



Agenda Briefing

14 December 2022

Notes

Unconfirmed Notes

These notes were approved for distribution on 16 December 2022.


Suzie Haslehurst
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 21 December 2022.


Signed:

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

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
2	RECORDS OF ATTENDANCE	1
2.1	APOLOGIES	1
2.2	APPROVED LEAVE OF ABSENCE	1
2.3	APPLICATIONS FOR LEAVE OF ABSENCE	1
3	DISCLOSURE OF INTERESTS	1
4	PUBLIC QUESTIONS	2
4.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4.2	PUBLIC QUESTION TIME	2
5	CONFIRMATION OF MINUTES	2
6	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	2
6.1	PETITIONS	2
6.2	DEPUTATIONS	2
6.3	PRESENTATIONS	2
6.4	SUBMISSIONS	2
7	BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)	2
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	2
9	OFFICER REPORTS	2
9.1	DEVELOPMENT AND REGULATION	2
9.1.1	Lot 104 Brumby Chase, Morangup - 3 dog application	2
9.1.2	Lot 500 (No. 40) Salt Valley Road, Hoddys Well - Transport Depot and Shipping Containers	7
9.1.3	Lot 3 Stirling Terrace, Toodyay - Conservation works - replacement of roof and repair of two chimneys	12
9.1.4	Lot 109 MacDonald Retreat, Dumbarton - Change of Use	13
9.2	CORPORATE AND COMMUNITY SERVICES	14
9.2.1	Monthly Financial Statements - November 2022	14
9.2.2	List of Payments - November 2022	14
9.2.3	Indicative Timeline and Process for adoption of the 2023/2024 Annual Budget	16
9.3	EXECUTIVE SERVICES	17
9.3.1	Draft Reportable Conduct Scheme	17

9.3.2	Correspondence - Department of Local Government, Sport & Cultural Industries	17
9.3.3	WALGA Best Practice Governance Review	17
9.4	INFRASTRUCTURE AND ASSETS.....	18
9.5	COMMITTEE REPORTS.....	18
9.5.1	Audit & Risk Committee Recommendations	18
9.5.2	Museum Advisory Committee Recommendations	19
10	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	19
11	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	19
12	QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	19
13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	19
13.1	MEMBERS	19
13.2	EMPLOYEES	19
14	CONFIDENTIAL BUSINESS	19
14.1	Residential Tenancy Agreement for 19B Clinton Street, TOODYAY	19
14.2	Residential Tenancy Agreement for 19A Clinton Street, TOODYAY	20
15	NEXT MEETINGS	20
16	CLOSURE OF MEETING.....	20

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr R Madacsi, Shire President, declared the meeting open at 1.06pm.

2 RECORDS OF ATTENDANCEMembers

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	Councillor
Cr P Hart	Councillor (via zoom)
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
Ms T Bateman	Manager Corporate and Community Services
Mr H de Vos	Manager Development and Regulation
Mr M Werder	Project Manager
Ms S Schafers	Governance Officer
Mrs T Prater	Planning and Compliance Officer
Mr W McMillan	Ranger
Mr L Couper	Ranger
Mrs M Rebane	Executive Assistant

Visitors

M.Dival

A.Vaughan

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

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

Nil.

4.2 PUBLIC QUESTION TIME

Nil.

5 CONFIRMATION OF MINUTES

Cr Ruthven advised of a typographical amendment being made to the previous Council Minutes.

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**6.1 PETITIONS**

Nil.

6.2 DEPUTATIONS

Nil.

6.3 PRESENTATIONS

Nil.

6.4 SUBMISSIONS

Ms Dival addressed Council, representing her client regarding the application to Council. Confirmed at 1.10pm receipt of email by Councillors requesting deferral of Item 9.1.2 until February 2023.

