in February if there are any urgent matters that need to be decided.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OFFICER RECOMMENDATION

MOVED: **Cr** SECONDED: **Cr**

That Council determines the 2020 Ordinary Meetings of Council for the Shire of Laverton are to be held at the Council Chambers in Laverton commencing at 5.00pm on the following dates:

No January Meeting	Thu. 28 May 2020	Thu. 24 September 2020
Thu. 27 February 2020	Thu. 25 June 2020	Thu. 22 October 2020
Thu. 26 March 2020	Thu. 23 July 2020	Thu. 26 November 2020
Wed. 23 April 2020	Thu. 27 August 2020	Thu. 10 December 2020

SIMPLE MAJORITY VOTES FOR VOTES AGAINST

11.1.5 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE

- SUBMISSION TO:** Ordinary Meeting of Council, 12 December 2019
- DISCLOSURE OF INTEREST:** The author and the Deputy CEO 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 6 January 2020 to Friday 17 January 2020, inclusive.

It is proposed to appoint the Deputy CEO, Mr Phil Marshall, 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

Council, at the Ordinary Meeting held on Thursday 26 September 2019, resolved to approve the closure of the Administration Office for the Christmas/New Year Break effective from 12 noon on Friday 20 December 2019 until Friday 3 January 2020 inclusive, and reopening on Monday 6 January 2020 at 8:00am.

The CEO is seeking Council approval to clear annual leave entitlements to follow on from the closure of the Shire Administration Officer over the Christmas/New Year period.

It is the optimum time for the CEO to take additional leave as there is no January Council Meeting.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OFFICER RECOMMENDATION

MOVED: **Cr** _____ SECONDED: **Cr** _____

That Council:

1. **Endorses the Chief Executive Officer (CEO) clearing 10 days of annual leave entitlements from Monday 6 January 2020 to Friday 17 January 2020, inclusive.**
2. **Appoints the Deputy CEO, Phil Marshall, as the Acting CEO for the period Monday 6 January 2020 to Friday 17 January 2020, inclusive.**

SIMPLE MAJORITY VOTES FOR VOTES AGAINST

11.1.6 ASBESTOS REGISTER (FILE REF: 00095)

SUBMISSION TO: Ordinary Meeting of Council, 12 December 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

That the Council adopt the Asbestos Management Plan and Asbestos Register which is required under the *Occupational Safety and Health Regulations 1996*.

ATTACHMENTS

OMC191212-11.1.6.A Asbestos Management Plan – October 2019
OMC191212-11.1.6.B Asbestos Register – October 2019
OMC191212-11.1.6.C ACM Inspection – Airport Building

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

The Council has a legislative responsibility under the *Occupational Safety and Health Regulations 1996* where an employer is required to identify hazards within the workplace, to assess the risk and then reduce the risk.

The Chief Executive Officer raised the issue during the installation of Telstra services earlier in the year and an asbestos register was called for, however, one could not be located, therefore an approach was made to the Council's insurer, Local Government Insurance Services (LGIS) to assess all Council owned buildings and assets for the presence of asbestos.

As a result of the work undertaken, LGIS produced a Management Plan and Asbestos Register (shown as Attachments OMC191212-11.1.6.A and OMC191212-11.1.6.B respectively) along with a comprehensive analysis of each of the Council assets (buildings). An example of one building's analysis is shown in Attachment OMC191212-11.1.6.C and is relevant to recent airport plan discussions held on 5 December 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.

Occupational Safety and Health Regulations 1996

Division 1 — General duties applying to workplaces

Section 3.1. **Identification of hazards, and assessment and reduction of risks, duties of employer etc. as to**

A person who, at a workplace, is an employer, the main contractor, a self employed person, a person having control of the workplace or a person having control of access to the workplace must, as far as practicable —

- (a) identify each hazard to which a person at the workplace is likely to be exposed; and
- (b) assess the risk of injury or harm to a person resulting from each hazard, if any, identified under paragraph (a); and
- (c) consider the means by which the risk may be reduced.

