



SHIRE OF LAVERTON

MINUTES

OF THE SPECIAL MEETING OF COUNCIL

HELD ON

14 AUGUST 2017

COMMENCING AT 4:25PM

MINUTES OF THE SPECIAL MEETING OF COUNCIL 14 AUGUST 2017

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MINUTES OF THE SPECIAL MEETING OF COUNCIL 14 AUGUST 2017

PURPOSE OF MEETING

The purpose of the meeting is to consider the following items of business:

1. Appointment of Chief Executive Officer
2. Disposal of Toyota Land Cruiser 0LA by Private Treaty
3. Town Entry Statements – Signage Wording
4. Proposed Change of Use – Lots 2 and 3 Augusta Street, Laverton
5. Proposed 2017/2018 Fees & Charges

1. DECLARATION OF OPENING

The Shire President, Cr Patrick Hill, declared the meeting open at 4:25pm and read the disclaimer.

2. APPROVAL FOR REMOTE COUNCILLOR ATTENDANCE VIA TELEPHONE (FILE REF: 793)

SUBMISSION TO:	Special Meeting of Council, 14 August 2017
DISCLOSURE OF INTEREST:	Not applicable
OWNER/APPLICANT:	Not applicable
AUTHOR:	Pascoe Durtanovich, Acting Chief Executive Officer
SENIOR OFFICER:	Not Applicable
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

To approve the participation in this meeting of Cr Robin Prentice via telephone dial-in from her residence in Mandurah, WA.

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

From time to time, Councillors can find themselves unable to attend Council Meetings in person, but may request permission of Council to participate remotely via telephone or video link.

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 5.25(ba) - Provides for regulations being able to make provision for the holding of council or committee meetings by telephone, video conference or other electronic means.

Local Government (Administration) Regulations 1996

Regulation 14A – Defines the requirements necessary for approval of remote attendance at a meeting of Council.

POLICY IMPLICATIONS

Council Policy 04.09 Remote Attendance at Meetings covers the requirements for Council to approve remote attendance at a Council meeting if requested.

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

Cr Prentice is unable to travel to Laverton to take part in Council meetings for some time, however wishes to take part in this meeting remotely via teleconference as provided for in legislation and the Shire's adopted policy.

VOTING REQUIREMENTS

Simple majority decision of Council required.

SMC17081401 COUNCIL DECISION/STAFF RECOMMENDATION

Moved Cr S Weldon; Seconded Cr R Weldon:

That Council:

- 1. Approve Cr Prentice’s Mandurah residence as a ‘suitable place’ from which to conduct instantaneous communication with each other person present at this meeting, as it is located in a town site or residential area and is a residential dwelling, in accordance with Shire Policy 04.09; and**
- 2. Approve that Cr Prentice be taken to be present at this meeting for the duration of the time in which she is in instantaneous communication with each other person present at this meeting, in accordance with Shire Policy 04.09.**

CARRIED BY ABSOLUTE MAJORITY 5/0

3. RECORD OF ATTENDANCE

3.1 PRESENT

Cr P Hill	President
Cr S Weldon	Deputy President
Cr R Ryles	Councillor
Cr R Prentice	Councillor (by telephone)
Cr D Ross	Councillor
Cr R Weldon	Councillor
Mr P Durtanovich	Acting Chief Executive Officer

3.2 APOLOGIES

Nil

3.3 LEAVE OF ABSENCE PREVIOUS APPROVED

Nil

4. PUBLIC QUESTION TIME

Nil.

5. SPECIAL MEETING BUSINESS

Mr Pascoe Durtanovich declared a financial interest in Agenda Item 5.2 as he is the incumbent Acting Chief Executive Officer.

SMC17081402 PROCEDURAL DECISION

Moved: Cr S Weldon; Seconded Cr R Ryles:

That the Acting Chief Executive Officer be permitted to remain in the meeting to provide advice on the appointment process.

CARRIED 6/0

SMC17081403 PROCEDURAL DECISION

Moved: Cr R Ryles; Seconded Cr D Ross:

That this meeting move behind closed doors to consider Agenda Item 5.2 in accordance with the *Local Government Act 1995 Part 5 Division 2* as the matter pertains to contractual arrangements.

