



## **SHIRE OF LAVERTON**

### **MINUTES**

**FOR THE ORDINARY MEETING OF COUNCIL  
HELD AT 5:14PM ON THURSDAY 27 FEBRUARY 2020  
IN THE SHIRE COUNCIL CHAMBERS AT  
9 MACPHERSON PLACE, LAVERTON WA 6440**

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# MINUTES

## OF THE ORDINARY MEETING OF COUNCIL HELD AT 5:14PM ON THURSDAY 27 FEBURARY 2020 IN THE SHIRE OF LAVERTON COUNCIL CHAMBERS

### 1. DECLARATION OF OPENING

Cr Patrick Hill, the Shire President, declared the meeting open at 5.14pm.

### 2. ANNOUNCEMENT OF VISITORS

The President welcomed Sgt Emma Barnes, Officer In Charge of the Laverton Police.

### 3. RECORD OF ATTENDANCE

#### 3.1 PRESENT

Cr P Hill	President
Cr S Weldon	Deputy President
Cr R Ryles	Councillor
Cr R Prentice	Councillor
Cr R Weldon	Councillor
Cr J Carmody	Councillor
Mr P Naylor	Chief Executive Officer
Mr P Marshall	Deputy Chief Exectuive Officer
Mr W Butler	Executive Manager Technical Services
Ms E Barnes	Officer In Charge (to 6:22pm)

#### 3.2 APOLOGIES

Cr G Buckmaster

#### 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 notifications of any Public Questions at the time of preparing this Agenda.

**7. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS**

14.1.1 Appointment of Executive Manager Technical Services

**8. CONFIRMATION OF MINUTES**

**8.1 ORDINARY MEETING OF COUNCIL – 12 DECEMBER 2019 (FILE REF: 793)**

**VOTING REQUIREMENTS**

Simple majority decision of Council required.

**RESOLUTION OMC200227.01 COUNCIL DECISION/PROCEDURAL MOTION**

MOVED: Cr R Weldon SECONDED: Cr R Prentice

**That the Minutes of the Ordinary Meeting of Council held on 12 December 2019, be confirmed as a true and correct record of proceedings.**

SIMPLE MAJORITY  VOTES FOR 6 VOTES AGAINST 0

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Sgt Emma Barnes, Officer In Charge of Laverton Police, advised Council she arrived in December 2019 from Metro. She is looking forward to working with and being seen in the community.

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

**10.1 PRESIDENT'S REPORT (FILE REF: 198)**

Cr Patrick Hill tabled his President's Report (Attachment OMC200227.10.1.A)

**VOTING REQUIREMENTS**

Simple majority decision of Council required.

**RESOLUTION OMC200227.02 COUNCIL DECISION/PROCEDURAL MOTION**

MOVED: Cr S Weldon SECONDED: Cr R Prentice

SIMPLE MAJORITY  VOTES FOR 6 VOTES AGAINST 0

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**10.2 OTHER MEMBERS' REPORTS**

**(FILE REF: 55)**

There were no written reports from Elected Members tabled at this meeting, however the Councillors provided verbal reports.

**11. REPORTS OF COMMITTEES AND OFFICERS**

**11.1 FINANCE AND ADMINISTRATION BUSINESS**

**11.1.1 ACCOUNTS PAID AS AT 31 DECEMBER 2019 AND JANUARY 2020  
(FILE REF: 40)**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council, 27 February 2020
<b>DISCLOSURE OF INTEREST:</b>	The author has no financial interest in this matter
<b>OWNER/APPLICANT:</b>	Shire of Laverton
<b>AUTHOR:</b>	Isaac Stout, Accounts
<b>SENIOR OFFICER:</b>	Phil Marshall, Deputy Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

**MATTER FOR CONSIDERATION**

The presentation of a list of accounts paid in December 2019 and January 2020 in accordance with Council Delegation 21.

**ATTACHMENTS**

OMC200227 – 11.1.1 List of accounts for payment for December 2019 & January 2020

**APPLICANT'S SUBMISSION**

Not applicable.

**BACKGROUND**

In accordance with Delegation 21, the Chief Executive Officer has approved the accounts listed in Attachment OMC200227 – 11.1.1 for payments in December 2019 & January 2020.