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 104 Brumby Chase, Morangup - 3 dog application**

Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
Pearce	From the Officer's report page 4 – the application was presented at 26 October 2022 Ordinary Council Meeting,	<i>The report was pulled from the October meeting, after it was discussed at the October agenda briefing. Councillors questioned why the report referenced the new dog policy,</i>

Item 9.1.1 - Questions and Points raised				
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified		
	<p>referencing the new Local Planning Policy – Dogs where Council decided the application should be assessed using the previous Administration policy A.15 – Keeping of 3 to 6 Dogs as it was received when that policy was still in place.</p> <p>Would the officer please indicate, where Council decided the application should be decided using the previous policy?</p>	<p>when the application had been received when the previous policy was in place.</p> <p>There seems to be some confusion about this application which I will clarify.</p> <p><u>You always apply the policy that is current at the time of the application being determined. If an application is live, and a new policy comes in whilst it is in the system, you apply the new one.</u></p> <p>The newly adopted Dogs Policy provides for compassionate considerations.</p> <p>Where the Shire of Toodyay will consider more than two (2) but no more than four (4) dogs in an application.</p>		
Pearce	<p>Councillors receive an email from Hugo, 25/10 2022 where advice from Donna Shaw received:</p> <p>You always apply the policy that is current at the time of the application being determined. If an application is live, and a new policy comes in whilst it is in the system, you apply the new one.</p> <p>From the Officer’s report page 4</p> <p>The application for the keeping of (3) three dogs at Lot 104 (75) Brumby Chase, Morangup was received under the previous Administration policy A.15 – Keeping of 3 to 6 Dogs and can be entertained as it is consistent with the Council’s Dog policy with no more than 3 dogs requested.</p> <p>Would the officer please explain the inconsistency in</p>	<p>The following table outlines the circumstances in which the Shire of Toodyay will consider more than two (2) dogs on a property for the purposes of this policy.</p> <table><tr><th>Compassionate</th></tr><tr><td><p>Family - exception where it can be demonstrated the owner can no longer care for a family pet.</p><ul style="list-style-type: none">• Written confirmation required from doctor or other specialist confirming that original owner is no longer able to care for a pet.• Limited to four (4) dogs in total.</td></tr></table> <p>Policies are not statutorily binding and are tools to guide decision making. They are not going to perfectly fit every circumstance. Hence the matter is brought to the Council for determination, as the Council has the right to vary the requirements of this policy.</p> <p>In this case the dog belongs to a friend who is no longer able to look after the animal and hence the applicants have taken it in.</p> <p>It is our opinion that the application is supportable on the following basis:</p> <ul style="list-style-type: none">• Ranger inspection was productive, and the applicant has worked with them to conduct	Compassionate	<p>Family - exception where it can be demonstrated the owner can no longer care for a family pet.</p> <ul style="list-style-type: none">• Written confirmation required from doctor or other specialist confirming that original owner is no longer able to care for a pet.• Limited to four (4) dogs in total.
Compassionate				
<p>Family - exception where it can be demonstrated the owner can no longer care for a family pet.</p> <ul style="list-style-type: none">• Written confirmation required from doctor or other specialist confirming that original owner is no longer able to care for a pet.• Limited to four (4) dogs in total.				

Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
	<i>the report from the advice received.</i>	<p><i>the required remedial works to make the confinement a good one.</i></p> <ul style="list-style-type: none"> <i>The age of the existing dogs means that it is likely that there will not be 3 dogs on the property for a considerable period.</i> <i>Whilst not family, we feel that compassion is being shown in this circumstance.</i>
Pearce	In the policy it talks about a compassionate condition, focused on the owner of the dog so what happens if the owner can no longer look after the dog	<i>In my response as above I have indicated that the policy is a guiding document. Applications can be considered on their own merits. The owner of the dog is unable to work due to their mental health. We believe that this is a compassionate choice they are making on behalf of the owner of the dog.</i>
McKeown	The compassionate grounds in the report have a different meaning to the policy	<i>There has been some confusion. I have applied the details of the adopted policy in that response above.</i>
McKeown	Was that made clear in the report?	<i>I do not believe so, which is why I clarified in the response above.</i>
Madacsi	I understand that there is an exception where it can be demonstrated the owner can no longer take care of the dog. Compassionate grounds are quite clear. Has the owner demonstrated that the owner can no longer care ?	<i>It does not mention in the report what the compassionate grounds were. The previous report included compassionate grounds. As we received the application when the old policy was in place this is the reason why the grounds were not included in the officer's report.</i>
Madacsi	Between last meeting and this meeting we received advice that if dealt with and in process a new decision being introduced the decision is under the new policy in which case we'd find the new report would adjust that	<p><i>I did raise the query to see whether it could be further clarified and advised to bring to this meeting.</i></p> <p><i>Set out the condition for compassion and further advice with regard to our opinion on it.</i></p>
Madacsi	This could be addressed in the notation to the report or by Councillors?	<i>Yes we can note that the decision is being made by the new policy.</i>

Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
McKeown	Is it the same definition of compassionate in the officer's report the same definition as in the policy?	<i>The use of the term – there are inconsistencies that are there – but the answer supplied above explains the inconsistencies.</i>
McKeown	Is Council being asked to rely on the policy definition or a different definition?	<u>Shire President response:</u> <i>The policy of the day is what the decision will be made under.</i>
McKeown	Are we being asked to apply a different definition of compassion?	<i>We have sufficient evidence and clarify that as a notation it is clear what the basis of the decision making is.</i>
McKeown	What is the basis we are being asked to use	<i>Based on compassionate grounds as it applies within the Dog Policy of 2021, the interpretation of that Policy.</i>
McKeown	Is that what the MRD is asking us to do?	<i>Yes I have advised how the interpretation can be applied.</i>
Hart	Is Council bound by policy?	<u>Shire President response:</u> <i>We are not bound by it but we are bound to defer to it.</i>
McKeown	The policy refers to compassionate grounds of the dog but we're asking to make a decision on compassionate grounds for the current owner of the dog.	<u>Shire President response:</u> <i>The policy refers to compassion for the owner of the dog.</i> <u>CEO response:</u> <i>Council is being asked to vary the policy to consider the matter on its merits.</i>
McKeown	Is that what Council is being asked?	<i>That is the intent of the report and the request to approve it.</i>
Madacsi	Would the Officer provide clarity on the definition of compassion. I do not see how it could be misinterpreted.	<u>Cr Pearce response:</u> <i>It is my understanding that the policy states we will have a situation where an owner of a dog can no longer look after the dog due to illness, etc. and the policy says in that case we will look at compassionate grounds to vary the policy to allow the third dog to be accepted.</i>
Madacsi	From that how do you determine the emphasis is	<u>Cr Pearce response:</u>

Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
	on the dog and not the situation of the person?	<i>In this case here we are being asked to allow an extra dog onto a premises with the owner of that dog who will be living on that premises.</i>
Pearce	It would appear that my question is would it appear that anyone who now moves in with another person/ family for whatever reasons they are moving in (homeless, illness or other) they can then now make an application to have an extra dog because they are moving into that premises?	<u>Shire President response:</u> <i>Clarification is in the wording. The exception is for a family member where it can be demonstrated the owner cannot care for a family pet.</i>
Pearce	Does this owner of the dog demonstrate they can no longer care for the dog?	<i>No.</i>
McKeown	Is the owner of the dog a family member?	<i>No.</i>
McKeown	Under Standing Orders which SO allows a Shire Officer to ask the question of Councillors at an Agenda Briefing?	<u>Shire President response:</u> <i>The Standing Orders are silent on the matter therefore it is the discretion of the Presiding Member</i>
McKeown	Does the Shire Policy for Agenda Briefings allow a Shire Officer to ask a question at an AGB?	<u>Shire President response:</u> <i>That is silent, but an Officer has on many occasions indicated that they wish to provide further information or ask a question - it is up to the Presiding Member to allow for that.</i>
McCormick	Is the person suffering PTSD not related to the family?	<u>Shire President response:</u> <i>That was my understanding.</i>
McCormick	Has the owner demonstrated that they can no longer care for the dog?	<i>No</i>

9.1.2 Lot 500 (No. 40) Salt Valley Road, Hoddys Well - Transport Depot and Shipping Containers
Item 9.1.2 - Questions and Points raised

Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
<i>Duri</i>	<p>Having closely read the Proponent's Application, I see they are now attempting to abide by the local policies and laws. But they have already broken several laws and the major one is the Conservation Covenant.</p> <p>I would like clarification as to who would be monitoring the wash down bay runoff and contamination of oil spills, fuel and diseases brought in on machinery.</p> <p>Examples of other businesses in close proximity to the Applicants property are mainly tourism based with only 2 of those businesses using large machinery.</p>	<p><u>M Dival (Enabling Spaces) response:</u></p> <p>This would be addressed in an environmental management plan, which as previously communicated by myself by email on the 23rd of November, my clients have agreed to engage an appropriately qualified consultant to undertake a full environmental assessment. The wash bay and any other areas would, where required to meet management plan requirements, be modified accordingly.</p>
<i>Duri</i>	Does the applicant have a stand-by firefighting unit available?	<p><u>M Dival (Enabling Spaces) response:</u></p> <p>There is a 100,000 litre fire tank, and a mobile unit plus water lines at strategic locations for water access on the property.</p>
<i>Pearce</i>	<p>The officer has recommended Council do not support the application.</p> <p>However I seek clarification on this point from Officer's Report – <i>Machinery Wash-down</i></p> <p><i>The machines would also be washed down on job sites if any works were undertaken on potential contamination risk areas prior to returning to the depot.</i></p>	<p><u>M Dival (Enabling Spaces) response:</u></p> <p>My client advises that contaminated or potential risk sites are identified prior to any work being undertaken, and all due processes are put in place, with water supplied by the client. All the sites he has worked on have been for government departments therefore there are policies and procedures that cover the movement and washdown of vehicles.</p>

