

# Agenda Briefing

## 18 October 2023

## Notes

### Unconfirmed Notes

These notes were approved for distribution on 19 October 2023.



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 25 October 2023.

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 1.02pm.

**2 RECORDS OF ATTENDANCE**Members

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

Staff

Ms S Haslehurst	Chief Executive Officer
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Ms T Bateman	Executive Manager Corporate and Community Services
Mr H de Vos	Executive Manager Development and Regulation
Mrs T Prater	Planning and Compliance Officer
Mr M Werder	Project Manager
Mrs M Rebane	Executive Assistant

Visitors

D Best	R Power
P Ruthven	J Prater
S Dival	R Mills

**2.1 APOLOGIES**

Cr P Hart	Councillor
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**2.2 APPROVED LEAVE OF ABSENCE**

Nil

**2.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

### 3 DISCLOSURE OF INTERESTS

The Chairperson advised that a disclosure of interest in the form of a written notice had been received prior to the commencement of the meeting.

***Cr Pearce declared a Financial Interest pursuant to Section 5.60A of the Local Government Act 1995 in regard to item 9.1.2 Extractive Industry Chitty Rd as she has a lease arrangement with the Applicant.***

### 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 S Dival – Question without notice

###### Question One

In regard to Agenda Item 9.1.4, there does not seem to be any site plan, set back drawings or a development report. Will that information be provided prior to next week's OCM?

###### **Response from Executive Manager Development and Regulation**

*We have attached everything supplied to us.*

###### Question Two

Can you confirm that prior to the meeting because the drawings are only 2, 3 and 4 of a set of 13?

###### **Response from Executive Manager Development and Regulation**

*I will take the question on notice.*

##### 4.2.2 D Best - Question Without Notice

###### Question One

In regard to the amount of the increase of the bond. The application was made a few months ago. You raised the question about the road maintenance contributions and you found that we had overpaid by nearly 50% over that period of time. Somehow in that period of time of application you have changed the charge rate for the bond. The bond is now going from \$98,000 to in excess of \$190,000.

The area of extraction is not changing; just the two licenses merged into one.

I want to understand why are we going so high and of what value does that give to anybody, apart from a bank having money tied up? Also, there is only just over 50% of that area under excavation at any one time. So it seems a bit extreme.

###### **Response from Executive Manager Development and Regulation**

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*Your query about the Road maintenance contributions is a separate matter. With the road maintenance contributions that should be something that is addressed which is not part of this application. It is to do with general administration and that is something that we can have a discussion about later.*

*With regards to the Land rehabilitation, the figure that I have applied is the figure that has been agreed upon in the schedule of Fees and Charges which was part of the adopted budget that has gone through Council. I do note that in your previous application for A1 Gravel we did a staged approval where you paid a bond for the stage and we did not collect a bond for the whole area. That is a matter for Council to determine whether they wish to do it as a staged approval rather than for the whole area.*

Question Two

Rather than having \$190,000 tied up in a bank, can't we stick with the \$90,000?

**Response from Executive Manager Development and Regulation**

*No because we recognise that the cost of rehabilitating land changes over time.*

Question Three

If you say that, then can I see the calculations as to how you have determined this amount?

**Response from Executive Manager Development and Regulation**

*Yes we can help with that.*

Question Three

You have the conditions of transportation and it says to only have trucks with payloads of 14-26 tonne. Further in the pages you have here you recognise that that is the area of all the majority of the extractive industry licence with the Shire of Toodyay. The RAV rated permits for those roads clearly has 8 wheel trucks and five axles and six axle dogs with a 40 tonne payload. Why would we be any different to anyone else?

**Response from Executive Manager Development and Regulation**

*I put the information that was in the application across.*

Question Four

We will need to go to the maximum size trucks to lessen the vehicle movement.

**Response from Executive Manager Development and Regulation**

*If you are seeking to amend your application that would need to put in writing. Generally, what I do is take that information provided and bring it across and put it into the conditions. If you are seeking to change it a request is needed in writing.*

Question Five

Can we change it before next week's meeting?

