



## **SHIRE OF LAVERTON**

### **MINUTES**

**OF THE ORDINARY MEETING OF COUNCIL**

**HELD AT 5:05PM ON THURSDAY 12 DECEMBER 2019**

**IN THE SHIRE COUNCIL CHAMBERS AT**

**9 MACPHERSON PLACE, LAVERTON WA 6440**

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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
OMC191212-10.2.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	Attached
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



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# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL HELD AT 5:05PM ON THURSDAY 12 DECEMBER 2019 IN THE SHIRE OF LAVERTON COUNCIL CHAMBERS

### 1. DECLARATION OF OPENING

Cr Patrick Hill, the Shire President, declared the meeting open at 5:05pm.

### 2. ANNOUNCEMENT OF VISITORS

There were no visitors present at this meeting.

### 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

#### 3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

### 4. APPLICATIONS FOR LEAVE OF ABSENCE

There were no Applications for Leave of Absence.

### 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 were listed for discussion behind closed doors.

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY MEETING OF COUNCIL - 14 NOVEMBER 2019**

**VOTING REQUIREMENTS**

Simple majority decision of Council required.

**RESOLUTION OMC191212.01 COUNCIL DECISION/PROCEDURAL MOTION**

MOVED: Cr J Carmody SECONDED: Cr R Prentice

**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  6 VOTES AGAINST  0

**8.2 SPECIAL MEETING OF COUNCIL – 05 DECEMBER 2019**

**VOTING REQUIREMENTS**

Simple majority decision of Council required.

**RESOLUTION OMC191212.02 COUNCIL DECISION/PROCEDURAL MOTION**

MOVED: Cr S Weldon SECONDED: Cr J Carmody

**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  6 VOTES AGAINST  0

## 9. PETITIONS/DEPUTATIONS/PRESENTATIONS

There were no petitions/deputations or presentations.

## 10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Reports from the President and Elected Members may be tabled at the meeting.

### 10.1 PRESIDENT'S REPORT

Nil.

### 10.2 ELECTED MEMBERS' REPORTS (FILE REF: 198)

Reports from Elected Members may be tabled at the meeting.

## VOTING REQUIREMENTS

Simple majority decision of Council required.

## RESOLUTION OMC191212.03 PROCEDURAL MOTION

MOVED: Cr J Carmody SECONDED: Cr S Weldon

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

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 6	VOTES AGAINST	<input type="checkbox"/> 0
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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.

## RESOLUTION OMC191212.04 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles SECONDED: Cr J Carmody

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
<b>Total Payments</b>		<b>\$1,269,212.15</b>

SIMPLE MAJORITY  VOTES FOR  6 VOTES AGAINST  0

<b>11.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 OCTOBER 2019 (FILE REF: 0094)</b>
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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"

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## 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.

For Council's interest, these statements can be daunting at the best of times, however they meet the Council's statutory requirement and will continue to be reported on to Council. As previously reported, after consultation with the CEO, during the briefing session the Council will be addressed on the schedules within the budget (shown as a separate attachment). The schedules will highlight where there may be an issue for further discussion and a plan formulated leading into the six monthly budget review to be addressed at the February 2020 Ordinary Meeting of Council.

## VOTING REQUIREMENTS

Simple majority decision of Council required.

## RESOLUTION OMC191212.05 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr J Carmody 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 October 2019 as shown in Attachment OMC191212-11.1.2.A.

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 6	VOTES AGAINST	<input type="checkbox"/> 0
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<b>11.1.3 SHIRE OF LAVERTON TRUST ACCOUNT – TRANSFER TO MUNICIPAL ACCOUNT AND FORWARD FUNDS TO STATE TREASURY (FILE REF: 0046)</b>
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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**

The purpose of this report is to transfer funds currently held within Council's Trust Account to the Municipal Account for use as part of Council operations.

### **ATTACHMENTS**

OMC191212-11.1.3.A Proposed Trust Transfers

### **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 authorities.

### **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.

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**\*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
<b>\$17,603.25</b>					
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.

## RESOLUTION OMC191212.06 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr S Weldon SECONDED: Cr G Buckmaster

**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
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
				<b>\$17,603.25</b>	

TRUST TYPE	TRUST NO	ORIGINATING SOURCE	DATE	AMOUNT	COMMENTS
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 6 VOTES AGAINST 0

#### 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.

### **RESOLUTION OMC191212.07 COUNCIL DECISION/OFFICER RECOMMENDATION**

MOVED: Cr G Buckmaster SECONDED: Cr J Carmody

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  6 VOTES AGAINST  0

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The Chief Executive Officer, Mr Peter Naylor, and the Deputy Chief Executive Officer, Mr Phil Marshall, both declared a Financial Interest in Agenda Item 11.1.5.

<b>11.1.5 CHIEF EXECUTIVE OFFICER ANNUAL LEAVE</b>
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**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.



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## **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.

## **RESOLUTION OMC191212.08 COUNCIL DECISION/OFFICER RECOMMENDATION**

MOVED: Cr S Weldon      SECONDED: Cr R Prentice

### **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	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 6	VOTES AGAINST	<input type="checkbox"/> 0
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<b>11.1.6 ASBESTOS REGISTER (FILE REF: 00095)</b>
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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:** 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.

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## 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.

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## 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.

## RESOLUTION OMC191212.09 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr G Buckmaster SECONDED: Cr J Carmody

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	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 6	VOTES AGAINST	<input type="checkbox"/> 0
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## 11.2 ENVIRONMENTAL HEALTH & BUILDING SERVICES BUSINESS

There was no Environmental Health & Building Services business.

