



Agenda Briefing

13 December 2023

Notes

Unconfirmed Notes

These notes were approved for distribution on 14 December 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 20 December 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 M McKeown, Shire President, declared the meeting open at 1.04pm.

2 RECORDS OF ATTENDANCE

Members

Cr C Duri	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Shire President
Cr D Wrench	Councillor (via zoom)
Cr S Dival	Deputy Shire President
Cr J Prater	Councillor

Staff

Mr H de Vos	Executive Manager Development and Regulation
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Ms T Bateman	Executive Manager Corporate and Community Services
Mrs N Mwale	Finance Coordinator
Mr M Werder	Project Manager
Mrs W Cowley	Governance Coordinator
Mrs M Rebane	Executive Assistant

Visitors

R. Mills

2.1 APOLOGIES

Cr R Madacsi	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 as follows.

Cr J Prater declared an Impartiality Interest pursuant to regulation 22 of the Local Government (Model Code of Conduct) Regulations 2021 in Agenda Item 13.2.1 Toodyay Race Club – Racecourse Precinct as he is a past President of the Toodyay Race Club, no longer on the Race Club Committee; however still a life member of the Toodyay Race Club.

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

As per Council Meeting Agenda.

4.2 PUBLIC QUESTION TIME

R Mills

Question One

In response to question from last OCM to being able to view the draft Local Laws for the dog local law. The amended local laws will be workshopped under 6.12 which is new local laws, but at the end of the day isn't it 3.16 for the review of the Local Laws?

Executive Manager Development and Regulation response

The correspondence we sent out is correct because the review of the local laws under section 3.16 has already been done.

Question Two

Once the amended local laws are workshopped with Council it will be brought back to Council pertaining to section 3.12 and the process requires the Shire to give local public notice of six weeks but it was done in March. Is that paragraph relevant to that response?

Executive Assistant response

The response is accurate because we are no longer talking about the review of the local laws. We are actually talking about the local laws that Council, at a meeting in November, resolved that they would workshop. Once the workshops have occurred with Council each of those local laws, as amended, will come to a future Council Meeting for adoption for advertising. Everything that occurred in March was part of a different process - the periodic review of the local laws. This is an entirely new process. When Council adopts the amended local laws it is making a new local law. Once a new local law is adopted by Council it will go out for public advertising and then come back to Council after the 42 day consultation period. Assuming we do not receive any submissions that will change the newly adopted local law, then that law would be gazetted as per s.3.12 of the Local Government Act 1995.

Question Three

Section 3.16 requires that a maximum eight years to do a review on an existing law so under section 1 the Council determines whether it remains the same or is repealed. Section 2 says the Local Government will then give notice. Section 3 says after the last day submissions are received a report will be generated for Council for review. Section 4 then the Council considers the review, whether amended or repealed. In regards to 5.94 the public can inspect local government information and under section (q) any report of a local law can be viewed by the public. Was a report done or amended?

Executive Assistant response

The review occurred and the report about the review was provided to Council at the November 2023 meeting.

Mr Mills made a statement. The Shire President advised his statement was entering into debate and offered Mr Mills an opportunity to discuss the matter off-line. Mr Mills accepted the offer.

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	Proposed Scheme Amendment No. 12 - Additional Use Proposed Additional Use "Brewery, Cidery or Distillery, Restaurant Café, Tourist Development." Lot 4 (447) Morangup Road, Morangup
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Nil.

9.1.2	Returned and Services League (RSL) Toodyay Sub branch - request for support from Shire of Toodyay
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NIL.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Monthly Financial Statements - November 2023

9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Corporate and Community Services unless otherwise specified
Dival	Trust accounts – Bank account numbers do not give clear indication of what they are. Is it possible to include the name of the accounts in the report	<i>We can review the list and provide more information.</i>

9.2.2 List of Payments - November 2023

9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Corporate and Community Services unless otherwise specified
Duri	Payment 46 15.11.23 – Cadd's Fashions Sports – can the officer please advise what the wording SQWINXHWE QWIKSTICKS means? \$110.00 Page 73	<i>Sqwincher Qwiksticks are electrolyte hydration sachets. They are purchased specifically for our outside workers who are often exposed to prolonged periods of work in the heat.</i>
Prater	Ref 44 Butterly's Cottage Paint bought in Midland and Northam. Why was it not brought through local here?	<i>My understanding is that we try to get it from the two stores in Toodyay first and the next stop is Bunnings in Northam and if that fails, it is Bunnings in Midland.</i>
Prater	Is the Butterly Cottage Fence finished?	<u>Executive Manager Infrastructure Assets and Services response:</u> <i>This is completed. There is a bit more work to do in surrounding area which is being done today. One small section has bunting protection at the corner of the property which requires levelling.</i>
Prater	172 Payment for fence. Is the contractor not in his contract Were they not	<u>Executive Manager Infrastructure Assets and Services response:</u>