**Response from Executive Manager Development and Regulation**

*We would probably need to put it out for further advertising if we are substantially changing it.*

Question Six

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In transport management in section 4 it says that the operator shall be responsible for cost of maintaining/repairing damage of roads controlled by the Toodyay Shire. Why would that be in there when we already pay a road contribution?

**Response from Executive Manager Development and Regulation**

*This is what we apply to all extractive industries.*

Clarification was sought.

*This is standard for us to put that as a condition of approval for all extractive industries.*

**Question Seven**

So it is not an additional fee.

**Response from Executive Manager Development and Regulation**

*Yes it is because you would be responsible for the cost of maintaining the roads. Your contribution to the use of those roads is collected on an annual basis and calculated by the tonnage that you are carting.*

**Question Seven**

This suggests that all costs to maintaining the roads would be my responsibility.

**Response from Executive Manager Development and Regulation**

*The cost of your portion that is calculated would be your responsibility.*

**Question Eight**

It is shared with others. We pay the road contribution in advance so why would this be a clause?

**Response from Executive Manager Development and Regulation**

*It is because we have this clause in the condition of approval to make sure that we are satisfied that there is a facility for the road use from your extractive industry; the wear and tear attributed to your industry is accounted for and we can maintain the roads accordingly so it should be zero sum to the ratepayers.*

Clarification was sought.

**Response from Executive Manager Development and Regulation**

*We can look at the wording but I think it is clear that the expectation is the applicant is responsible for cost of their contribution for road maintenance.*

Further clarification was sought.

**Statement**

It looks to me that you charge the road contribution and then this says if you drive along and think that those blokes have damaged the road that then gives you the opening to then charge further. The reason for my question on this is that we would cart more tonnes of grain and hay out of the same driveway as where the gravel goes.

**Response from Executive Manager Development and Regulation**

*The way we calculate it is that you provide us with a statement showing the tonnage attributable to your extractive industry, not grain transport or anything else. When we are requesting your reports to come through and it says we have*

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*driven x amount of tonnes each year we look at it as the proportion of the overall cost to maintaining the road.*

Question Nine

Would we be able to review the clause?

**Response from the Shire President**

*Yes.*

**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**

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 1 Forest Road, Nunile - Extension of Extractive Industry (Development Approval and Extractive Industry Licence) - Vernice Pty Ltd.

Agenda Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified
Pearce NCR23520	<p>In the attachments for the Application for Extractive Industries the Owner Details is listed as Vernice Pty Ltd.</p> <p>Would the Officer please clarify what impact this has on the granting of Extractive Licence as it appears Vernice is not the Owner of Lot 1 Forest Rd but is the Applicant. This is transferred differently in the following page as the owner is Michael Ferguson and not Stephen Ferguson as in the report. Has the Officer viewed a Certificate of Title to verify the registered owner?</p>	<p><i>The Certificate of Title information has been crosschecked against GIS mapping data in the Government's Shared Land Information Platform (the SLIP tenure layer). The registered land owner is Stephen William Ferguson and the applicant is Vernice Pty Ltd.</i></p> <p><i>The Development Approval will go with the Vernice Pty Ltd as they are the applicant.</i></p> <p><i>The Extractive Industry Licence will go to Vernice Pty Ltd.</i></p>
Pearce	On the application where it said Michael Ferguson that will be changed to Stephen Ferguson.	<i>We will go with the SLIP information and ensure that Stephen Ferguson replaces the words Michael Ferguson.</i>
Pearce NCR23520	<p><i>Pit operating hours</i></p> <p><i>vi. Hours of operation within the extraction area are limited to 7:00am to 5:00pm Monday to Friday and 7:00am to 1:00pm on Saturday. No operation on public holiday days.</i></p> <p><i>Transport management</i></p>	<p><i>The intent here would be to allow trucks to be operating on Shire roads to go to the site from 6am. But I acknowledge how this is not feasible.</i></p> <p><i>Suggested solution is to amend the carting time. This will come as an amendment from a Councillor.</i></p>