CARRIED 6/0

5.1 SELECTION OF CHIEF EXECUTIVE OFFICER (FILE REF: 1186)
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SUBMISSION TO:	Special Meeting of Council, 14 August 2017
DISCLOSURE OF INTEREST:	The author has disclosed a financial interest in this matter as he is the incumbent Acting Chief Executive Officer
OWNER/APPLICANT:	Not applicable
AUTHOR:	Pascoe Durtanovich, Acting Chief Executive Officer
SENIOR OFFICER:	Not Applicable
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

Interviews for the position of Chief Executive Officer with the Shire of Laverton have been completed, Council is now required to consider making an appointment.

ATTACHMENTS

SMC170814-5.1.A	Draft Contract of Employment provided to Councillors under separate cover.
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APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

The recruitment process for the position of Chief Executive Officer for the Shire of Laverton was undertaken by the Western Australian Local Government Association.

STATUTORY ENVIRONMENT

The appointment of a Chief Executive Officer is covered under Section 5.36 of the Local Government Act 1995, which states:

- (1) A local government is to employ –
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council –
 - (a) believes that person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed contract.

***Absolute majority required.**

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As outlined in the contract of employment for the employment of a Chief Executive Officer

STRATEGIC IMPLICATIONS

Nil

CONSULTATION

Not applicable

COMMENT

The *Local Government Act 1995* requires that no Council vote is to be in secret, it is therefore necessary for council to hold discussions on the appointment behind closed doors, then re-open the meeting for the purpose of making a decision.

VOTING REQUIREMENTS

Simple majority decision to sit behind closed doors.

Simple majority decision for the appointment of a Chief Executive Officer.

Absolute majority decision for the adoption of the Contract of Employment.

SMC17081404 COUNCIL DECISION/STAFF RECOMMENDATION

Moved Cr R Weldon; Seconded Cr D Ross:

That Council:

- 1. Appoint Peter Naylor to the position of Chief Executive Officer with the Shire of Laverton for a period of three years commencing 4 December 2017 and concluding 3 December 2020.**
- 2. Is of the belief that Peter Naylor is suitably qualified for the position of Chief Executive Officer.**

CARRIED 6/0

SMC17081405 COUNCIL DECISION/STAFF RECOMMENDATION

Moved Cr S Weldon; Seconded Cr R Ryles

That Council:

- 1. Is satisfied with the provisions of the proposed employment contract to be entered into with Peter Naylor, in accordance with the advertised package; and**
- 2. Authorises the Shire President and Acting CEO to finalise contract conditions of employment.**

CARRIED BY ABSOLUTE MAJORITY 6/0

SMC17081406 PROCEDURAL DECISION

Moved: Cr R Prentice; Seconded Cr R Weldon:

That this meeting come out from behind closed doors.

CARRIED 6/0

5.2 DISPOSAL OF TOYOTA LANDCRUISER REGISTRATION 0LA (FILE REF: 1026)

SUBMISSION TO:	Special Meeting of Council, 14 August 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Pascoe Durtanovich, Acting Chief Executive Officer
SENIOR OFFICER:	Not Applicable
PREVIOUS MEETING REFERENCE:	OMC170725 of the Ordinary Meeting of Council on 20 July 2017 (Point 1)

MATTER FOR CONSIDERATION

To consider submissions to the proposal to dispose of Toyota Landcruiser 0LA by private treaty. At the close of advertising of the proposal and invitation of submissions, one submission was received.

ATTACHMENTS

SMC170814-5.2.A Copy of submission received.

APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

At the Ordinary Meeting of Council on 20 July, 2017 Council resolved as follows:

That Council:

1. Agrees to sell the current CEO Shire Vehicle, Toyota 200 Series Landcruiser 0LA, by private treaty to Mr Steven Deckert for \$75,000 in accordance with the provisions of section 3.58(3) of the *Local Government Act 1995*;
2. Authorises that a public notice, meeting the requirements of section 3.58(4) of the *Local Government Act 1995* be placed in the *Kalgoorlie Miner* as soon as practicable following this meeting, inviting public submissions;
3. Determines that if no submissions are received by the close of the public notice as per point 2 above that the sale can proceed and be finalised as soon as practicable, however if any submissions are received, then a Special Meeting of Council be convened for 3:00pm Wednesday 9 August 2017 to consider the submissions;
4. Authorises that a suitable provision for a new CEO's vehicle be placed in the draft 2017/18 Budget.'

