



# Agenda Briefing

17 April 2024

## Notes

### Unconfirmed Notes

These notes were approved for distribution on 19 April 2024.

Tabitha Bateman

**ACTING CEO**

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes" that will be received at the next Ordinary Council Meeting, subject to any amendments being made by Council.

The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Agenda Briefing are included in the attachments to the Ordinary Council Meeting with the exception of confidential items or attachments that are confidential which will be included in Confidential Minutes of the Ordinary Council Meeting.

### Received Notes

These notes were received at an Ordinary Council Meeting held on 24 April 2024.

Signed: .....

*Note: The Presiding Member at the meeting at which the notes were received is the person who signs above.*

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**1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

Cr M McKeown, Shire President, declared the meeting open at 3.01pm.

**2 RECORDS OF ATTENDANCE**Members

Cr R Madacsi	Councillor
Cr C Duri	Councillor
Cr M McKeown	Shire President
Cr D Wrench	Councillor
Cr S Dival	Deputy Shire President
Cr J Prater	Councillor

Staff

Ms T Bateman	Acting Chief Executive Officer
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Mr H de Vos	Executive Manager Development and Regulation
Mrs N Mwale	Finance Coordinator
Mr M Werder	Project Manager
Mrs M Rebane	Executive Assistant

Visitors

S Thomson  
S Fitzgerald  
S Cook  
L Ferguson  
T Paris  
B Ruthven  
P Ruthven

**2.1 APOLOGIES**

Cr S McCormick Councillor

**2.2 APPROVED LEAVE OF ABSENCE**

Nil

**2.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**3 DISCLOSURE OF INTERESTS**

The Chairperson advised that disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting as follows:

***Cr Prater declared an Impartiality Interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 pertaining to Agenda Item 9.4.2 Toodyay Racecourse as he was a past President of the Race***

*Club and is no longer on the Race Club Committee but is a life member of the Race Club.*

*Cr S Dival declared an Impartiality Interest pursuant to Regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 pertaining to Agenda Item 9.2.3 Request for write-off by the Toodyay Tennis Club and Item 10.1 Notice of Motion – Toodyay Tennis Club (Cr Madacsi) as she was a previous committee member of the Tennis Club.*

#### 4 PUBLIC QUESTIONS

##### 4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

As per Council Meeting Agenda.

##### 4.2 PUBLIC QUESTION TIME

###### 4.2.1 B RUTHVEN

###### Question 1

In answer to my question in the March 2024 OCM you said that the special ARC meeting on 14 February was called under Standing Order (SO) 17.10 so Standing Order (SO) 4.1(3) does not apply. You imply the sections of SOs are mutually exclusive when they are not, they complement each other. There is nothing in SOs to suggest that the clauses in 4.1 are invalid when an unscheduled meeting is called under SO 17.10 or any other clause.

Would you please explain your rationale for your ruling that SO 4.1(3) does not apply when they are not mutually exclusive?

[Shire President response:](#)

*I will take the question on notice.*

###### Question 2

SO Local Law sS.7(8) (a) and (b) when a question is taken on notice. the CEO is to ensure that:

- (a) a written response is given to the person who asked the question; and
- (b) a summary of the response is included in the agenda for the next meeting of the Council or committee.

This agenda has several instances of responses by Executive Services stating- "*This response will be provided at the Ordinary Council Meeting in April 2024*". This does not comply with the Standing Orders Local Law. The questions were asked of the Presiding Member, as per SO s5.7(1)(b), for responses by the Presiding Member.

Why has Executive Services not been provided with the responses for inclusion in the agenda? and

Why are you, as Shire President, not ensuring compliance with SO 5.7(8)?

[Shire President response:](#)

*I will take the question on notice.*

Question 3

Is there going to be another agenda put out before the meeting.

Response from Acting CEO:

*Details and information was not at hand at the time of the draft agenda preparation. We have been advised we can have a draft agenda and make adjustments to it*

Question 4

Standing Order 5.7(8)(b) does say summary responses are to be included in the agenda. Will there be another agenda on the website? Will I receive the written response before the Ordinary Council Meeting?

Response from Acting CEO:

Yes.

Question 5

Further to the response to a question I asked last month about an asbestos shed at the rear of 15 Clinton Street there seems to be some confusion. During the meeting you said that if the shed is on shire land it is owned by the Shire but the EHO, who provided the response, is of the opinion that the Shire does not own the shed.