Section 5.43. **Asbestos at workplace etc., employer etc. to locate etc.**

Without limiting regulation 3.1 or 5.15, a person who, at a workplace, is an employer, the main contractor, a self employed person or the person having control of the workplace must ensure that —

- (a) the presence and location of asbestos at the workplace is identified; and

- (b) the process of identification referred to in paragraph (a) and the assessment of risks arising from hazards in relation to asbestos at the workplace are conducted in accordance with the Code of Practice for the Management and Control of Asbestos in Workplaces

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

The Council incurred a cost of \$9,000-00 for the inspection and production of all the documentation to meet the *Occupational Safety and Health Regulations 1996*. However, there has been a nil effect on the budget as the funds have been expunged from the Council's funds held by the Local Government Insurance Services.

STRATEGIC IMPLICATIONS

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

Outcome 4.3 Improved planning

- 4.3.1 Continue to review and improve organisational plans
- 4.3.2 Seek high level of statutory compliance

CONSULTATION

Local Government Insurance Services

COMMENT

In having this document Council has addressed a number of issues already and has appended stickers to a lot of areas where asbestos is known to be. The critical matters now are to address the moderate and high risk areas where there is damage to the asbestos and deterioration. This will be addressed during budget deliberations or at the half yearly budget review if the matter becomes further advanced. It also allows for notification to anyone who will be working on our building assets so that preventative action can be taken.

In addition, Council will be undertaking an awareness training of staff who work in the buildings where asbestos is located and ensure awareness of the incidence of asbestos within their working environment.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OFFICER RECOMMENDATION

MOVED: Cr SECONDED: Cr

That Council adopts the Asbestos Management Plan – October 2019 and the Asbestos Register – October 2019 shown as Attachments OMC191212-11.1.6.A and OMC191212-11.1.6.B respectively.

SIMPLE MAJORITY VOTES FOR VOTES AGAINST

11.2 ENVIRONMENTAL HEALTH & BUILDING SERVICES BUSINESS

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

11.3 WORKS AND SERVICES BUSINESS

11.3.1 RFT 03-19/20 INSTALLATION OF CULVERTS ON BANDYA ROAD AT SLK 32.28 (FILE REF: 00034)

SUBMISSION TO:	Ordinary Meeting of Council, 12 December 2019
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Wayne Butler, Acting Executive Manager Technical Services
SENIOR OFFICER:	Peter Naylor, Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

To seek Council approval to advertise RFT 03-19/20 for the Installation of Culverts on Bandy Road at SLK 32.28.

ATTACHMENTS

OMC191212-11.3.1.A RFT 03 19/20 Tender Documentation

OMC191212-11.3.1.B RFT 03-19/20 Drawings
OMC191212-11.3.1.C RFT 03-19/20 Location Plan

APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

In 2019/20 Council was successful in obtaining \$224,067 through the State Blackspot Program to install culverts at a creek crossing on Bandy Road. The proposal to install culverts on Bandy Road at SLK 32.28 was identified following a road safety audit which was performed by Shawmac Consulting Civil and Traffic Engineers. The area is shown in the Location Map (Attachment OMC191212-11.3.1.C).

The main nature of concern identified in the road safety audit was that the vertical geometry on 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, particularly at times of flash flooding from upstream storm events.

Flood indicators and signage to Australian standards are also proposed to be installed on the section of road to assist users during times of flooding.

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 (1995)*, Councils are required to call tenders for works where the value of works will exceed \$150,000.

POLICY IMPLICATIONS

Council Policies 02.18 – Purchasing and 02.25 – Regional Price Preference will be applied by staff when calling for tenders.

FINANCIAL IMPLICATIONS

An amount of \$336,100 has been allocated in Council's 2019/20 budget to complete the installation of these culverts on Bandy Road. This project is 67% funded through the State Blackspot Program.

STRATEGIC IMPLICATIONS

This tender does not contain any notable strategic implications.