Cr D Ross and Cr R Prentice recorded their vote against the motion.

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(3) - Provides the legislative requirements for the sale of a shire asset by private treaty.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications other than council including provision in the 2016/2017 Budget for the purchase of a new vehicle for the Chief Executive Officer, should council resolve to dispose of the vehicle in question.

STRATEGIC IMPLICATIONS

Nil

CONSULTATION

The proposal was advertised in the *Kalgoorlie Miner* on 24 July 2017 and on the public notice board.

COMMENT

At the conclusion of the advertising period one submission was received. See copy attached.

As can be seen the submission is questioning the valuation Council has accepted for the vehicle, particularly given the age of the vehicle.

At the meeting on 20 July, 2017 Council considered the information provided in regard to how the offer amount was determined. The offer was based on valuations provided in the "Red Book". Whilst Council is not obligated to accept that valuation guide, Council determined that \$75,000 was a fair value. It is pointed out however that it is open to Council to review the valuation if it so wished.

VOTING REQUIREMENTS

Simple majority decision of Council required.

SMC17081407 COUNCIL DECISION/STAFF RECOMMENDATION

Moved Cr R Ryles; Seconded Cr R Weldon:

That Council:

- 1. Note the submission received to the proposal to dispose of the Toyota Landcruiser 0LA.**
- 2. Agree to sell the current CEO Shire Vehicle, Toyota 200 Series Landcruiser 0LA to Mr Steven Deckert for \$75,000.**

CARRIED 4/2

Cr D Ross and Cr R Prentice recorded their vote against the motion.

5.3 TOWN ENTRY STATEMENTS (FILE REF: 566)

SUBMISSION TO:	Special Meeting of Council, 14 August 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHOR:	Pascoe Durtanovich, Acting Chief Executive Officer
SENIOR OFFICER:	Not Applicable
PREVIOUS MEETING REFERENCE:	OMC160812 of the Ordinary Meeting of Council on 18 August 2016 OMC161228 of the Ordinary Meeting of Council on 15 December 2016

MATTER FOR CONSIDERATION

To finalise wording for the back of the town entry statement signs.

ATTACHMENTS

Nil

APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

The town entry statements for Laverton have been constructed and will be installed once the wording for the back of the signs is decided on and Main Roads WA approval is received for the installation.

STATUTORY ENVIRONMENT

Main Roads WA has standards for entry statements on road verges that have to be complied with. The standards mainly refer to setbacks determined by structure type and designated speed limits.

POLICY IMPLICATIONS

Council has no policies in respect to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications in respect to the sign wording, this is included in the contract price.

STRATEGIC IMPLICATIONS

The recommendations of this have no strategic implications for council.

CONSULTATION

Not applicable

COMMENT

Administration is aware that there has been some discussion on the wording for on the back of the entry statement signs however no resolution has been reached. The author is not aware of what wording has been considered previously and rejected but it is suggested that the following be considered.

1. Goodby, Drive safely.
2. Thank you for visiting.
3. Come back soon.

I am sure Councillors have many other suggestions, priority is however to finalise this so that the entry statements can be erected and the project completed.

VOTING REQUIREMENTS

Simple majority decision of Council required.

OMC17081408 COUNCIL DECISION/STAFF RECOMMENDATION

Moved Cr R Prentice; Seconded Cr S Weldon:

That the following be included on the reverse side of the Town Entry Statement signs:

Come Back Soon!
(Wangkatha version)

CARRIED 6/0

5.4 PROPOSED CHANGE OF USE TO SHOP – LOTS 2 AND 3 AUGUSTA STREET, LAVERTON (FILE REF: 533)

SUBMISSION TO:	Special Meeting of Council, 14 August 2017
DISCLOSURE OF INTEREST:	The author has declared a Financial Interest as Town Planning Innovations receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
OWNER/APPLICANT:	Daphne Talbot/Rosemary Street
AUTHOR:	Liz Bushby, Town Planning Innovations
SENIOR OFFICER:	Pascoe Durtanovich, Acting Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

Council is to consider a change of use to allow a shop in the existing building on Lots 2 and 3 Augusta Street, Laverton (Desert Inn Hotel).