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
	Would the officer explain where the water for this process would be accessed on the earth moving/construction sites?	
Pearce	<p>Councillor Duri queried the availability of water/firefighting capability on Lot 500 Salt Valley Rd.</p> <p>Ms Dival has replied In regard to the firefighting unit, there is a 100,000 litre fire tank, and a mobile unit plus water lines at strategic locations for water access on the property</p> <p>Would you please clarify if this is in addition to the required 92,000L water storage tank required by the Shire when approving development applications?</p>	<p><u>M Dival (Enabling Spaces) response:</u></p> <p>I anticipates it is from the required 92,000</p>
McKeown	What was the last date agreed between the applicant and the Shire for the extension of time. When did the agreed extension of time date expire?	<i>It was agreed that the date would be the date of the December 2022 Ordinary Council Meeting.</i>
McKeown	What is the last date for the extension of time for application to be considered?	<i>21 December 2022</i>
McKeown	What was the closing date of submissions?	<i>5 December 2022</i>
McKeown	If we do not make a decision next Tuesday will that mean it is not approved?	<i>If the applicant has requested in writing they are willing to defer the application to February that will go through however if no decision was made it would be deemed a refusal. It does not need to be a council decision</i>

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
	You have agreed to extend the date?	<i>No I have not. It is the other way usually for applicants having longer deliberation time. The applicants asking the Shire achieves the same thing.</i>
Pearce	Council has the option to follow the OREC or does Council have an alternative recommendation to defer to February?	<i>Council can choose to do whatever it wishes to do. It can choose to move and resolve a deferral as an alternative resolution.</i>
McKeown	If we defer does that mean that we have refused it?	<p><u>Shire President response:</u></p> <p><i>No. the decision is made to defer or to pass it or not to pass it.</i></p> <p><u>Manager Development and Regulation response:</u></p> <p><i>Council could refer to the applicants request and defer as a means of approving the extension.</i></p>
Madacsi	Has your client asked for an extension of time?	<p><u>M Dival (Enabling Spaces) response:</u></p> <p><i>I did ask on behalf of my client on 23 Nov 22 and prior to that we were just working towards getting the application in through consultation.</i></p>
McKeown	Has the request been agreed with by the Shire?	<i>No it was refused. The advice I received was that it would not be proceeding.</i>
McKeown	The Shire did not agree to the request	<i>That is correct</i>
Pearce	Had the application been submitted by the client at the time so what was the extension for?	<i>The applicants asked to have more time to allow them to seek expert opinion and advice on other matters</i>
Pearce	Had the applicant at that stage submitted an application to the Shire?	<i>Yes.</i>
Ruthven	Had the environmental and bush fire matters been raised during discussion	<i>The main matter of contention was the conservation covenant. We were waiting to get advice on that.</i>
Ruthven	Did the applicant at any stage comment they were	<i>The applicant has requested an exemption from bush fire requirements and responding to</i>