## 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.

## RESOLUTION OMC200227.03

## COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr S Weldon      SECONDED: Cr P Hill

**That Council endorses the list of payments for the months of December 2019 and January 2020 made under Delegation 21 as per Attachment OMC200227 – 11.1.1 totalling \$1,981,131.73 and summarised as follows:**

Direct Debit Payments	DD1023.2, DD1043.1-DD1043.8, DD1048.1, DD1079.1-DD1079.10, DD1080.1-DD1080.9, DD1085.1, DD1089.1, DD1090.1, DD1092.1, DD1094.1, DD1096.1, DD1098.1, DD1100.1, DD1110.1, DD1122.1-DD1122.3, DD1145.1-DD1145.10, DD1146.1-DD1146.9, DD1147.1-DD1147.2, DD1148.1-DD1148.2, DD1161.1, DD1162.1, DD1163.1, DD1164.1, DD1168.1, DD1170.1, DD1170.2, DD1173.1, DD1175.1, DD1177.1, DD1179.1, DD1181.1, DD1188.1,	\$197,828.85
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	<b>DD1189.1, DD1190.1, DD1191.1, DD1192.1, DD1193.1, DD1195.1, DD1197.1</b>	
<b>EFT Payments</b>	<b>EFT 2077-2363</b>	<b>\$1,703,223.12</b>
<b>Trust Payments</b>	<b>n/a</b>	<b>n/a</b>
<b>Cheques</b>	<b>13392-13413</b>	<b>\$80,079.76</b>
	<b>Total Payments</b>	<b>\$1,981,131.73</b>

SIMPLE MAJORITY  VOTES FOR  6 VOTES AGAINST  0

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<b>11.1.2</b>	<b>2019/2020 ANNUAL BUDGET REVIEW</b>	<b>(FILE REF: 00017)</b>
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<b>SUBMISSION TO:</b>	Ordinary Meeting of Council, 27 <sup>th</sup> February 2020
<b>DISCLOSURE OF INTEREST:</b>	The author has no financial interest in this matter
<b>OWNER/APPLICANT:</b>	Not applicable
<b>AUTHOR:</b>	Phil Marshall, Deputy Chief Executive Officer
<b>SENIOR OFFICER:</b>	Peter Naylor, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE:</b>	<b>N/A</b>

### **MATTER FOR CONSIDERATION**

That the council consider and adopt the Budget Review as presented for the period 1 July 2019 to 31 January 2020.

### **ATTACHMENTS**

OMC200227-11.1.2      2019/2020 Budget Review Document for the period 1 July 2019 to 31 January 2020

### **APPLICANT'S SUBMISSION**

Not applicable.

### **BACKGROUND**

A Statement of Budget Review incorporating year to date budget variations and forecasts to 30 June 2019 for the period ending 31 January 2020 is presented to Council for consideration. The Local Government (Financial Management) Regulations 1996 Regulation 33A, requires that local governments conduct a budget review between 1 January and 31 March in each financial year. A copy of the review and determination is to be provided to the Department for Local Government, Sport and Cultural Industries (DLGSC) within 30 days of the adoption of the review.

### **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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Local Government (Financial Management) Regulations 1996 Regulation 33A – Requires:

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
  - (2A) The review of an annual budget for a financial year must —
    - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
    - (b) consider the local government's financial position as at the date of the review; and
    - (b) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review. \*Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

**POLICY IMPLICATIONS**

Council has no policies in respect to this matter.