ATTACHMENTS

SMC170814-5.4.A Aerial Photo

APPLICANT'S SUBMISSION

The applicant seeks to utilise a room within the existing Desert Inn Hotel building to sell clothes and shoes. The room can be closed off from the remainder of the hotel and there will be no access to the hotel from the proposed shop.

BACKGROUND

Lots 2 and 3 Augusta Street are zoned 'Commercial' under the Shire of Laverton Town Planning Scheme No 2.

STATUTORY ENVIRONMENT

Shire of Laverton Town Planning Scheme No 2 ('the Scheme') -

A 'shop' is defined in the Scheme as '*means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet.*'

Specific Council approval is required for a shop in the Commercial zone as it is listed as a 'D' use in Table 1 of the Scheme. The 'D' symbol '*means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.*'

The objectives of the Commercial zone under the Scheme are:

- (i) to ensure the established town centre in Laverton remains the principal place for retail, commercial, civic, and administrative functions in the district.
- (ii) to ensure development will not adversely affect local amenities, and will enhance the character of the town centre.
- (iii) to provide for the efficient and safe movement of vehicles (including trucks, buses, and caravans) and pedestrians in and around the town centre.
- (iv) to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements through the town centre.
- (v) to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
- (vi) to provide for expansion of the town centre to meet future demands.

POLICY IMPLICATIONS

There are no known policy implications associated with this application.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Liz Bushby (Town Planning Innovations) for planning advice.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this application.

CONSULTATION

No consultation has occurred.

COMMENT

The proposed shop use is consistent with the objectives of the Commercial zone which is principally to cater for commercial and retail uses.

Support of the proposal will allow an unused part of the existing hotel to be utilised for a small local business.

Parking is not considered to be an impediment to the proposal, and approval is recommended.

VOTING REQUIREMENTS

Simple majority decision of Council required.

SMC17081409 STAFF RECOMMENDATION

Moved Cr R Prentice; Seconded Cr D Ross:

That Council:

- 1. Approve the planning application lodged by Rosemary Street for a change of use to allow a shop on Lots 2 and 3 Augusta Street, Laverton, subject to the following condition:**
 - (i) This approval is limited to one room within the existing building as stated in the application.**

CARRIED 6/0

5.4 PROPOSED DRAFT 2017/2018 FEES & CHARGES (FILE REF: 46)

SUBMISSION TO:	Special Meeting of Council, 14 August 2017
DISCLOSURE OF INTEREST:	The author has no financial interest in this matter
OWNER/APPLICANT:	Not applicable
AUTHORS:	Glenn Bone, Project Officer and Graham Stanley, Executive Manager Corporate and Community Services
SENIOR OFFICER:	Pascoe Durtanovich, Acting Chief Executive Officer
PREVIOUS MEETING REFERENCE:	Not applicable

MATTER FOR CONSIDERATION

Council to consider the proposed Schedule of Fees and Charges for the 2017/18 financial year.

ATTACHMENTS

SMC170814-5.5.A Proposed Schedule for 2017/2018 Fees & Charges

APPLICANT'S SUBMISSION

Not applicable

BACKGROUND

Council's Policy 03.08 Budget – Preparation, provides for the review, preparation and approval of the draft schedule of Fees and Charges prior to the budget meeting. Once this Schedule has been approved (for the purpose of inclusion in the draft budget provisions), Council must adopt it, however this will not formally occur until the annual budget itself is adopted.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2 – Requires that each year a local government prepare and adopt an annual budget.

Section 6.2(4)(c) – The annual budget is to incorporate a schedule of fees and charges.

POLICY IMPLICATIONS

Policy 03.08 Budget – Preparation

FINANCIAL IMPLICATIONS

The Fees and Charges when adopted will determine the amount of revenue to be received during the 2017/18 financial year for certain areas.

STRATEGIC IMPLICATIONS

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

CONSULTATION

Input from various staff members.

COMMENT

Over the past several years, changes have been made to the formatting of the Fees and Charges Schedule, mainly to clarify whether GST is applicable or not on the various fees. This formatting will continue to be used for the 2017/18 Schedule of Fees and Charges.