Agenda Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified
	<p><i>vii. Operating hours for cartage shall be limited to between 6:00am and 5:00pm Monday to Friday.</i></p> <p>Would the Officer please provide clarification on the how it is possible to have operation of the pit area to commence at 7am but cartage of material from 6am, Trucks would require loading and one would expect this to come within the scope of an operational activity in the extraction area.</p>	
<i>Madacsi</i>	<i>Do we have any window of time left for it to be considered at the next OCM?</i>	<i>The Shire has already had these applications for a considerable period of time. The applicants would need to be written to and requested to extend the time.</i>
<i>Madacsi</i>	<i>There were a number of complaints submitted. Have they been addressed in the report.</i>	<p><i>Most of the complaints related to the hours of operation and the noise and so on and these have been addressed in the standard conditions we would apply. We listened to the complainants and generally speaking across all our extractive industries, we will be seeking a reduced cartage and operation time.</i></p> <p><i>The other issues raised were to do with general compliance with conditions of approval. The Shire has an obligation and an opportunity to improve how we have been addressing compliance in the past. That has been worked on a lot through the new policy work we have coming though and also the review of the local laws.</i></p>
<i>Madacsi</i>	<i>In their previous Development application there was a requirement to upgrade intersection which did not occur. This appears through Main Roads WA</i>	<i>They have requested that the applicant liaise with Main Roads WA to have an upgraded access onto the Toodyay/Goomalling Road as a condition of approval which is Main Roads WA suggestion as a condition.</i>

Agenda Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified
	<p><i>and DPIRD to be an issue. What provision are we putting into the application?</i></p>	
Pearce	<p><i>Term of approval</i></p> <p><i>(i) The term of the Development Approval is for ten (10) years from the date of this approval;</i></p> <p><i>I acknowledge that Council has not adopted the Local Planning Policy – Extractive Industries and Waste Disposal. Councillors have extensively workshopped this policy, commencing in February 2023. It has received feedback from stakeholders and perhaps due to staff resource issues has not returned for councillors to review.</i></p> <p><i>The compliance system section is where Annual audits are undertaken by Shire Staff or consultants to review compliance with extractive industry licence conditions.</i></p> <p><i>Licences were granted for 5 years and according to compliance scores determined if Council would renew.</i></p> <p><i>I acknowledge the cost and time involved in bringing licence renewals to council where shorter time period is granted. However from attending Zone meetings and discussing with other representatives, many LG grant licence periods for only 5 years.</i></p>	<p><i>Council can choose to apply any period it wishes to with the development approval and licence condition. I acknowledge its intent in the policy we are working on to have a look at applying additional constraints. I felt in this instance, given we do not have a policy adopted before us, if we were taken to the Tribunal on that then it might fall through.</i></p> <p><i>It is better from a risk point of view to apply a ten year Development Approval and to ensure that when the applicant comes to renew their licence annually (paperwork to support this when paying a fee) we can assess compliance progress.</i></p> <p><i>This was considered at length at the time of formulating these conditions. Council can choose to apply a lesser time for approval. However, it is probably increasing the risk of an appeal through SAT.</i></p> <p><i>The Development Approval can be for 10 years and the Shire has the option not to renew a licence each year if there are compliance issues. The operator will face serious consequences if they are operating without a licence.</i></p>

Agenda Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified
	Would the officer please clarify why the condition in this recommendation is for 10 years and what measures does Council have if the Licensee does not meet compliance conditions of the licence?	
Pearce IAM92528	<i>The report indicated that the shire received 4 submissions to the above item.</i> Would you please direct me to where I can access.	<i>The number of submissions for the Item 9.1.2 – Lot 22 Chitty Road (WA Gravel) was incorrectly reported as 4. It was in fact only 2 and these have both been emailed to the Councillors.</i>
Madacsi OAM6541 2	<i>Where are the Principles in the State Planning Policy 2.0 – Environment and Natural Resources Policy?</i> <i>I can only find the objectives which do not reflect the Officers Report to integrate environment and natural resource management with broader land use planning and decision-making;</i> <i>to protect, conserve and enhance the natural environment; and</i> <i>to promote and assist in the wise and sustainable use and management of natural resources</i>	<i>Section 5.7 of the State Planning Policy 2.0 – Environment and Natural Resources Policy deals with amongst other things – basic raw materials.</i>
Madacsi OAM6541 2	<i>There are standards for rehabilitation calculations. Do we use these?</i>	<i>At present the Shire is using an adjusted figure which is assessed and amended (if required) during the annual deliberations of the Shire's Schedule of Fees and Charges.</i>
Madacsi OAM6541 2	<i>Under the Environmental Protection Act 1994 rehabilitation securities calculation is the Mining Rehabilitation Fund</i>	<i>The Shire can look at a number of models. The Mining Rehabilitation Fund Regulations 2013 – Schedule 1 outlines specific unit rates which could be applied.</i>