- (a) If the Shire does not own the shed, how is it possible for a neighbouring landowner to own and occupy a shed on a Shire-managed reserve?
- (b) Is there any legal, written arrangement in place which gives the owner of 8 Duke Street any rights to own or occupy the shed on the Shire-managed reserve?
- (c) If there is a legal, written arrangement,
- (d) Who is the arrangement with and what are the terms of the arrangement, and
- (e) Does the owner of 8 Duke Street have an obligation to maintain the safety of the building in a public space?
- (f) If there is no arrangement giving the owner of 8 Duke Street the right to own or occupy, would you please explain why they should not be required to remove their possessions from the shed to allow it to be demolished or used by the Shire?

Shire President response:

*I will take the question on notice.*

**5 CONFIRMATION OF MINUTES**

As per Council Meeting Agenda

**6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**6.1 PETITIONS**

Nil.

**6.2 DEPUTATIONS**

Nil.

**6.3 PRESENTATIONS**

Nil.

**6.4 SUBMISSIONS**

A submission has been received and will be spoken to at the April meeting.

**7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)**

Nil.

**8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

To be made at the meeting.

**9 OFFICER REPORTS**

**9.1 DEVELOPMENT AND REGULATION**

Nil.

**9.2 CORPORATE AND COMMUNITY SERVICES**

**9.2.1 Monthly Financial Statements - March 2024**

Item 9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from the Finance Coordinator unless otherwise specified.
<i>Madacsi</i>	Please explain how the variance totals are arrived at? (p.12).	The variance totals are arrived at by comparing the Actuals column, with Year-to-Date Budget column.
<i>McKeown</i>	(p.10) Amount of cash that the Shire holds. \$YTD Actual is 1.8 and this year 1.5 on the second line. Was there a reason for that?	<u>Acting CEO response:</u> Cash restricted reserves is the growth in the reserve balances.

**9.2.2 List of Payments - March 2024**

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from Finance Coordinator unless otherwise specified.
<i>Madacsi</i>	<p>Is this double entry an error? If not, please explain (p.12).</p> <p>EFT 115 and EFT 116</p> <p>Date: 14 March 2024</p> <p>Telstra Corporation</p> <p>Telstra mobiles and data account 2608284176</p> <p>Amount: \$1,362.35</p>	<p>No it is not double entry. The bills for account 2608284176 in both January 2024 and February 2024 were same amounts.</p> <p>The payments for both January 2024 and February 2024 were made on 14 March 2024</p>
<i>Dival</i>	<p>Showgrounds (p.30) water use.</p>	<p><u>Executive Manager Infrastructure, Assets and Services response:</u></p> <p>The preparation of the oval for use by the Cricket Club and the turf wicket has necessitated use of water on the showgrounds. The summer weather was severe in terms of temperatures which means if a comparison was to be done between last summer and this summer, a lot more water would have been used this summer.</p>
<i>Madacsi</i>	<p>Page 25 EFT28 (07/03/24)</p> <p>BAAZ Security Services \$1,443.73 (Security Services) <b>What is this for?</b></p>	<p>This payment was for the cost of security for the Australia Day event held on 26 January 2024.</p>
<i>Madacsi</i>	<p>Page 32 EFT49 (07/03/24)</p> <p>Perth Animal Emergency Service \$2,243.55 (Car Accident – Chihuahua) <b>What is this for?</b></p>	<p>The former Ranger attended a vehicle crash as a first responder and was given the injured dog to deal with by the fire crew.</p> <p>The Officer elected to take the injured animal down to emergency veterinary care in Perth to assist with its welfare.</p> <p>He was given the treatment details and gave verbal consent. The owner of the dog took the dog after treatment refusing to pay the vet stating they did not give consent.</p> <p>The vet has requested that the Shire pay given a verbal authority to treat was given by the Ranger at the time.</p>



Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from Finance Coordinator unless otherwise specified.
<i>Madacsi</i>	Page 36 and 40 EFT 148 and 235-238 (19/03/24) Natural Management Consulting \$374 (Chitty Road upgrade SLK 4.34-6.34: inspection, revegetation and monitoring Year 1 <b>What is this for?</b>	A requirement of the project scope was revegetation for the areas that had been disturbed by the road upgrade. The areas of vegetation planting by Natural Management Consulting also required regular site visits over a number of months to water the plants and apply fertiliser when necessary to ensure as many plants survive as possible.
<i>Prater</i>	(pg38) 203 construction of shared path Jubilee / Toodyay St \$110,000 – is that just the one contractor being responsible for work up there?	<u>Executive Manager Infrastructure, Assets and Services response:</u> <i>That business was awarded the Tender for the construction of the footpath on Jubilee and Toodyay street, and the payment made was a progress payment for the services being provided by that business.</i>
<i>Prater</i>	Was an inspection done on the work they did?	<u>Executive Manager Infrastructure, Assets and Services response:</u> <i>Yes. Quite a few site inspections have occurred with the contractor in terms of work to be done, remediation of surface finish, removal of some of the debris and building materials still on both the sites and some crack repairs. There is still work to be finalised on both these projects.</i>