This year most fees and charges will not change, however where fees have been increased or decreased, an explanation to these is provided below. From an historical perspective, a comprehensive review of Fees and Charges was last carried out in July 2011 and since then the fees & charges have been reviewed and amended where necessary on an annual basis.

A further enhancement has been made to the Schedule of Fees and Charges this year by the inclusion of Account Numbers.

Law, Order and Public Safety

Emergency Services Levy

The levy is prescribed by the *Fire and Emergency Services Act 1998* and is generally reviewed each year. The proposed fees for 2017/18 are outlined in the table below:

ESL Category	ESL Rate (Per \$GRV)	Minimum and Maximum ESL Charges By Property Use			
		Residential, Farming and Vacant Land		Commercial, Industrial and Miscellaneous	
		Minimum	Maximum	Minimum	Maximum
4	\$0.004641	\$75	\$138	\$75	\$78,000
5	Fixed Charge \$75	\$75	\$75	\$75	\$75
Mining Tenements	Fixed Charge \$75	\$75	\$75	\$75	\$75

Dog Registration

COMMENT: These fees are set by Regulation and had previously been unchanged since 1995. The *Dog Regulations 2013* are now in place and engage, where practicable, similar principles to the *Cat Regulations 2012*.

Impounding and Other Fees - Cats

COMMENT: These fees are also set by Regulation in Schedule 3 of the *Cat Regulations 2012*. Fees and deposits for cat traps are once again included in the Fees and Charges Schedule.

Community Amenities

Sanitation Charges

Standard practice across most local governments in Western Australia is that revenue income for rubbish services should recover the cost of providing the service. In most cases this would also cover a substantial part of the tip maintenance costs.

Laverton is a small remote town and economy of scale simply does not readily enter our parameters, nevertheless a substantive rise in the rubbish collection charge was introduced in 2011/12 as a major effort towards cost recovery.

Currently the Shire is handling 467 services. For the 2017/2018 service, it is recommended to increase the charge from \$218.00 to \$224.00. This is broadly in line with CPI.

Sewerage

COMMENT: These fees are set by Regulation and in accordance with State Government policy, have been indexed. There has been a small increase to one of the fees for 2017/18.

Town Planning

This was a new item in 2011/12. Town Planning Fees will come up from time to time and it is appropriate for the Shire to set fees in line with those described in Schedule 2 of the *Planning and Development Regulations 2009*, however, there has not been any change since May 2013.

Recreation and Culture

Community Gymnasium

COMMENT: Generally no variation to membership fees is proposed. When Focus Minerals Ltd closed their operations in Laverton patronage of the gymnasium fell but recently patronage has begun to improve.

Airport Landing Fees

COMMENT: The aircraft landing fees were reviewed and changed in 2015/16. After discussions with the Leonora CEO, it was agreed that the landing fees for both airports should be left unchanged for 2017/18 (currently \$13 inclusive of GST). There is no proposal to change the annual fee introduced in 2011/12 for private aircraft based at Laverton Airport.

Community Resource Centre & Governance

COMMENT: An increase to the cost of A3 Colour photocopies from \$0.90 per copy to \$1.10 and the inclusion of a charge of \$1.65 for a double sided A3 colour photocopy is proposed to better reflect the costs of providing the services.

VOTING REQUIREMENTS

Simple majority decision of Council required.

SMC17081410 COUNCIL DECISION/STAFF RECOMMENDATION

Moved Cr R Ryles; Seconded Cr R Weldon:

That Council approve the 'Recommended 2017/18 Fees and Charges' as outlined in Attachment SMC170414-11.5.5.A for inclusion in the 2017/18 Budget.

CARRIED 6/0

12. NEXT MEETING

The next Ordinary Meeting of Council will be held on Thursday 24 August 2017 at the Shire of Laverton Council Chambers, commencing at 5.00pm.

13. CLOSURE OF MEETING

There being no further business, the Chairperson declared the meeting closed at 5:45pm.

14. CERTIFICATION BY CHAIRMAN

I, Patrick Hill, hereby certify that the Minutes of the Special Meeting of Council held on 14 August 2017 are confirmed as a true and correct record, as per the Council resolution of the Ordinary Meeting of Council held on 24 August 2017.

SIGNED: _____ **DATED:** **24 August 2017**

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