Agenda Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified
	<p><i>calculator (replaced the Unconditional Performance Bond system in 2012)</i></p> <p><i>Tenement holders are required by 30th June each year to calculate their Rehabilitation Liability Estimate (RLE), via the online tool, using current disturbance data. The annual levy is currently set at 1% of the RLE. Can this principle be adopted.</i></p> <p><i>Can this be adopted as the basis for rehabilitation for the Shire?</i></p>	
Madacsi OAM6541 2	<p><i>Is the purpose of the Bush Fire Management Plan simply to conserve built assets or to manage fire?</i></p>	<p><i>A bushfire management plan shows all of the bushfire protection measures that will be implemented as part of a development to reduce the risk from bushfire to an acceptable level.</i></p>
Madacsi OAM6541 2	<p><i>Is there a standard the rehabilitation calculations in the Shire of Toodyay Schedule of Fees and Charges are based upon to estimate the rehabilitation bonds?</i></p> <p><i>If so, how frequently is it updated to reflect the market prices?</i></p> <p><i>Can provision be made in the DA that the rehabilitation bond is updated annually to contemporary costs/standard, of rehabilitation.</i></p> <p><i>This would put all extractive industries on a similar level as miners and mining tenements and provision for</i></p>	<p><i>Currently the fees are set by Council each year when the Schedule of Fees and Charges are reviewed.</i></p> <p><i>Your comments are noted.</i></p>

Agenda Item 9.1.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified
	<i>the introduction of a different calculation could be included within the recommendation. I would expect the type of rehabilitation would vary the costs. Pasture grasses and overstory species (trees) would be far cheaper than roadside restoration with mixed species.</i>	
<i>Duri</i>	<p>Item 9.1.1 – Lot 1 Forest Road, Nunile – Extension of extractive industry</p> <p>Can I please have clarification as to the term of the licence will be 10 years and not 5 years as discussed during formatting of the Policy?</p> <p>If 10 years, how does this affect the management/compliance issues as they arise?</p>	<p><i>The operator will be required to renew (i.e. pay licence fee) annually. As part of this process the Shire will be able to assess compliance and in the event where compliance issues are identified, the operator will be required to rectify these to the satisfaction of the Shire prior to the licence being issued.</i></p> <p><i>They are not permitted to operate without a valid licence.</i></p> <p><i>In this instance, where the policy has not yet been adopted, it was considered the most sensible approach as it reduces the risk of a SAT appeal.</i></p> <p><i>Council can choose to apply a 5 year (or any) term.</i></p>

#### 9.1.2 Lot 22 Chitty Road, Hoddys Well - Extension of Extractive Industry (Development Approval and Extractive Industry Licence) - WA Gravel Pty Ltd

*Cr Pearce declared a financial Interest and departed Council Chambers at 1.31pm.*

Agenda Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified.
<i>Duri</i>	Item 9.1.2 – Lot 22 Chitty Road, Hoddys Well – Extension of extractive industry	<i>The operator will be required to renew (i.e. pay licence fee) annually. As part of this process the Shire will be able to assess compliance and in the event where compliance issues are identified, the operator will be required to</i>