CONSULTATION

Consultation has occurred between the Shire of Laverton's Chief Executive Officer, Executive Manager Technical Services and Engineering Technical Officer.

COMMENT

Installing culverts and modifying the vertical and horizontal geometry of the road will resolve the concerns identified in the road safety audit. It is planned that the project will be managed by staff at the Shire of Laverton and is expected to take 8 weeks to complete.

It is proposed that the advertising will commence once Council has given permission with the item returning back to an Ordinary Meeting of Council for determination once tender submissions have been assessed and a recommendation is available.

Copies of the tender document (Attachment OMC191212-11.3.1.A) and associated drawings (Attachment OMC191212-11.3.1.B) are attached and permission to advertise this tender is now sought from Council.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OFFICER RECOMMENDATION

MOVED: Cr SECONDED: Cr

That Council:

1. **Receives the Request for Tender document – 03-19/20 Installation of Culverts on Bandy Road at SLK 32.28.**
2. **Approves the Selection Criteria and Weightings as follows:**

A: Organisational Experience and Capacity (a) Provide details of similar work; (b) Provide reference sheet; (c) Provide referees;	40%
B: Experience with Working in Remote Regional Locations (d) Nominate specific examples in previous projects reference sheet; (e) Provide details of the organisation's Occupational Health and Safety records;	20%
C: Key Personnel Experience and Overall Capacity (f) Provide details of past relevant experience of key staff; (g) Provide CV's or, as a minimum, employment history; (h) Provide referees;	40%

3. Endorse the calling of Tenders for the Installation of Culverts on Bandy Road at SLK 32.28, with the item being brought back to an Ordinary Meeting of Council for determination once assessed.

SIMPLE MAJORITY VOTES FOR VOTES AGAINST

11.3.2 PURCHASE OF GRADER AND DISPOSAL OF JOHN DEERE 770G

SUBMISSION TO: Ordinary Meeting of Council, 12 December 2019
DISCLOSURE OF INTEREST: The author has no financial interest in this matter
OWNER/APPLICANT: Not applicable
AUTHOR: Sean Wells, Engineering Technical Officer
SENIOR OFFICER: Wayne Butler, Acting Executive Manager Technical Services
PREVIOUS MEETING REFERENCE: Not applicable

• **MATTER FOR CONSIDERATION**

The purchase of one new motor grader and the disposal of Council's John Deere 770G motor grader.

ATTACHMENTS

OMC191212-11.3.2.A Grader Specifications – Confidential
OMC191212-11.3.2.B Komatsu Quotation – Confidential

APPLICANT'S SUBMISSION

Not applicable.

BACKGROUND

Quotations were sought via the WALGA eQuotes system from 03 October 2019 to 11 November 2019. The request was structured such that the purchase and disposal were separate, independent components of the request.

A total of four responses were received by the closing date, with six items of plant proffered and a trade-in valuation provided on each. No independent purchase offers were received for Council's John Deere 770G.

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 (Functions and General) Regulations 1996

Section 30(3) – A disposition of property other than land is an exempt disposition if:
it is disposed of as part of the consideration for other property that the local government is acquiring for a consideration the total value of which is not more, or worth more, than \$50,000.

POLICY IMPLICATIONS

Policy 2.18 – Provides that quotes may be sought from the WALGA Preferred Supplier Panel in place of calling public tenders, and sets out procedures within the appropriate statutory environment for doing so.

Policy 8.02 – Provides guidance on the appropriate timeframes for disposal of plant.

FINANCIAL IMPLICATIONS

A total changeover cost of \$310,000 has been budgeted, comprising of a \$410,000 purchase price and \$100,000 in disposal revenue.

The recommendation is for a \$351,085 changeover, comprising of a \$426,085 purchase price and \$75,000 in disposal revenue.

