



Agenda Briefing

21 September 2022

Notes

Unconfirmed Notes

These notes were approved for distribution on 23 September 2022.

Maurice Werder

ACTING CHIEF EXECUTIVE OFFICER

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 28 September 2022.

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 R Madacsi, Shire President, declared the meeting open at 1.00pm.

2 RECORDS OF ATTENDANCEMembers

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor (via zoom)

Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Infrastructure and Assets
Mr H de Vos	Manager Development and Regulation
Mr M Werder	Project Officer
Mr W Sutton	Community Development Officer (via zoom)
Mrs M Rebane	Executive Assistant

Visitors

B.Foley

2.1 APOLOGIES

Cr P Hart

Ms T Bateman

Manager Corporate and Community Services

2.2 APPROVED LEAVE OF ABSENCE

Cr P Hart – 24 September 2022 to 1 October 2022 inclusive

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

Nil.

4 PUBLIC QUESTIONS**4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

4.2 PUBLIC QUESTION TIME

4.2.1 B FOLEY

Question One:

I sent in correspondence in July 2022 about including mamas and papas information into the rates.

The Shire President deferred to the CEO who responded as follows:

It appears that in the rush to get the rates out on time your request was overlooked and I do apologise for that. I had passed it on but failed to follow it up.

Question Two:

A few months ago, the State Government put out a grant for alfresco areas. He met with Hugo and did work for Wendouree Tea Rooms to get the grant. They require planning approval prior to putting the grant in. They did a planning application but the permit was approved 2 weeks ago, three weeks after the grants had been given state-wide. Why did this occur?

The Shire President deferred to the Manager Development and Regulation who responded as follows:

This has been an oversight in our department and it is just a matter of resourcing in the department. I recognise it is an inconvenience.

Question Three:

I assisted the Wendouree Café with a grant application they were going to make. They had to make a Planning Application prior to being able to apply for a grant for \$5,000. The planning approval happened two weeks ago which was too late for them to submit their grant. Why did that happen?

The Shire President deferred to the Manager Development and Regulation who responded as follows:

Mr Foley I apologise for that. This was a departmental resource and processing issue. We have had a significant amount of work coming through.

Question Four:

Will the Shire write to the Wendouree Café to offer an apology and offer some money for an alfresco area?

The Shire President responded as follows:

The question can be put to Council in relation to the offer, but it is not likely given that the grant itself was not a guarantee but I do agree that an apology is in order.

Question Five:

Were there any other applicants for the grant during that period of time?

The Shire President responded as follows:

Not that we are aware of.

Question Six:

What is the criteria for a confidential item?

The Shire President responded as follows:

If something is confidential it will depend on s.5.23(2) of the Local Government Act 1995. It also depends on s.5.93 of the Local Government Act 1995 wherein it gives the CEO discretion to make an item or an attachment to an item confidential under the Act. This is for discussion of matters affecting employees, or contracts, etc.

Question Seven:

I thought it was not mandatory and was giving Council an option to do it. I believe the Shire should provide information in tenders. Could Council have open discussions on tenders? Will Council consider open tenders?

The Shire President responded as follows:

That is a question that Council is in the process of discussing informally at this stage. It is not a simple matter of whether or not we determine it but whether or not the company or person who are tendering feel it is detrimental to their interest for the information to be publicly available and that is a consideration that we need to weigh up. It could be limiting to those tendering to us if the price structure to justify their tender was made publicly available.

Question Eight:

Has the Shire received any legal notification from the Ryan's regarding the Morangup Clay Pit at all?

The Shire President responded as follows:

No.

Question Nine:

Are you aware that a \$500,000 rehabilitation bond was given back to Midland Brick within 7 days, contrary to the contract where it stated 50% was to be returned and the remainder over a period of time?

The Shire President deferred to the Manager Development and Regulation who responded as follows:

I can confirm that. The bond has been returned.

5 CONFIRMATION OF MINUTES

Nil.

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9 OFFICER REPORTS

9.1 DEVELOPMENT AND REGULATION

9.1.1 Lot 674 Northam Toodyay Road, Dumbarton - Proposed Single Dwelling (Over-height)

9.1.1. Questions and Points raised		
Councillor	Discussion	Response from the Manager Development and Regulation unless otherwise specified:
<i>Ruthven</i>	Building material: is that the material that is very bright blue and is that what the outside will look like or will there be cladding?	<i>That is the base of the material and will not be the external cladding colour.</i>
<i>Madacsi</i>	In the OREC on (h) – is what is the approved effluent disposal system	<i>Take that on notice</i> <u>Response after meeting:</u> The approved effluent disposal system would be based on the number of bedrooms in the proposed dwelling and the site and soil conditions. A site soil assessment would be required to determine the suitability of the block for a standard septic system and the systems sizing. Due to the block being close to the river the system would likely need to be inverted and above the natural ground level, or an ATU. It could also only be located outside the 1 in 100-year flood zone.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Monthly Financial Statements - August 2022

9.2.1 Questions and Points raised		
Councillor	Discussion	Response from the CEO unless otherwise specified:
Pearce	Page 9: \$234,900: what is the major component of those debts in that case?	<p><i>Take that on notice</i></p> <p><u>Response after meeting:</u></p> <p>The main outstanding Debtors are:</p> <ul style="list-style-type: none"> ➤ 90 days <ul style="list-style-type: none"> <i>ADCO Construction \$124k</i> <i>Silver Chain 6.1k</i> <i>Pure water carriers \$2.3K</i> <i>Toodyay Club \$1.7k</i> <i>AVIVO \$2.1k</i> ➤ 30 days <ul style="list-style-type: none"> <i>Midland Brick \$34.8k</i> <i>Austral Bricks \$17.7k</i> <i>FESA \$20.9k</i> ➤ Current <ul style="list-style-type: none"> <i>Midland Brick \$14k</i>

Cr McKeown entered Council Chambers at 1.17pm.