Agenda Item 9.1.2 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified.
	<p>Can I please have clarification as to the term of the licence will be 10 years and not 5 years as discussed during formatting of the Policy?</p> <p>If 10 years, how does this affect the management/compliance issues as they arise?</p>	<p><i>rectify these to the satisfaction of the Shire prior to the licence being issued.</i></p> <p><i>They are not permitted to operate without a valid licence.</i></p> <p><i>In this instance, where the policy has not yet been adopted, it was considered the most sensible approach as it reduces the risk of a SAT appeal.</i></p> <p><i>Council can choose to apply a 5 year (or any) term.</i></p>
Duri	Have the applicants supplied a plan for "clean trucks in and out" ?	<i>The applicants are required to supply a Dieback Management Plan.</i>
Madacsi	DPIRD information not seen in the body of the report	<p><i>I will take that on notice and provide further advice.</i></p> <p><b>Response to be provided at the October 2023 Ordinary Council Meeting.</b></p>
McCormick	If you come in to Fernie Road off Toodyay Road you are hit with signage stating trucks have speed limit of 80k per hour but if you follow the road where it becomes Salt Valley Road (at corner of Chitty Road) where it hits Toodyay Road again there are no speed limits coming from that direction. Is there an ability for the trucks to come into Salt Valley Road without any signage ?	<p><u><i>Executive Manager Infrastructure, Assets and Services response:</i></u></p> <p><i>Regardless of the signage I would have to check the Main Roads Speed Zones.</i></p> <p><i>Main Roads WA installs the regulatory speed signs at the zone boundaries. I will check that and come back to you.</i></p> <p><b>Response to be provided at the October 2023 Ordinary Council Meeting.</b></p>
Duri	Have the applicants put forward a management plan for trucks coming in and out?	<i>We do a dieback management plan addressing vehicle movement and washdowns. This is one of the conditions of approval.</i>

Cr Pearce re-entered Council Chambers at 1.36pm.

### 9.1.3 Local Planning Policies Review - Caravan Park and Camping Ground, Disused Materials and Temporary Accommodation.

Nil.

### 9.1.4 Lot 104 McKnoe Drive, Morangup - Ancillary Accommodation.

#### Agenda Item 9.1.4 - Questions and Points raised

Councillor	Discussion	Response from Executive Manager Development and Regulation unless otherwise specified.
Duri	<p>Item 9.1.4 Lot 104 McKnoe Drive Morangup – Ancillary Accommodation</p> <p>Can the officer please clarify/confirm if additional water tanks are required to be installed for the ancillary building?</p>	<p><i>It has been determined that the applicant already has the required potable water supply through existing tanks to accommodate this development.</i></p>

## 9.2 CORPORATE AND COMMUNITY SERVICES

### 9.2.1 Monthly Financial Statements - August 2023

#### Agenda Item 9.2.1 - Questions and Points raised

Councillor	Discussion	Response from Finance Coordinator
Pearce IAM92524	<p>I seek clarification with the Column headings. P195</p> <p>Reserve accounts movements</p> <p>Employee Entitlement Reserve.</p> <p>The 2023/24 Budget opening balance is 272,430 and 2023/24 Budget closing balance is 272,430. {columns 5 and 8}</p> <p>[ Column 4 23/24 Actual closing balance lists 280 563, which equates to transfer in of 1,867]</p>	<p><i>The difference between 2023/2024 budget opening balance of \$272,430 and 2023/2024 actual opening balance of \$278,697 is due to interest of \$6,004.75 that the Shire earned on LSL reserve funds after reserve funds were invested in the term deposits.</i></p> <p><i>There is also \$25,000.00 transfers to reserves that was approved by Council in 2022/2023 budget.</i></p> <p><i>After posting of both the interest earned and transfers to journals the actual balances for 2022/2023 changed from \$272,430 to \$278,697</i></p>