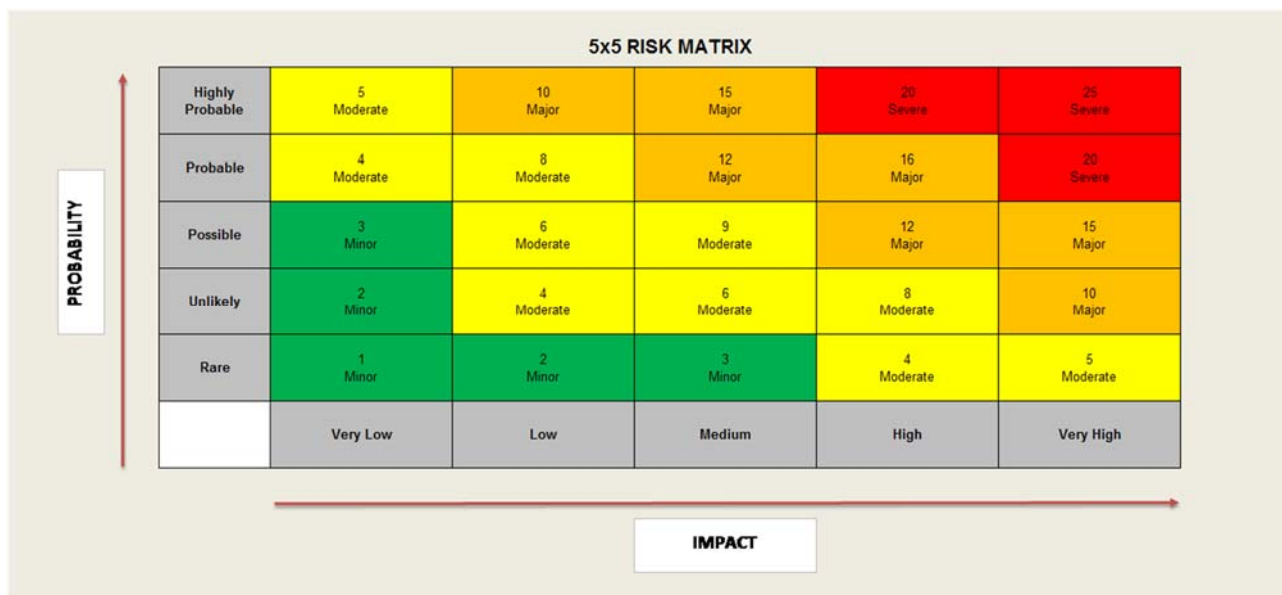
**FINANCIAL IMPLICATIONS**

The recommendation has a number of significant issues for the council to consider including:

1. Australian Potash - \$760,381.00 has not been transferred to reserve as per the current agreement and will be completed in the 2020/21 budget year. Therefore the over expenditure on the Mt Weld Road has expanded implications for ongoing budget management as these funds will be transferred to reserve and taken from the 2020/21 rates.
2. These two properties have been gazetted and the rating is backdated to the 02 July 2019 and an allocation of \$400,000 has been made in this budget review to recoup rates. The council is awaiting confirmation from Langate on the valuation and then the rate in the dollar is to be applied and the amount of \$400,000 has been based on an assumption of similar camp valuations and the figures are conservative as the actual yield could be greater.
  - L38/254  
Yamarna (Gruyere) Accommodation Village

- M39/18  
 Mount Morgans (Dacian Gold) Accommodation Village

3. Mt Weld Road – The original plan included a costing of \$5,118,036.30, has exceeded the original budget and includes an allocation of \$800,000 to complete the Meriola and Race Course Roads. As an issue for the council to resolve, the Council must ensure to resolve the shortfall, the council has secured the entire funding for the roads to recovery program (until 2024) which will be paid in mid March 2020. This is to secure the councils cash flow position and carry the final two payments over the 2021 and 2022 years. These funds can be directed to road works at \$533,247.00 per annum.
4. The Grader changeover has been delayed until July 2020 to bring to account in the 20/21 financial year which has resulted in a savings of \$310,000 to cover the overall shortfall in the budget review.
5. The following Risk Matrix highlights the issue located within the budget review and for the abovementioned main issues, the risk factor is seen at “20 severe” as it is highly probable and the impact is high due to the overrun on the Mt Weld Road which will inhibit the ability to utilise council owned funds to look at matching funds for the Great Beyond of \$1.3 million.



**STRATEGIC IMPLICATIONS**

Objectives:

A financially strong and knowledgeable Shire, leading an empowered community

- Financial ratios

- Long term financial viability

## CONSULTATION

Peter Naylor – Chief Executive Officer

Wayne Butler – Acting Executive Manager Technical Services

Darren Friend – Special Projects Officer

Moore Stephens – Consultants

## COMMENT

The Budget Review has been prepared to include information required by the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Council adopted a 10% or a \$10,000 minimum for the reporting of material variances to be used in the Statements of Financial Activity and the annual Budget Review. Details regarding each of the variations is summarised and included in the attachment.

As with any annual budget review, this review contains a number of variations with the explanations provided to support management's recommendation.

There a number of factors which have impinged upon the council's position and these are highlighted under Financial Implications.

## VOTING REQUIREMENTS

Absolute majority decision of Council required.