9.2.2 List of Payments - August 2022

9.2.2 - Questions and Points raised		
Councillor	Discussion	Response
Hart	Item 9.2.2, Attachment PDF page 23, Pay Type 85, IT Vision: What is the plan for SynergySoft beyond 30 June 2023?	<p><u>Response after meeting:</u></p> <p>Currently, records are stored in Synergy. SynergySoft will remain in use until the Records Management System transition is finalised and in use. Datacom have indicated implementation of the CRM module will take around 6 months. SynergySoft will only be decommissioned after this process has been completed. Officers expect that a reduced number of licences will be required into the 2023/24 FY.</p>

9.2.2 - Questions and Points raised		
Councillor	Discussion	Response
Hart	Item 9.2.2, Attachment PDF, page 24, Pay Type 127, Synergy: What might be the future of the Synergy Grouped account after 30 June 2023?	<u>Response after meeting:</u> Officers don't foresee any change to the Synergy Grouped account beyond 30 June 2023. Having the accounts consolidated onto the one bill saves officer's time
Hart	Item 9.2.2, Attachment PDF, page 26, Pay Type 243, Galapagos Pty Ltd: What is iArchive?	<u>Response after meeting:</u> iArchive is the electronic archival solution we are using to store records prior to decommissioning Synergy.

9.3 EXECUTIVE SERVICES

9.3.1 GP and Allied Health Services at Alma Beard Medical Centre

9.3.1 - Questions and Points raised		
Councillor	Discussion	Response from the CEO unless otherwise stipulated.
Hart	Item 9.3.1, PDF page 22, Officer's Recommendation 1, item 2: This may benefit from being re-worded to avoid the potential ambiguity of the reading "report to Council by 30 November 2022 ... to implement the decision of Council". I would offer an alternative wording but I am unsure about the Officer's intention.	<i>Response after meeting:</i> <i>Note:</i> <i>Council called a Special Council Meeting to consider this item on 22 September 2022.</i> <i>The Officer Recommendation was passed unanimously without amendment.</i> <i>The Officer's intent was to suggest a process to implement the outcome of considering the proposals received.</i>
McKeown	This is scheduled for next weeks' council meeting. Can we consider it at a special council meeting given its importance?	<i>The Shire President responded as follows:</i> <i>That is something the CEO and I can consider.</i>
Pearce	Has there been any action by the Administration by the CEO regarding sourcing information	<i>Yes there has. I have included some of that in the report. I have a list of people who have expressed an interest. I have advised them that once Council makes their decision I will</i>

9.3.1 - Questions and Points raised		
Councillor	Discussion	Response from the CEO unless otherwise stipulated.
	already on what we can do?	<i>contact them to advise what the process will be once Council has decided.</i>
<i>Pearce</i>	Pearce – if passed at an earlier meeting would this have any bearing on the result you have arrived at?	<i>Gives people more notice on being able to put together a proposal.</i>
<i>Ruthven</i>	What would be the process if we wanted to call a special council meeting this afternoon?	<i>3 Councillors would need to sign an intention to call a special council meeting and then that could occur.</i>

9.3.2 2022 CEO Performance and Remuneration Review

9.3.2 Questions and Points raised		
Councillor	Discussion	Response from the Shire President
<i>Pearce</i>	Pertaining to Mr Foley's question earlier about the confidentiality of different items on our agendas. I too have a belief there are a number of issues that are confidential and using that section of the act of employees of council. I would like to see Council addressing the issue of confidentiality so we do not have so many things confidential.	<i>The intent is to discuss at the concept forum where Council can have a discussion and see the way forward and then finalise as a decision.</i>
<i>Hart</i>	<i>The dates in the Confidential attachment might benefit from having the last day of the respective months included in the Proposed CEO Performance Criteria.</i>	CEO response after the meeting: Council could choose to make this amendment.

9.3.3 Correspondence - Department of Local Government, Sport & Cultural Industries

Nil.

9.3.4 Minutes of the AROC Meeting held 12 September 2022

9.3.4 Questions and Points raised		
Councillor	Discussion	Response from the CEO
Pearce	It says to accept the minutes of AROC Once we accept the minutes do we endorse what AROC decides? What is the process here?	<i>You are actually noting the minutes of the meeting. The AROC is set up under an MOU to ensure representatives of each of the local governments are present at those meetings and provide input into the questions however if there is anything that requires a council decision it is up to the local government to bring to Council as a separate report.</i>

9.4 INFRASTRUCTURE AND ASSETS

Nil.

9.5 COMMITTEE REPORTS

9.5.1 Audit & Risk Committee Recommendations - Legislative Compliance Policy and Financial Compliance Update.

Nil.

9.5.2 Museum Advisory Committee Recommendations

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

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

13.1 MEMBERS

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

Nil.

15 NEXT MEETINGS

As per Council Meeting Agenda.

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 1.25pm.