



AGENDA

Special Council Meeting Monday 7 October, 2019

Commencing at 5.00 pm Council Chambers, Ravensthorpe

Open Council Meetings – Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

Signed

Chief Executive Officer



SHIRE OF RAVENSTHORPE

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Ravensthorpe Shire Council for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Ravensthorpe Shire Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Ravensthorpe Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Ravensthorpe Shire Council. The Ravensthorpe Shire Council warns that anyone who has an application lodged with the Ravensthorpe Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Ravensthorpe Shire Council in respect of the application.

A handwritten signature in black ink, appearing to be "G. Pollock".

Gavin Pollock
Chief Executive Officer

7 October 2019

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WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

I, (1) _____ wish to declare an interest
in the following item to be considered by council at its meeting to be held on (2)

Agenda item (3) _____

The type of interest I wish to declare is (4)

- Financial pursuant to Sections 5.60A of the *Local Government Act 1995*
- Proximity pursuant to Section 5.60B of the *Local Government Act 1995*
- Indirect Financial pursuant to Section 5.61 of the *Local Government Act 1995*
- Impartiality pursuant to Regulation 11 of the *Local Government (Rules of Conduct) Regulation 2007*

The nature of my interest is (5)

The extent of my interest is (6)

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Signature

Date

RECEIVED BY:

Chief Executive Officer

Date

- (1). Insert you name.
- (2). Insert the date of the Council Meeting at which the item it to be considered.
- (3). Insert the Agenda Item Number and Title.
- (4). Tick the box to indicate the type of interest.
- (5). Describe the nature of your interest.
- (6). Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act)

Financial pursuant to Sections 5.60A of the Local Government Act 1995**5.60A – Financial interest**

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

5.60B – Proximity interest

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - a. A proposed change to a planning scheme affecting land that adjoins the person's land;
 - b. A proposed change to zoning or use of land that adjoins that person's land; or
 - c. A proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2). In this section, land ("the proposal land") adjoins a person's land if –
 - a. The proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - b. The proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - c. The proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect financial pursuant to Section 5.61 of the Local Government Act 1995**5.61 – Indirect financial interest**

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007**11 – Disclosure of interest**

- (1). In this regulation –

Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.

- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest –
 - a. In a written notice given to the CEO before the meeting; or
 - b. At the meeting immediately before the matter is discussed.
- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - a. A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - b. A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - a. Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - b. At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - a. Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - b. Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter -
 - a. May allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - b. May allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - i. The disclosing member also discloses the extent of the interest; and
 - ii. Those members decide that the interest –
 - I. Is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - II. Is common to a significant number of electors or ratepayers

- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

Ratepayers and residents are welcome to attend the council meetings and participate in the Public Question time session which are held at the beginning of each Council Meeting.

SPECIAL MEETING OF COUNCIL

**TO BE HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE ON
7 OCTOBER 2019, COMMENCING AT 5.00PM**

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EXTRACT FROM LOCAL GOVERNMENT ACT 1995**5.5. CONVENING COUNCIL MEETINGS**

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**2. ATTENDANCE / APOLOGIES/ APPROVED LEAVE OF ABSENCE**

MEMBERS: Cr Keith Dunlop (Shire President)
Cr Julianne Belli (Deputy Shire President)
Cr Ian Goldfinch
Cr Peter Smith
Cr Kerry Dickinson
Cr Thomas Major
Cr Graham Richardson

STAFF: Gavin Pollock (Chief Executive Officer)

APOLOGIES: Graham Steel (Director of Technical Services)
Les Mainwaring (Director Corporate and Community Services)

ON LEAVE OF ABSENCE: NIL

ABSENT: NIL

3. DISCLOSURE OF INTEREST**4. SUSPENSION OF STANDING ORDERS****OFFICER RECOMMENDATION****ITEM 8**

That all Standing Orders be suspended for the remainder of the agenda items to enable detailed discussion, Councillors' questions and briefing by staff on the agenda items in accordance with Council's policy that the meeting on the third Monday of each month is a briefing/discussion meeting only and no decisions will be made on agenda items at this meeting. Decisions on the agenda items listed will be made at the meeting on the following Thursday.

5. MATTERS BEHIND CLOSED DOORS

In accordance with section 5.23 (2) of the Local Government Act 1995, the meeting closed to members of the public for this item as the following subsection applied

- a. a matter affecting an employee/employees
- b. the personal affairs of any person
- c. a matter that if declared, would reveal –
 - i. a trade secret
 - ii. information that has a commercial value to a person
 - iii. information about the business, professional, commercial, financial affairs of a person.

Moved: _____ **Seconded:** _____ **Carried:**

5.1 CHIEF EXECUTIVE OFFICER PROBATION AND PERFORMANCE REVIEW

File Reference:	PL.ES.172
Location:	Shire of Ravensthorpe
Applicant:	Chief Executive Officer
Author:	Shire President
Authorising Officer:	N/A
Date:	14 August 2019
Disclosure of Interest:	Chief Executive Officer
Attachments:	Chief Executive Officers Amended Employment Contract
Previous References:	13.1 Ordinary Council Meeting, Tuesday 20 August, 2019

6. CLOSURE OF MEETING