## Agenda Item 9.2.1 - Questions and Points raised

Councillor	Discussion	Response from Finance Coordinator																																				
	<p>The 22/23 Actual opening balance is 247,692 and with transfer of 31,005 equates to first column 23/24 opening balance 278,697.</p> <p>Would the Officer please explain the 272,430 budget opening/closing balance columns 5 and 8</p>																																					
<div>Reserve Accounts - Movement</div> <table><tr><th>2023/24 Actual Opening Balance</th><th>2023/24 Actual Transfer to</th><th>2023/24 Actual Transfer (from)</th><th>2023/24 Actual Closing Balance</th><th>2023/24 Budget Opening Balance</th><th>2023/24 Budget Transfer to</th><th>2023/24 Budget Transfer (from)</th><th>2023/24 Budget Closing Balance</th><th>2022/23 Actual Opening Balance</th><th>2022/23 Actual Transfer to</th><th>2022/23 Actual Transfer (from)</th><th>2022/23 Actual Closing Balance</th></tr><tr><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td><td>\$</td></tr><tr><td>278,697</td><td>1,867</td><td>0</td><td>280,563</td><td>272,430</td><td>0</td><td>0</td><td>272,430</td><td>247,692</td><td>31,005</td><td>0</td><td>278,697</td></tr></table> <div>Restricted by council Employee Entitlement Reserve</div>			2023/24 Actual Opening Balance	2023/24 Actual Transfer to	2023/24 Actual Transfer (from)	2023/24 Actual Closing Balance	2023/24 Budget Opening Balance	2023/24 Budget Transfer to	2023/24 Budget Transfer (from)	2023/24 Budget Closing Balance	2022/23 Actual Opening Balance	2022/23 Actual Transfer to	2022/23 Actual Transfer (from)	2022/23 Actual Closing Balance	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	278,697	1,867	0	280,563	272,430	0	0	272,430	247,692	31,005	0	278,697
2023/24 Actual Opening Balance	2023/24 Actual Transfer to	2023/24 Actual Transfer (from)	2023/24 Actual Closing Balance	2023/24 Budget Opening Balance	2023/24 Budget Transfer to	2023/24 Budget Transfer (from)	2023/24 Budget Closing Balance	2022/23 Actual Opening Balance	2022/23 Actual Transfer to	2022/23 Actual Transfer (from)	2022/23 Actual Closing Balance																											
\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$																											
278,697	1,867	0	280,563	272,430	0	0	272,430	247,692	31,005	0	278,697																											
McKeown	<p>In the attachments there are a few pages (comprehensive income page referring to columns B and A ) but no column A.</p>	<p><u>Finance Coordinator Response provided after the meeting:</u></p> <p><i>There was a typographical error. Officers have corrected the error and amended the Monthly Financials for inclusion in the minutes.</i></p>																																				
Pearce IAM92524	<p>Land acquisitions</p> <p>Butterly Cottage 10,000 YTD Budget \$1,667</p> <p>Would the Officer clarify if the work has been completed earlier this year i.e. in 2022/23 budget why the figure indicates only \$1,667 has been spent and it is a part of the of 23/24 budget</p>	<p><u>Works Operations Officer response:</u></p> <p><i>The 2022/23 project was to replace the veranda at Butterly House, which has been completed.</i></p> <p><i>The expenditure listed for 2023/24 is a new project and is for the timber and paint to replace the front fence at Butterly House. This project is expected to be completed by November 2023.</i></p>																																				
Pearce IAM92524	<p>Similarly have the repairs for Library, Donegan's Cottage and Parkers Cottage been completed as these were 2022/23 budget considerations.</p>	<p><u>Works Operations Officer response:</u></p> <p><i>These funds were carried over into the 2023/24 financial year. Delay has been in obtaining a fully qualified masonry person to complete works on historical buildings. We are currently waiting for additional quotes from a contractors.</i></p>																																				

**9.2.2 Monthly Financial Statements - September 2023****Agenda Item 9.2.2 - Questions and Points raised**

Councillor	Discussion	Response from Finance Coordinator, unless otherwise specified
Wrench	Page 209 the Debtor reconciliation 60-89 days (\$84,000) and over 90 days (\$19,000). How will we collect from those debtors?	<u>Executive Manager Corporate and Community Services Response provided after the meeting:</u>  <i>Officers are following up via phone calls and letters of demand. Should collection via these means be unsuccessful, debts may be referred for debt collection as appropriate.</i>