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## 11.3 WORKS AND SERVICES BUSINESS

<b>11.3.1 RFT 03-19/20 INSTALLATION OF CULVERTS ON BANDYA ROAD AT SLK 32.28 (FILE REF: 00034)</b>
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<b>SUBMISSION TO:</b>	Ordinary Meeting of Council, 12 December 2019
<b>DISCLOSURE OF INTEREST:</b>	The author has no financial interest in this matter
<b>OWNER/APPLICANT:</b>	Not applicable
<b>AUTHOR:</b>	Wayne Butler, Acting Executive Manager Technical Services
<b>SENIOR OFFICER:</b>	Peter Naylor, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE:</b>	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.

### RESOLUTION OMC191212.10 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles      SECONDED: Cr J Carmody

That Council:

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

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

3. **Endorse the calling of Tenders for the Installation of Culverts on Bandya 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  6 VOTES AGAINST  0

### 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.



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.

<u>WITHDRAWN</u>		
<b>OFFICER RECOMMENDATION</b>		
MOVED: <b>Cr</b>	SECONDED: <b>Cr</b>	
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

**RESOLUTION OMC191212.11**

**COUNCIL DECISION**

MOVED: Cr R Ryles SECONDED: Cr G Buckmaster

**That this item be withdrawn from consideration at this meeting and be considered by Council during the Mid-Year Budget Review.**

SIMPLE MAJORITY: **X** VOTES FOR: **6** VOTES AGAINST: **0**

#### 11.4 PLANNING AND DEVELOPMENT BUSINESS

There was no Planning and Development Business.

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

There were no Elected Members' motions.

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

##### 13.1 APPROVAL TO CONSIDER NEW BUSINESS OF AN URGENT NATURE

RESOLUTION OMC191212-12

COUNCIL DECISION/PROCEDURAL MOTION

MOVED: Cr R Prentice      SECONDED: Cr S Weldon

That Council consider the following item of new business of an urgent nature:

##### 13.1.1 Change of Region Request

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 6	VOTES AGAINST	<input type="checkbox"/> 0
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##### 13.1.1 CHANGE OF REGION REQUEST

**SUBMISSION TO:** Ordinary Meeting of Council, 12 December 2019  
**DISCLOSURE OF INTEREST:** Not applicable  
**OWNER/APPLICANT:** Chief Executive Officer  
**AUTHOR:** Peter Naylor, Chief Executive Officer  
**PREVIOUS MEETING REFERENCE:** Not applicable

#### MATTER FOR CONSIDERATION

For Council to consider a request from the Shire of Wiluna to support a change of region for them from the Murchison Subregion of the Midwest Region of Western Australia to the Goldfields Region.

#### ATTACHMENTS

Nil

## APPLICANT'S SUBMISSION

Not applicable.

## BACKGROUND

The Shire of Wiluna has experienced issues when trying to work with the Goldfields Voluntary Regional Organisational of Councils (GVROC). For example, the Shire is prevented from joining initiatives with other GVROC members because it is a member of another region.

In the Agenda item presented to the Wiluna Council Meeting, the following information was provided to their Councillors:

Although the Shire needs to remember its past, it is more important to focus on the future. The Shire has developed strong bonds with the Goldfields region, in particular the Northern area whilst there is limited interaction with the Murchison sub region.

The State and Federal Governments place a heavy emphasis on regional projects and partnerships. It is the author's view that GVROC is positioning itself to better face the challenges than Cue Parliament who only meets twice a year.

The Shire was advised that it will need the permission of the two Development Commissions as well as the Minister of Regional Development before it can change regions.

The options the Shire has are to;

1. Remain in the Midwest Region,
2. Relocate to the Goldfields Region.

As a small remote local government, the Shire does find it difficult to support projects and activities in both the Goldfields and Midwest Regions due to lack of resources, particularly human resources. There has been some backlash from other local governments in the past about the perception that the Shire has its feet in both camps and needs to commit to one group or another.

Currently the Shire sends its CEO to GVROC meetings and the DCEO to MEG Meetings. This is to reduce the time away from the office by certain staff.

## 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

At its November meeting, the Shire of Wiluna made the following resolution and has requested Goldfields Councils to support their request:

<i>Officer Recommendation &amp; Council Decision</i>		<i>Item 9.3.3.</i>
<b>MOVED CR WARD</b>		<b>SECONDED CR CARMODY</b>
1. The CEO request permission to join the Goldfields Esperance Regional Development Commission and leave the Midwest Development Commission.		
2. The Shire to request a change to the Goldfields Region of Regional Development Australia.		
<b><u>CARRIED 6/0</u></b>		<b>Resolution 153/19</b>

### VOTING REQUIREMENTS

Simple majority decision of Council required.

### RESOLUTION OMC191212.13 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Prentice SECONDED: Cr J Carmody

#### That Council:

1. Supports the Shire of Wiluna's request to join the Goldfields Esperance Regional Development Commission and leave the Midwest Development Corporation
2. Supports the Shire of Wiluna's request to change to the Goldfields Region of Regional Development Australia.

SIMPLE MAJORITY  VOTES FOR  6 VOTES AGAINST  0

#### 14. ITEMS FOR CONSIDERATION BEHIND CLOSED DOORS

There were no 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



- |   |
|---|
| <p>(h) such other matters as may be prescribed.</p> <p>(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.</p> |
|---|

**15. NEXT MEETING**

The next Ordinary Meeting of Council will be held on Thursday, 27 February 2020 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

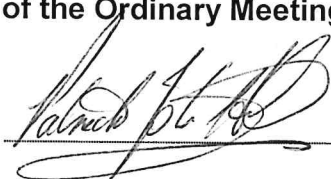
**16. CLOSURE OF MEETING**

There being no further business, the President declared the meeting closed at 5.47pm.

**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:



DATED:

27 FEBRUARY 2020