## RESOLUTION OMC200227.04      COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles      SECONDED: Cr R Weldon

**That Council by an absolute majority:**

- 1. Adopts the 2019/2020 Budget Review Shown in Attachment OOMC200227-11.1.2 ; and**
- 2. Submits a copy of the 2019/2020 Budget Review to the Department of Local Government Sport and Cultural Industries (DLGSC) within 30 days of adoption.**

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</b>	<b>STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 30 November 2019</b>	<b>(FILE REF: 0094)</b>
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<b>SUBMISSION TO:</b>	Ordinary Meeting of Council, 27 <sup>th</sup> February 2020
<b>DISCLOSURE OF INTEREST:</b>	The author has no financial interest in this matter
<b>OWNER/APPLICANT:.1.</b>	Not applicable
<b>AUTHOR:</b>	Darren Friend - Special Projects Officer
<b>SENIOR OFFICER:</b>	Phil Marshall - Deputy Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

### **MATTER FOR CONSIDERATION**

To accept the Statement of Financial Activity for the period ending 30 November 2019.

### **ATTACHMENTS**

OMC200227-11.1.3.A Statement of Financial Activity for the period ending 30  
November 2019

OMC200227-11.1.3.B Operating Statement by Function & Activity for the period  
ending 30 November 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 budget 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)

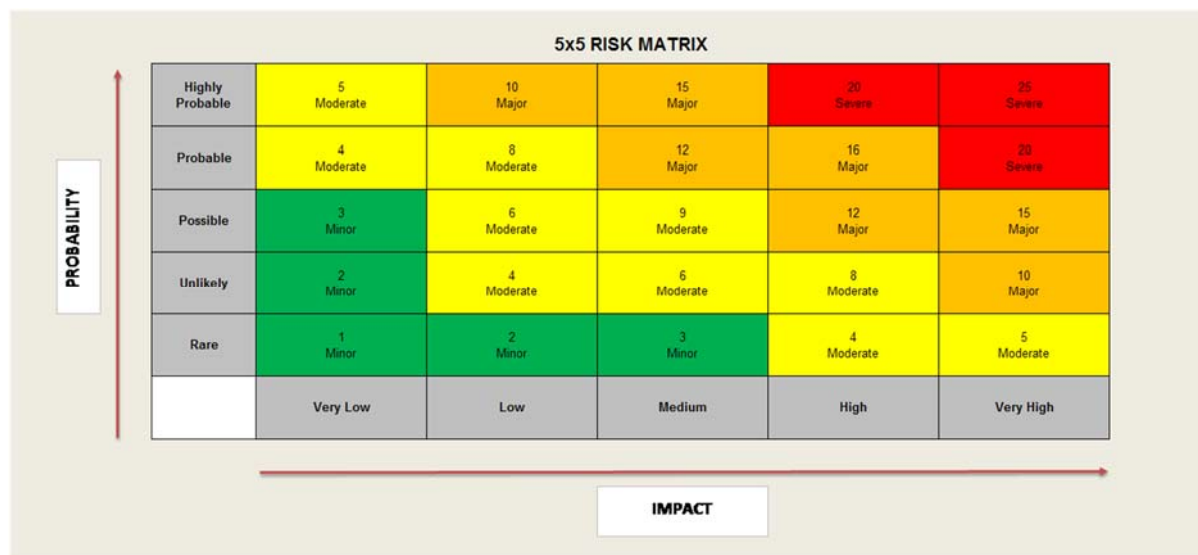
- (1A) In this regulation —  
committed assets means revenue unspent but set aside under the annual budget for a specific purpose.
- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 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.





The risk factors for this report is considered minor and rated as 1 Minor as the council is meeting its statutory requirements.

## 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 council meeting.

## VOTING REQUIREMENTS

Simple majority decision of Council required.

## RESOLUTION OMC200227.05      COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Weldon      SECONDED: Cr J Carmody

**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 30 November 2019 as shown in Attachment OMC200227-11.1.3.A**

SIMPLE MAJORITY	<b>X</b>	VOTES FOR	<b>6</b>	VOTES AGAINST	<b>0</b>
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<b>11.1.4</b>	<b>STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDING 31 December 2019</b>	<b>(FILE REF: 0094)</b>
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<b>SUBMISSION TO:</b>	Ordinary Meeting of Council, 27 <sup>th</sup> February 2020
<b>DISCLOSURE OF INTEREST:</b>	The author has no financial interest in this matter
<b>OWNER/APPLICANT:</b>	Not applicable
<b>AUTHOR:</b>	Darren Friend - Special Projects Officer
<b>SENIOR OFFICER:</b>	Phil Marshall - Deputy Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE:</b>	Not applicable

### **MATTER FOR CONSIDERATION**

To accept the Statement of Financial Activity for the period ending 30 November 2019.