**9.2.3 Toodyay Recreation Centre - Management Reporting****Agenda Item 9.2.3 - Questions and Points raised**

Councillor	Discussion	Response
McKeown	On page 48 of the agenda it refers to financial information considered commercial in confidence. Been placed onto the Council Hub. Where on the Council Hub.	<u>CEO response:</u>  <i>We will advise all Councillors where that is.</i>
McCormick	What is happening with the decking at the Pool?	<u>Executive Manager Infrastructure, Assets and Services response:</u>  <i>There has been an extended time of discussion with ADCO in relation to the rectification of what we believe defects are not the responsibility of the Shire. Further discussions with their Project Manager, requesting them to attend site. Or their subcontractor at their cost. They dispute it and have taken further advice and were going to send it to me by cob last night. Did not occur. An issue dragging on as peak holiday season draws closer. The Shire ought not carry on repairs due to defective workmanship. Await further discussion with ADCO and get their cooperation</i>

### Agenda Item 9.2.3 - Questions and Points raised

Councillor	Discussion	Response
McCormick	Gas in the building where the kitchen is. Has the gas issue been rectified?	<p><u>Executive Manager Infrastructure, Assets and Services response:</u></p> <p>Two issues defect been repaired in relation to two cooking stoves. Other issue is the size of the gas cylinders which controls the activation and how often the switch in the ceiling space is used in controlling the gas to the cooking stations.</p>

### 9.2.4 List of Payments - September 2023

### Agenda Item 9.2.4 - Questions and Points raised

Councillor	Discussion	Response from Finance Coordinator unless otherwise specified
Pearce IAM92524	<p>4214-09-2023182 INV1408759 Datacom Solutions Pty Ltd: Data-pay direct access monthly fee August 2023 \$431.96</p> <p>Would the officer please clarify to what does this cost relates ?</p>	<p><i>This payment is for subscription fees for access to payroll software.</i></p>
Duri	<p>54 and 55 – Frontline fire and rescue equipment \$13,852.92 and \$2,650.82. Are these funds recoverable from DFES?</p>	<p><u>CEO response:</u></p> <p><i>Yes they are local Government Grant Scheme (LGGS) eligible expenses so are recoverable.</i></p>
McKeown	<p>Item 64 payments to Quik Copy fire brigade notices, tip passes, etc. \$xx</p> <p>How many copies were ordered from them?</p>	<p><u>Executive Manager Corporate and Community Services response after the meeting:</u></p> <p><i>3,600 Firebreak notices</i></p> <p><i>3,600 Brigade flyers</i></p> <p><i>3,700 Tip passes</i></p>
McKeown	<p>Were they delivered to Toodyay or somewhere else</p>	<p><i>Some items were delivered to Shire and taken to the print house and others were delivered straight to the print house.</i></p>

Agenda Item 9.2.4 - Questions and Points raised		
Councillor	Discussion	Response from Finance Coordinator unless otherwise specified
McKeown	Was a check made that the items we got from Quik copy complied with the order we made?	<u>Executive Manager Corporate and Community Services response:</u> Yes – this was confirmed between the Rates Officer and Kwik Kopy.
Madacsi	Item for Duidgee Park states 5.29 cents which seems as if the decimal point is not there.	<u>Executive Manager Corporate and Community Services response after the meeting:</u> This invoice related to interest charges incurred on the previous account.
Madacsi	Leakage we received to main pipe at Newcastle Park did we get the bill for that yet?	<u>Executive Manager Infrastructure, Assets and Services response:</u> The account has not been received yet.