**9.2.3 Request for Write Off - Toodyay Tennis Club**

***The President ruled that the questions regarding this item be discussed at the end of the briefing behind closed doors.***

9.3 EXECUTIVE SERVICES

9.3.1 Department of Local Government, Sport & Cultural Industries correspondence

Item 9.3.1. - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise specified
McKeown	Which charter does that correspondence refer to?	<p><i>This was taken on notice.</i></p> <p><b><u>Response after the meeting:</u></b></p> <p>The Department made comments and provided an annotated version of the Shire’s charter included in the March 2024 Council Meeting attachments; and a document provided by Officers to the Department (that related to the Draft Charter recommended by the ARC); with comments against each of the Officer’s reasonings for amending the clauses.</p>

9.3.2 Appointment of community member to Environmental Advisory Committee

Nil.

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Schedule of Preventative Maintenance Fire Stations

Item 9.4.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Infrastructure, Assets and Services unless otherwise specified.
Madacsi	Are the Morangup Co-location Centre and the Bejoording Fire Station included in all current and proposed maintenance activities to be carried out by the external contractors?	<p><i>Yes. The report carries out a request from BFAC. The attachment to the report – while individual fire stations not noted by name there were terms referring to the different fire stations under the different maintenance activities.</i></p>
Madacsi	Are we talking about firebreaks around these buildings or any growth	<p><i>No we are not referring to any of that because the BFAC request was a schedule of maintenance of the buildings themselves. In terms of the surroundings of the buildings, the</i></p>

Item 9.4.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Infrastructure, Assets and Services unless otherwise specified.
	between the building and the bushland?	<i>property maintenance is a different matter. This work is paid for out of the ESL funding Levy</i>
<i>Madacsi</i>	Bejoording for quite some time has not had shire assistance around the colocation centre and undertake most of the work themselves and they are not happy about it. There has been some recent works that does not seem to be on the schedule.	<p><i>The Scheduled work is in the attachment.</i></p> <p><i>In terms of the difference between work carried out by the brigades and the Shire I will have to take that question on notice.</i></p> <p><b><u>Response after meeting:</u></b></p> <p><b>Contact has been made with the Fire Brigade who did not raise any issues about building or grounds maintenance carried out by them that should have been carried out by the Shire. The Brigade are required to maintain the building in a clean and tidy state, all building maintenance is a Shire responsibility and should not be carried out by others. Any maintenance requests should be notified to the Shire as works requests. Further details are required on the work referred to in order to fully respond to the complaint.</b></p>

**9.4.2 Toodyay Racecourse Precinct - Main Building Roof Resheeting**

Item 9.4.2 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Infrastructure, Assets and Services unless otherwise specified.
<i>Madacsi</i>	What is the estimated cost of further remediation of the Main building steel structure?	<i>This will be subject to further quotes when the structural details are resolved for the footings of the columns, the reinforcing for the cladding on the wall and any corrosion protection work required.</i>
<i>Madacsi</i>	Is the recommended works such as the removal of wall cladding, maintenance to base plates and purlins to be undertaken as recommended before	<p><i>Footing reinforcement or wall cladding work can be undertaken independently of the roof re-sheeting.</i></p> <p><i>The roof sheets would be removed first to allow any corrosion protection or purlin</i></p>

Item 9.4.2 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Infrastructure, Assets and Services unless otherwise specified.
	installation of the roof sheeting?	<i>replacement to be carried out and then the new roof sheets installed.</i>

**9.5 COMMITTEE REPORTS**

Nil.

**10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Refer to item 10.1 tabled item at 3.30pm. The Acting CEO provided an overview.

Item 10.1 – Questions and Points raised		
Councillor	Discussion	Response from Acting CEO
<i>Dival</i>	Policy Related Disposal of Property Policy. How does it relate to the item?	<i>The Act details the process for managing property disposals. In this case whether it is disposing or leasing it is still considered a disposition of a property whether public tender, private treaty or through expressions of interest.</i>

**11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

Nil.

**12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

It was noted that Cr Madacsi submitted questions on notice that will be responded to in the Agenda for April 2024.

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**13.1 MEMBERS**

Nil.

**13.2 EMPLOYEES**

Nil.

**14 CONFIDENTIAL BUSINESS**

<b>14.1 CEO Recruitment and Selection - Potential Housing for new CEO</b>
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*The Shire President ruled that the Chambers be closed at 3.33pm to be moved behind closed doors.*

**15 NEXT MEETINGS**

As per Council Meeting Agenda.

*The Shire President ruled that the meeting return from behind closed doors at 3.52pm.*

**16 CLOSURE OF MEETING**

The Shire President declared the agenda briefing closed at 3.53pm.