### **ATTACHMENTS**

- OMC200227-11.1.4.A Statement of Financial Activity for the period ending 31 December 2019
- OMC200227-11.1.4.B Operating Statement by Function & Activity for the period ending 31 December 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 budget 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.

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### **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 cost of Moore Stephens compiling the reports runs at approx \$3000.00 per month and with the additional cost of \$500.00 per month of completing the GST report. The council has been monitoring the reports and is in a position to bring these works back in house and thus reduce the outgoings for these two aspects of the council's statutory requirements.

### **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.

The following comments are made in regards to the comments by Moore Stephens as follows:

Bank Accounts Reconciliations December 2019 – this is correct and as advised to Moore Stephens as there is a minor discrepancy in the reconciliation and is being rectified.

Trust Bonds held and other funds held in trust July 2019 – this has been addressed and the trust account has been cleared to meet the requirements of the Office of the auditor General.

Contract Assets/liabilities July 2019 – This has been ongoing and relates back to the 2019 financial year and will be cleared on Monday 03 February 2020 as the financial statements have finally been completed by Moore Stephens and will be corrected through the back end of the system by IT Vision.

Funding Surplus November 2019 – As the financial statements have been completed, the funding surplus has always been an area where there was some concern, however, as can be viewed in the mid-year budget review, there is no issue as the figures with the surplus and carry forward grants etc. equals the surplus projected within the 2019/20 budget.

## VOTING REQUIREMENTS

Simple majority decision of Council required.

## RESOLUTION OMC200227.06 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 2019 as shown in Attachment OMC200227-11.1.4.A.**

SIMPLE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/> 6	VOTES AGAINST	<input type="checkbox"/> 0
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<b>11.1.5 SHIRE OF LAVERTON ADMINISTRATION POLICY 02.14 SHEILA LAVER AWARD</b>	<b>02.14 SHEILA LAVER (FILE REF: 00011)</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 27 February 2020  
**DISCLOSURE OF INTEREST:** The author has no financial interest in this matter  
**OWNER/APPLICANT:** Not applicable  
**AUTHOR:** Peter Naylor, Chief Executive Officer  
**PREVIOUS MEETING REFERENCE:** Ordinary Meeting of Council held on 24 October 2019

### **MATTER FOR CONSIDERATION**

Review of Shire of Laverton Administration Policy 02.14 Sheila Laver Award.

### **ATTACHMENTS**

OMC200227-11.1.5.A Shire of Laverton Administration Council Policy 02.14 Sheila Laver Award

### **APPLICANT'S SUBMISSION**

Not applicable.

### **BACKGROUND**

At the Ordinary Meeting of Council held on Thursday 24 October 2019, Council resolved to review Policy 02.14 and the criteria for awarding the Sheila Laver Award.

### **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**

Shire of Laverton Administration Policy 02.14 Sheila Laver Award refers, copy attached.

## **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**

During Council deliberation on awarding the Sheila Laver Award for 2019 it was resolved that the criteria for the award needs to be reviewed.

This matter is presented for Council consideration.

## **VOTING REQUIREMENTS**

Simple majority decision of Council required.

## **RESOLUTION OMC200227.07      COUNCIL DECISION/OFFICER RECOMMENDATION**

MOVED: Cr S Weldon      SECONDED: Cr R Prentice

**That Council review Shire of Laverton Administration Policy 02.14, as per resolution OMC191024.18 (4) of 24 October 2019.**

SIMPLE MAJORITY	<b>X</b>	VOTES FOR	<b>6</b>	VOTES AGAINST	<b>0</b>
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Emma Barnes left the meeting at 6:08pm.

Emma Barnes returned to the meeting at 6:10pm.

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**11.1.6 REVIEW OF DELEGATIONS****(FILE REF: 0030)**

<b>SUBMISSION TO:</b>	Ordinary Meeting of Council, 27 February 2020
<b>DISCLOSURE OF INTEREST:</b>	The author has no financial interest in this matter
<b>OWNER/APPLICANT:</b>	Shire of Laverton
<b>AUTHOR:</b>	Peter Naylor, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE:</b>	OMC180222.8 & OMC180222.19 of the Ordinary Meeting of Council held on 22 February 2018

**MATTER FOR CONSIDERATION**

Review of Delegations Register previously adopted by Council on 22 February 2018.