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
	aware of environmental and bush fire issues with what they were doing?	<i>queries and Ms Dival has stated she did not have the expertise so based on that they would like to wait for further advice.</i>
Ruthven	Why has there not been an expert report done to accompany the application?	<u>M Dival response:</u> Further concerns were raised in the public submissions process raising concerns that a more detailed level one accredited assessor would be more suitable to respond to those concerns from the public.
Ruthven	You did not think it was that important up until the submissions came in	<u>M Dival response:</u> I am not an accredited Bush Fire Risk consultant. We addressed Bush Fire Risk in our application but it was the concern raised by the public that is beyond my expertise which is why we're requesting an extension.
McKeown	Why is it not deemed refusal if we do not make a decision	<u>CEO response:</u> <i>The decision to defer is a decision.</i>
McKeown	There is an application to defer but the Shire has not agreed to it so next Wednesday if the OREC is not moved then the application will be deemed refused, won't it?	<u>CEO response:</u> <i>Officers will submit a revised Officer's Recommendation as a result of the Agenda Briefing discussion</i>
Pearce	Indicated the BF assessment and asked for an exception for that. What were the reasons?	<u>M Dival response:</u> I was referring to building and bush fire – as infrastructure was existing we did not think the BAL assessment was relevant.
Pearce	You did have infrastructure you had input (sea containers)	<u>M Dival response:</u> The containers are temporary structures and the BAL assessment is not treated the same in that regard
Pearce	Why is the BAL assessment not treating temporary structures the same	<i>This question was taken on notice.</i> <u>Response after Agenda Briefing:</u> Sea Containers located in Bushfire Prone Area: <i>Where sea container is located on a property located in a Bushfire Prone Area, the</i>

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
		<p><i>provisions of State Planning Policy 3.7 shall apply.</i></p> <p>Where sea container is located within 6 metres of an existing dwelling or habitable building and/or cost of development exceeds \$20,000, the applicant must provide a Bushfire Attack Level Assessment (BAL) and comply with the requirements of that assessment.</p>
McKeown	Under s.2.53(2) of the Act is it not the case that if we do not approve or refuse to approve or give notice to the decision the application would have been deemed to have been refused?	<p><i>Yes that is correct.</i></p>
McKeown	If we vote to defer it, it will be deemed to be refused.	<p><i>This question was taken on notice.</i></p> <p><u>Response after Agenda Briefing:</u></p> <p>HERE</p> <p>This is set out in s75 of the deemed provisions. If you have a formal agreement in place, then the matter can be deferred. If not, it's a deemed refusal. Please see below.</p> <p>75. Time for deciding application for development approval</p> <p>(1) The local government must determine an application for development approval —</p> <p>(a) if the application is advertised in compliance with a requirement under clause 64(1)(a) or (b) or a copy of the application is provided to a statutory, public or planning authority under clause 66 — within 90 days after the day on which the application is accepted for assessment; or</p>

Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
		<p>(b) otherwise — within 60 days after the day on which the application is accepted for assessment; or</p> <p>(c) in either case — within a longer time agreed in writing between the applicant and the local government.</p> <p>(2) If the local government has not made a determination in the time referred to in subclause (1) the local government is to be taken to have refused to grant the development approval.</p> <p>(3) Despite subclause (2), the local government may determine whether or not to grant the development approval after the period applicable under subclause (1) has expired and the validity of the determination is not affected by the expiry.</p> <p>(4) The local government must give the applicant written notice of its decision to grant or refuse to grant development approval.</p>
McKeown	Would it not be easier to agree to the extension of time requested by the applicant?	<i>Officers raised the issue when previously requested to defer and brought it to Council's attention. We were told to bring it to December.</i>

The President thanked the visitors for their presence. They departed the Chambers at 1.59pm.

9.1.3 Lot 3 Stirling Terrace, Toodyay - Conservation works - replacement of roof and repair of two chimneys.

Nil.

9.1.4 Lot 109 MacDonald Retreat, Dumbarton - Change of Use

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
<i>Duri IAM87215</i>	<p>Area is Special Residential R2.5 LPP.18</p> <p>I understand the situation of residents in the estate regarding the building envelope for Glencoe Estate, and the impact the shed has on the amenity of the area. Also that they have had to follow all the requirements of the building envelope at great stress and expense.</p> <p>What would be required to be able to turn this shed into a Dwelling?</p>	<p><i>The oversized appearance of the shed and the fact that owner does not have the finances to be able to facilitate grander plans is preventing him from converting the shed to a dwelling. Generally the Shire would be looking for stronger window elements and entry statements. Possible repainting and verandah elements. Something to take the general appearance of a shed away from it.</i></p>
<i>Duri IAM87215</i>	<p>Would Council be prepared to look at alternative solutions based on the difficulty in obtaining rental properties, the high price of rent and the financial struggles people are facing in difficult times?</p>	<p><i>Officers understand the financial struggles faced by people in this current financial climate, however approving a development of this kind, would cause an undesirable precedent.</i></p>
<i>Duri IAM87215</i>	<p>What would be an acceptable time limit for the applicant to find a rental property that he could afford? 3-6 months due to the shortage of rentals?</p>	<p><i>Yes - 6 months would be the maximum acceptable time.</i></p>
<i>Duri IAM87215</i>	<p>Would residents of the Glencoe Estate be prepared to allow the Proponent to live at the premises whilst he tried to sell the property which may enable the applicant to move to a more affordable dwelling or rental premises?</p>	<p><i>If he sold the property whilst living in it, this could encourage the next buyer to do the same.</i></p>