	Budget	Recommendation	Difference
Purchase Cost	-\$410,000	-\$426,085	-\$16,085
Disposal Revenue	\$100,000	\$ 75,000	-\$25,000
Total Changeover	-\$310,000	-\$351,085	-\$41,085

The recommendation requires an unbudgeted expenditure of \$41,085.

Transport – Road Plant Purchases

Capital Expenditure

4120330 PLANT – Plant & Equipment; Capital
PE601 Construction Grader (currently P303 – JD) - \$410,000

Capital Revenue

5120350 PLANT – Proceeds on Disposal of Assets
P303 – JD Construction Grader \$100,000

STRATEGIC IMPLICATIONS

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

CONSULTATION

Wayne Butler, Acting Executive Manager Technical Services
Gary Smith, Works Supervisor
Andy Sutcliffe, Mechanic

COMMENT

Quotations were sought for graders to match each item on the attached specification list (OMC191212-11.3.1.A). These specifications were determined in consultation between the Works Supervisor, Mechanic, and Executive Manager Technical Services to ensure that any new plant purchased would be fit for purpose and able to effectively meet all the particular challenges of the job, having consideration for the workload, operator requirements, worksite conditions, servicing and repairs, and previous practical experience with equipment.

Six responses in total were received by the closing date, from CNH (Case), John Deere, Komatsu, and WesTrac. Before considering price, each response was checked against the requested specification list. Both the responses from WesTrac and the response from CNH (Case) were disqualified due to not sufficiently meeting the specifications.

Of the two responses from Komatsu, both proffered machines met the specifications and were considered suitable, therefore the higher priced item was also not considered.

The remaining two responses were for a John Deere 670G and a Komatsu GD655-5. Both items meet requirements and are offered at a similar total change-over cost. In consideration of additional whole-of-life factors, such as part, servicing, and Council's existing fleet, it is therefore recommended to purchase the Komatsu GD655-5.

As Council's two other graders are the same model, this will allow for a single set of interchangeable parts to be kept, and for any maintenance personnel that travel to Laverton to service all machines in the same visit. This in turn will result in reduced down time and maintenance costs, ensuring better value for money overall.

As no independent purchase offers were made for Council's John Deere 770G through the WALGA eQuotes system, Council must either accept the trade-in from Komatsu or re-advertise the disposal in a public tender. It is recommended that Council accept the trade-in offer; although other suppliers offered higher trade-in prices, previous experience has shown that trade-in prices are generally far superior to independent purchase offers, and Council is unlikely to be offered a higher price on the open market.

Finally, it is recommended that an optional extra be fitted to the Komatsu GD655-5, being a Cab Air-Conditioning Pressuriser, as standard air-conditioning does not perform adequately in the harsh operating environment.

VOTING REQUIREMENTS

Absolute majority decision of Council required.

OFFICER RECOMMENDATION

MOVED: **Cr** _____ SECONDED: **Cr** _____

That Council:

1. **Accepts Komatsu's quotation for a GD655-5 Motor Grader at \$415,780;**
2. **Requests the installation of an optional Cab Air-Conditioning Pressuriser at \$10,305;**
3. **Accepts Komatsu's trade-in offer for Council's John Deere 770G Motor Grader at \$75,000;**
4. **Authorises expenditure of \$41,085 over budget; and**
5. **Delegates authority to the CEO to execute the transactions with Komatsu.**

ABSOLUTE MAJORITY VOTES FOR VOTES AGAINST

11.4 PLANNING AND DEVELOPMENT BUSINESS

There is no Planning and Development Business listed for this meeting.

12. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

There are no Elected Members' motions listed for this meeting.

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

There is no business of an urgent nature to be introduced by decision of the meeting.

14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

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 Thursday, 27 February 2020 (pending approval of the 2020 Meeting Dates by Council) 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

17. CERTIFICATION OF MINUTES

I, Patrick Hill, hereby certify that the Minutes of the Ordinary Meeting of Council held on 12 December 2019 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 27 February 2020.

SIGNED:

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DATED:

27 FEBRUARY 2020

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