**ATTACHMENTS**

OMC200227-11.1.6.A	Amended Delegations Register
OMC200227-11.1.6.B	Legal Opinion on Delegations for EHO/BS

**APPLICANT'S SUBMISSION**

Not applicable.

**BACKGROUND**

The delegations included in the attached register allow officers to undertake day to day operational activities in the Shire without continual referral to Council. These delegations are often made subject to the confines of policy that give general direction in the decision making process.

All delegations have been reviewed, with no new delegations, and amendments recommended for adoption are summarised below:

- Delegation 002 Grant of Building Permits has been updated to remove the sub delegation to the contract Environmental Health Officer / Building Surveyor, which is not permitted under the *Building Act 2011*;
- Delegation 003 Demolition Permits has been updated to remove the sub delegation to the contract Environmental Health Officer / Building Surveyor, which is not permitted under the *Building Act 2011*;

- Delegation 004 Grant of Occupancy Permit has been updated to remove the sub delegation to the contract Environmental Health Officer / Building Surveyor, which is not permitted under the *Building Act 2011*;
- Delegation 005 Grant of Building Approval Certificate has been updated to remove the sub delegation to the contract Environmental Health Officer / Building Surveyor, which is not permitted under the *Building Act 2011*;
- Delegation 006 Building Orders has been updated to remove the sub delegation to the contract Environmental Health Officer / Building Surveyor, which is not permitted under the *Building Act 2011*;
- Delegation 017 Early Morning Swimming has been amended to include “in consultation with the Swimming Pool Manager”.
- Delegation 056 Dog Act Powers and Duties has been updated to note permitted sub-delegations and record keeping requirements; and
- Delegation 057 Cat Act Powers and Duties has been updated to note permitted sub-delegations and record keeping requirements.
- Delegations 008, 021, 022, 026, 028 and 050 have not changed, however the sub-delegation has been updated to reflect the correct job title with the current organisational structure, which has been corrected to read ‘Deputy Chief Executive Officer’ instead of ‘Executive Manager Corporate and Community Services’.

## **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 5.46 - Requires a local government to review its delegations at least once every twelve months.

## **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

Moore Stephens

## COMMENT

It is advised that the members carefully check all delegations to ensure that the Council is satisfied as to the level of delegation. A more detailed, high level review of all delegations is also being considered to be undertaken during 2020/21.

This item has been evaluated against the Shire's Risk Management Strategy, Risk Assessment Matrix. The perceived level of risk is medium prior to treatment.

## VOTING REQUIREMENTS

Absolute majority decision of Council required.

## RESOLUTION OMC200227.08 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr S Weldon      SECONDED: Cr R Weldon

**That the Council adopt the amended Register of Delegations as attached to this report.**

ABSOLUTE MAJORITY	<input checked="" type="checkbox"/>	VOTES FOR	<input type="checkbox"/>	6	VOTES AGAINST	<input type="checkbox"/>	0
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<b>11.1.7 LOCAL GOVERNMENT HOUSE TRUST – DEED OF VARIATION (FILE REF: 0015)</b>
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**SUBMISSION TO:** Ordinary Meeting of Council, 27 February 2020  
**DISCLOSURE OF INTEREST:** The author has no financial interest in this matter  
**OWNER/APPLICANT:** WA Local Government Association  
**AUTHOR:** Peter Naylor, Chief Executive Officer  
**PREVIOUS MEETING REFERENCE:**

## MATTER FOR CONSIDERATION

The WA Local Government Association is seeking Council's consent to a variation to the Trust Deed for the Local Government House Trust.

This report recommends that Council consents to the proposed variation.

## **ATTACHMENTS**

OMC200227-11.1.7.A	Local Government House Trust – Deed of Variation Letter
OMC200227-11.1.7.B	Deed of Variation
OMC200227-11.1.7.C	Clause 12 of Trust Deed 1994

## **APPLICANT'S SUBMISSION**

Not applicable.

## **BACKGROUND**

The Local Government House Trust (the "Trust") exists primarily to provide building accommodation for the WA Local Government Association (WALGA). Since 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current Trust Deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA.

Commencement date of the current deed is 17 February 1993, with a vesting period of 79 years from commencement, which means that the Trust ends in 2072.

The Shire of Laverton is a unit holder and beneficiary to the Local Government House, holding 4 units.

## **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

As a beneficiary, the Shire of Laverton is requested to consent to the attached Deed of variation supported by a resolution of Council.