Item 9.1.4 - Questions and Points raised		
Councillor	Discussion	Response from Manager Development and Regulation unless otherwise specified
Pearce	Noticed that Officer's Recommendation is not to approve the application. Point 1 – should there be an extra point indicating what period of time the applicant has to vacate the building?	<u>CEO response:</u> <i>Officers will provide a revised Officer's recommendation.</i>

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Monthly Financial Statements - November 2022

Nil.

9.2.2 List of Payments - November 2022

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services, unless otherwise stated.
Duri IAM87215	<i>Can you please advise the type of professional services Lavan supply for the Shire?</i>	<i>Both payments were for planning/legal advice in relation to the Conservation Covenant at 21 Hibbertia Place.</i>
Pearce	120 VERIS AUSTRALIA PTY LTD – CORPORATE OFFICE (HEAD OFFICE) <i>Provision of professional survey services to undertake a feature survey 13,640.00 @ Bejoording Rd SLK 9.34 to 12.30. - \$15 004.00</i> <i>Would the officer please explain, the purpose of the feature survey.</i>	<i>This question was taken on notice.</i> <u>Response after Agenda Briefing:</u> The Infrastructure and Assets team engaged a professional design consultant to perform a feature survey at Bejoording Road (SLK 9.34 to SLK 12.30). The survey information will be used later to develop road designs, to calculate quantities for procurement and to apply for a vegetation clearing application.
Pearce	255 SAPIO PTY LTD <i>Upgrade the Shire's CCTV Video Management Software - \$1 144.00</i> <i>Would the officer please provide advice, which other</i>	<i>The costs associated with the CCTV infrastructure, monitoring, management and software are funded by the Shire. The Shire doesn't receive contributions from other parties.</i>

Item 9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services, unless otherwise stated.
	<i>organisations contribute to the licence agreement.</i>	
Pearce	<i>Do other organisations use the equipment to their benefit and should we look at a sharing agreement?</i>	<u>CEO response:</u> <i>A request has been made to WA Police to contribute to the agreement. As yet we have not received any response.</i>
McCormick	<i>How long ago did you make that request?</i>	<u>CEO response:</u> <i>Six months ago and I have followed it up with a number of emails and verbal requests. The response I received is that it is still being considered by head office.</i>
Ruthven	<i>Page 108 (Payment No. 60) of the attachments – will these be reimbursed by DFES?</i>	<i>I am not aware if a request has been made but usually upgrades are covered under the ESL grants component for land and buildings.</i>
Ruthven	<i>\$5.8m moved from municipal account to term deposits. How do we account for that? Should it be shown in the list of payments?</i>	<i>The funds are transferred to another Shire of Toodyay account and for a term deposit they are still Shire of Toodyay municipal funds held in another area of the banking institution that the Shire uses.</i>
Ruthven	<i>The Muni fund drops by that amount of money when the transfer is made. What is shown in the financials – is that sufficient to cover the movement out of the Muni account?</i>	<i>The purpose of the account is so we get interest on that large component but we can pull those funds immediately to the normal account so those funds are at arm's length. The 2 larger term deposits with the longer term we have considered our long-term requirements and we can pull back those periods if we need to.</i>
Ruthven	<i>For that money to be used for that purpose as a term deposit is it municipal funds?</i>	<i>We cannot make payments from the at call account. If we make a call the funds can be transferred to our Bendigo municipal account.</i> <u>CEO response:</u> <i>Funds in the term deposit, the Bendigo account and the on call account are all municipal funds.</i>