### 9.3 EXECUTIVE SERVICES

#### 9.3.1 Committee Membership and Council Representation

Agenda Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response
Pearce IAM92524	The book contains section where training is required. e.g. LEMC. Would the CEO clarify the training required for members in the different committees.	<u>Community Emergency Services Manager response:</u> There are no training requirements to sit on the LEMC or the BFAC committee. Therefore in the committee book the sections on training for these committees will be removed. <u>Executive Services Assistant response:</u> Audit & Risk Committee Training: there is no training for the committee. From time to time the Shire is notified through WALGA Circulars of training that is offered through them
Pearce IAM92524	Refer to Audit & Risk Committee Charter adopted by Council. Would the Officer clarify if possible, for this to be a hyper link to the Charter.	<u>Executive Services Assistant response:</u> Technically it is a hyperlink however the inclusion of the Committee Book as an attachment through Infocouncil appears to have rendered the link inoperable.

Agenda Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response
Pearce IAM92524	<p>The guideline for Audit Risk Committee The Local Government Act 1995, Division 1A –Audit Committee, Section 7.1A states:</p> <p>(2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.* Absolute majority required.</p> <p>However, from the table Representation Summary: 4 primary elected members 2 deputy elected members 4 community members</p> <p>Would the Officer please clarify that this may need to be adjusted to meet requirements of the Act.</p>	<p><u>Executive Services Assistant response:</u></p> <p><i>The Act does imply that there needs to be 5 Elected Members (Primary) because the committee has four community members.</i></p> <p><i>Council could choose to reduce the number of community members or nominate a fifth Elected Member.</i></p>
Pearce IAM92524	<p>S 39 of Emergency Management Act 2005 requires the LEMC to prepare and submit at the end of financial year to the district emergency management committee an annual report on activities undertaken.</p> <p>Would the CEO clarify that the Toodyay LEMC has complied with the requirement.</p>	<p><u>Community Emergency Services Officer response:</u></p> <p><i>The annual report (in the form of a questionnaire) is responded to annually by the administration and we are currently up to date with submissions.</i></p>
Ruthven	<p>In Local Government Act 5.11 it states terms of membership of committees finished on election date. In the past committee members had to reapply when finished on committees. Is there a</p>	<p><u>CEO response:</u></p> <p><i>It was done this way because the committee members sitting on the ARC had been appointed recently. In the past we have gone to committee members and asked if they are prepared to be nominated again. There is no reason why Council cannot ask for an</i></p>

Agenda Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response
	reason why it was done differently this year.	<i>expression of interest process to be undertaken again.</i>
<i>Ruthven</i>	The Act in 5.10(b) an absolute majority is required for the appointment. The OREC says simple majority	<u><i>CEO response:</i></u> <i>This will be rectified.</i>
<i>McKeown</i>	Butterly Cottages – MOU between Shire and Butterly Cottages. Point me to where it is	<u><i>CEO response:</i></u> <i>It will be put onto the Council Hub.</i>
<i>Duri</i>	Item 9.3.1- Committee Membership and Council Representation  Can you please advise if an Elected Member or Shire President is required to be represented on the committee for the North Road Group?  The RRG sub groups elect a representative to the WB North Group and the WSNF. I am unsure of the correct names or procedure – the Shire President usually attends this committee.	<u><i>CEO response:</i></u> <i>In the book it states the Shire President attends these meetings and the Deputy will be Deputy if the Shire President is unavailable to attend.</i>  <i>More information can be gathered and brought to Council for clarification.</i>

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

Agenda Item 9.3.2 - Questions and Points raised		
Councillor	Discussion	Response
<i>McKeown</i>	Is it possible for Councillors to have access to the correspondence?	<u><i>CEO response:</i></u> <i>Yes.</i>

### 9.3.3 2024 Council and Committee Meeting Schedule

Nil.



**9.3.4 Policy Review Update**

Agenda Item 9.3.4 - Questions and Points raised		
Councillor	Discussion	Response
Pearce	Will Council be asked to review the local laws?	<u>CEO response:</u> <i>Yes it is a separate process altogether. Officers are currently reviewing the areas relevant to them. We will bring them to a series of workshops in a similar fashion to the policy review with one or two per workshop being considered.</i>

**9.4 INFRASTRUCTURE AND ASSETS**

Nil.

**9.5 COMMITTEE REPORTS**

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****12.1 Question Taken on Notice - Cr McKeown**

As per Council Meeting Agenda with responses provided in the Council Meeting minutes.

**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 2.07pm.