### ***Trust Deed Variation***

*Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).*

*The Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:*

- 1. Removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation);*
- 2. Enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation); and*
- 3. Ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation).*

The aforementioned amendments provide greater power to the beneficiaries through the Board of Management, and as such it is anticipated they should be acceptable.

## VOTING REQUIREMENTS

Simple majority decision of Council required.

## RESOLUTION OMC200227.09      COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles      SECONDED: Cr R Weldon

**That Council provides formal consent to the proposed variation to the Trust Deed for the Local Government House Trust.**

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 SURVEYOR BUSINESS**

## **11.3 WORKS AND SERVICES BUSINESS**

## **PLANNING AND DEVELOPMENT BUSINESS**

<b>11.4.1 RENEWAL OF LEASE TO ST JOHN AMBULANCE AUSTRALIA WA AMBULANCE SERVICE INC – WELD DRIVE (FILE REF: 00063)</b>
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<b>SUBMISSION TO:</b>	Ordinary Meeting of Council, 27 February 2020
<b>DISCLOSURE OF INTEREST:</b>	The author has no financial interest in this matter
<b>OWNER/APPLICANT:</b>	Not applicable
<b>AUTHOR:</b>	Phil Marshall, Deputy Chief Executive Officer
<b>SENIOR OFFICER:</b>	Peter Naylor, Chief Executive Officer
<b>PREVIOUS MEETING REFERENCE:</b>	OMC9.5.1 of the Ordinary Meeting of Council held on 22 July 1999

### **MATTER FOR CONSIDERATION**

That Council consider the renewal of the existing lease of land to St John Ambulance Australia WA Ambulance Service Inc for a further 21 years from the 26 May 2020.

### **ATTACHMENTS**

- OMC200227-11.4.1.A Lease Agreement Renewal letter
- OMC200227-11.4.1.B Existing Lease Agreement

### **APPLICANT'S SUBMISSION**

Correspondence has been received from St John Ambulance, via email dated 15 January 2020, seeking an extension of the current lease agreement for the property at 10 Weld Drive (Lot 472), Laverton, on which has been developed their St John Ambulance Laverton Sub Branch.

### **BACKGROUND**

The existing Lease Agreement was entered into in 1999 and is due to expire on 25 May 2020. The original terms of the lease were for 21 years with rental being "one peppercorn" per annum.

Clause 9 (Renewal of Term) of the Agreement provides that if the Lessee desires to renew the lease the terms and conditions on which they must provide notification to the Lessor. St John Ambulance have adhered to this requirement.

## **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 3.58 - Provides for the Disposition of Property.

### ***Local Government (Functions and General) Regulations 1996***

Clause 3 – Provides for the disposal of property excluded from S3.58 of the Act, which includes charitable bodies.

## **POLICY IMPLICATIONS**

Council has no policies in respect to this matter.

## **FINANCIAL IMPLICATIONS**

The recommendation may have legal costs in developing a extension of the lease and an amount of \$500.00 has been allocated for this purpose.

## **STRATEGIC IMPLICATIONS**

The Councils Vision:

The Shire of Laverton will strive to work with the community to fulfil their needs and support their aspirations while acting with fairness and demonstrating leadership.

Social Objective - Proud, spirited, harmonious and connected community

Outcome 1.1

A strong sense of community pride and ownership

1.1.1 Encourage community participation

1.1.2 Enhance community safety

## **CONSULTATION**

Chief Executive Officer

## COMMENT

Council when considering the approval, should take into account the service provided by the volunteers of the community who provide an invaluable service and in sometimes under trying circumstances. To not have such a facility for the Ambulance Service to operate will have ramifications to the soon revamped hospital and access for volunteers to carry out their roles.

The current agreement in the format produced under Attachment B is adequate for the terms and conditions listed and as there has been little interaction to the agreement over the last 21 years, it is appropriate to honour the request from St John Ambulance and extend the term for a further 21 years effective from the 26<sup>th</sup> May 2020.

However the term “Peppercorn” is no longer a relevant term and will be replaced by “One Dollar”, payable on demand.

## VOTING REQUIREMENTS

Simple majority decision of Council required.