9.2.3 Indicative Timeline and Process for adoption of the 2023/2024 Annual Budget

Item 9.2.3 - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services, unless otherwise stated.
Madacsi	Are we sure the timelines can be met?	<u>CEO response:</u> <i>This is why we have called it an indicative timeline.</i> <i>As we did this year we will keep council updated as to any changes.</i>
Madacsi	Do we feel the light at the end of the tunnel is larger re the story with Datascape?	<i>Yes it has. We communicate. There are still challenges and we are aiming to polish the system.</i>
Madacsi	We are more at a polishing phase and not the nuts and bolts phase?	<i>Yes</i>
McKeown	When might we expect the Audit of 2020-2021?	<i>The plan is to have the field work and sampling completed by the Auditors before we leave at Christmas. The OAG will then do their work when they come back in January.</i>
Madacsi	Is it realistic the OAG will be able to accommodate us when we return from Christmas?	<i>Yes</i>
McKeown	Will they finish the 2020-21 report before the end of the 2021-22 audit due in March 2023?	<u>CEO response:</u> <i>The end of March 2023 is the deadline to submit the 2021-22 Annual Financial Statements, not the date of the audit completion.</i>
McKeown	The plan would be better with the audit being completed would it not?	<i>The plan is to definitely have the previous audit prior to 31 March 2023.</i>

9.3 EXECUTIVE SERVICES

9.3.1 Draft Reportable Conduct Scheme

Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response from the Governance Officer, unless otherwise stated.
Pearce	<p>Councillors added some comments/amendments.</p> <p>The Officer emailed some amendment had been made.</p> <p>Would the Officer please clarify what has been changed in the policy?</p>	<p><i>No changes were made to the policy before it was included as an attachment to the Ordinary Council Meeting Agenda.</i></p> <p><i>The Policy has been updated to include the amendments proposed by Councillors and will be re-issued as an attachment separately to Councillors and to the public.</i></p> <p><i>Point 1 of the Officer's Recommendation will be changed to say:</i></p> <p>1. <i>Adopts the Reportable Conduct Scheme policy (Attachment 1) as amended;</i></p>

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

Nil.

9.3.3 WALGA Best Practice Governance Review

Item 9.3.3 - Questions and Points raised		
Councillor	Discussion	Response from the CEO unless otherwise stated.
Pearce	In reading the OREC, it has the order of the options – was this determined from Feedback -	<i>It is an Officer's recommendation and Council is at liberty to change the order. There have been individual surveys sent out to everyone but WALGA has requested a Council resolution on this. I am happy to take feedback from Councillors who have opposing views.</i>
Madacsi	Can the five options be attached to the report so anyone reading the report online can be clear about what is being proposed and what is council's position. Can the report be amended	<i>Yes.</i>

Item 9.3.3 - Questions and Points raised		
Councillor	Discussion	Response from the CEO unless otherwise stated.
	to include what is in the attachments	
Pearce	Given what the CEO has said, separating the governance from policy making, do we see as option one as being the most significant for the Shire?	<i>This is a matter for Council to decide.</i>
Madacsi	Is the board which does not have representatives from each of the zones – having full regional and metropolitan representation the best path to take for representing local government?	<i>This is a matter for Council to decide.</i>

9.4 INFRASTRUCTURE AND ASSETS

Nil.

9.5 COMMITTEE REPORTS

9.5.1 Audit & Risk Committee Recommendations

Item 9.5.1. - Questions and Points raised		
Councillor	Discussion	Response from Manager Corporate and Community Services unless otherwise advised:
Pearce	<p>Would the officer please explain if the recommendations require the addition of the date as per committee schedule and commencement time.</p> <p>That the commencement time of the Audit and Risk Committee Meetings in 2023 be changed from 2.00pm to 12.30pm</p>	<i>The addition of a date is not required in the recommendation. The dates are unchanged. It is only the commencement time that is to be changed.</i>

9.5.2 Museum Advisory Committee Recommendations**Item 9.5.2 - Questions and Points raised**

Councillor	Discussion	Response from Manager Corporate and Community Services unless otherwise advised:
<i>Pearce</i>	Would the officer please explain if the recommendations require the addition of the date as per committee schedule and commencement time of Museum Advisory Committee Meetings be moved from 4.00pm to 2.30pm.	<i>The addition of a date is not required in the recommendation. The dates are unchanged. It is only the commencement time that is to be changed.</i>

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

The Shire President did not make a ruling to go behind closed doors.

14.1 Residential Tenancy Agreement for 19B Clinton Street, TOODYAY

The Shire President advised that there had been one question asked in regard to this item and that the response would be provided directly to Councillors and recorded in the confidential minutes.

14.2 Residential Tenancy Agreement for 19A Clinton Street, TOODYAY

The Shire President advised that there had been one question asked in regard to this item and that the response would be provided directly to Councillors and recorded in the confidential minutes.

15 NEXT MEETINGS

As per Council Meeting Agenda.

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.25pm.