## RESOLUTION OMC200227.10 COUNCIL DECISION/OFFICER RECOMMENDATION

MOVED: Cr R Ryles      SECONDED: Cr R Prentice

That Council:

1. Authorises the Chief Executive Officer to proceed with a new Lease Agreement with St John Ambulance Australia WA Ambulance Service Inc for the property at 10 Weld Drive (Lot 472) Laverton, for 21 year period 26 May 2020 to 25 May 2041;
2. Authorises the Shire President and the Chief Executive Officer to sign and affix the common seal of the council to the renewal of the lease agreement with St John Ambulance Australia WA Ambulance Service Inc; and
3. Authorises the CEO to negotiate the inclusion of adjoining lot 374 into the new lease agreement to be utilised for purpose of secure vehicle parking, and future accommodation and training centre.

MAJORITY  VOTES FOR  6 VOTES AGAINST  0

12. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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 OMC200227.11 COUNCIL DECISION/PROCEDURAL MOTION**

MOVED: Cr R Prentice SECONDED: Cr R Ryles

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

**13.1.1 Date change for March 2020 Ordinary Meeting of Council**

**13.1.1 DATE CHANGE FOR MARCH 2020 ORDINARY MEETING OF COUNCIL**

**SUBMISSION TO:** Ordinary Meeting of Council, 27 February 2020  
**DISCLOSURE OF INTEREST:** The author has no financial interest in this matter  
**OWNER/APPLICANT:** Shire of Laverton  
**AUTHOR:** Peter Naylor, Chief Executive Officer  
**PREVIOUS MEETING REFERENCE:** Not applicable

**MATTER FOR CONSIDERATION**

Date change of March 2020 Ordinary Meeting of Council.

**RESOLUTION OMC200227.12 COUNCIL DECISION/OFFICER RECOMMENDATION**

MOVED: Cr R Prentice SECONDED: Cr R Ryles

**That Council reschedule the March 2020 Ordinary Meeting of Council to Thursday 2 April 2020 at 5:00pm.**

MAJORITY  VOTES FOR  6 VOTES AGAINST  0

## 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.

Emma Barnes departed the meeting at 6:22pm

#### 14.1 APPROVAL TO CONSIDER ITEMS BEHIND CLOSED DOORS

#### OMC200227.13 COUNCIL DECISION/PROCEDURAL MOTION

MOVED: Cr S Weldon SECONDED: Cr R Prentice

That this meeting be closed to members of the general public at 6:22pm and that Council move behind closed doors to consider:

##### 14.1.1 Appointment of Executive Manger Technical Services

SIMPLE MAJORITY  VOTES FOR 6 VOTES AGAINST 0

#### 14.1.1 APPOINTMENT OF EXECUTIVE MANAGER TECHNICAL SERVICES (FILE REF: PERSONNEL)

#### OMC200227.14 COUNCIL DECISION/PROCEDURAL MOTION

MOVED: CR J Carmody SECONDED: Cr R Prentice

That Council:

1. Endorses the appointment of Mr Greg Stephens to the position of Executive Manager Technical Services (EMTS) with the Shire of Laverton, for a three (3) year term, with additional two (2) year option, effective from early March 2020, or as otherwise agreed.
2. Endorses the Contract of Employment (incorporating the EMTS Position Description) as tabled at this meeting as the terms and conditions of Mr Stephen's employment with the Shire.
3. Authorises the Shire President and the Chief Executive Officer to execute the EMTS Contract of Employment on behalf of the Shire of Laverton.

SIMPLE MAJORITY  VOTES FOR 6 VOTES AGAINST 0

**14.2 APPROVAL TO COME OUT FROM BEHIND CLOSED DOORS**

**OMC200227.15**

**COUNCIL DECISION/PROCEDURAL MOTION**

MOVED: Cr R Ryles      SECONDED: Cr J Carmody

**That Council come out from behind closed doors and that this meeting be reopened to members of the general public at 6:24pm.**

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

**15. NEXT MEETING**

The next Ordinary Meeting of Council will be held on Thursday, 2 April 2020 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

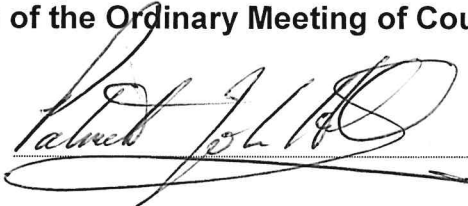
**16. CLOSURE OF MEETING**

There being no further business, the President declared the meeting closed at 6.25pm.

**17. CERTIFICATION OF MINUTES**

I, Patrick Hill, hereby certify that the Minutes of the Ordinary Meeting of Council held on 27 February 2020 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 2 April 2020.

SIGNED:



DATED:

2 APRIL 2020