9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Corporate and Community Services unless otherwise specified
	required to supply paint to do the job?	<i>No we supplied the materials including paint and timber and the contractor was doing installation.</i>
McCormick	Page 80, line item 208 five solar pro street lights. What are they and where are they going?	<u>Executive Manager Infrastructure Assets and Services response:</u> <i>Those are the solar lights being replaced in Charcoal Lane between Piesse Street and Duke Street North. The installation was intended to be completed by Christmas, but delays in supply has postponed the installation to 18th January 2024..</i>
Dival	Line item 72 to 74, 218, 219 and 2020 relating to travel expenses. Expenses with Datacom and if additional fees were occurring other than a monthly fee.	<i>The payments that are in the list of payments related to period in Jan / Feb 23 when Wayne Jensen came on site. He was here for 3 days and Datacom had not sent us an invoice until this recently.</i>
Dival	Why is this an additional expense? Was there a change in agreement?	<i>There was no change to the agreement. Payments in addition to the monthly fees will be applicable in the event the Shire engages Datacom to undertake specific tasks where we do not have in-house capacity, purchase orders are raised accordingly. As conveyed to the to Audit and Risk Committee, in relation to the most recent visit by Datacom consultants, all associated costs were borne by Datacom.</i>
Dival	Are these expenses relating to the failure of Datascape or are they additional modules?	<i>The payments relate to specific processes, for example, in terms of the rates strike, Datacom were engaged to manage the process because we were in between a person leaving and a person who had not undertaken that role before.</i>
Dival	Credit card payments: 335, MCCS. Amount for rope barriers of \$591.78. Why did we spend this money on a red rope?	<u>Response after the meeting:</u> <i>The recent purchase of rope barriers for the Council Chambers was implemented to establish a barrier between the gallery and the Council table. This measure serves as a gentle reminder to members of the gallery about the importance of respecting this boundary and ensures they do not</i>

9.2.2 - Questions and Points raised		
Councillor	Discussion	Response from Executive Manager Corporate and Community Services unless otherwise specified
		<i>inadvertently approach areas where sensitive information may be handled.</i>
Dival	Did anything happen to prompt this decision being made?	<u>Executive Manager Development and Regulation response:</u> <u>Response after the meeting:</u> <i>Yes – it is noted that a member of the gallery approached the Council table to confer with a Councillor.</i>
Prater	Purchase of 233 rifle and scope with two magazines. Gun case, cleaning kit etc. was there a need to purchase this?	<u>Executive Manager Development and Regulation response:</u> <i>The Rangers advised that the other firearm was unusable due to deterioration of the barrel. We did have discussion about it and the consensus was that it was required.</i>
Prater	Was the purchase a private sale?	<u>Executive Manager Development and Regulation response:</u> <i>The Rangers spoke to the gunsmiths to see what was available and came to me with a quotation.</i>
Prater	Was it a second hand one?	<u>Executive Manager Development and Regulation response:</u> <i>No. It was not. It was purchased through a gun supplier.</i>

9.2.3 Request for Write Off of Rates RT.300107

Nil.

9.3 EXECUTIVE SERVICES

9.3.1 CEO Recruitment Process

Questions were asked behind closed doors during confidential business.

9.3.2 Expression of Interest to lease Old Tennis Club Facilities

Nil.

9.4 INFRASTRUCTURE AND ASSETS**9.4.1 Vehicle Crossover Policy (including Specifications and SOT Drawings)**

Nil.

9.4.2 Showgrounds Bar Building

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 Questions taken on notice during November 2023 Council Meeting**

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

12.2 Questions from Cr Madacsi

THE FOLLOWING QUESTIONS ON NOTICE WERE RECEIVED FROM COUNCILLOR MADACSI.

QUESTION ONE

ON THE 1 DECEMBER 2023 I EMAILED FIVE QUESTIONS PERTAINING TO THE CONFIDENTIAL SHIRE PRESIDENT AND CEO BRIEFING NOTES OF THE 28 NOVEMBER AND INCLUDED ALL COUNCILLORS.

PLEASE EXPLAIN WHY HAS THERE NOT BEEN A RESPONSE GIVEN TWO OF THE QUESTIONS RELATED TO RISK MANAGEMENT FOR THE SHIRE OF TOODYAY?

RESPONSES TO BE PROVIDED IN THE COUNCIL MEETING MINUTES**QUESTION TWO**

REGARDING THE EXPRESSION OF INTEREST (EOI) RECEIVED FROM THE TOODYAY MOONDYNE MEN ON THE 30 OCTOBER.

- ON THE 13 NOVEMBER, COUNCILLORS WERE INFORMED THE EOI HAD BEEN RECEIVED THROUGH INTERNAL CONFIDENTIAL BRIEFING NOTES, NO DETAILS WERE INCLUDED.

- ON THE 15 NOVEMBER, THE ITEM *MOONDYNE MEN - EOI TO LEASE OLD TENNIS CLUB FACILITIES*, WAS RAISED AT THE CONCEPT FORUM BUT DEFERRED, DUE TO AN UNNAMED PROCESS TO GO THROUGH.
- ON THE 30 NOVEMBER, IN THE MORNING I NOTIFIED THE CEO AND SHIRE PRESIDENT I HAD BEEN APPROACHED BY COLIN BIRD, SECRETARY OF THE MOONDYNE MEN, AS TO WHY THEIR PROPOSAL WAS NOT IN THE NOVEMBER AGENDA AND WHEN WERE THEY WERE LIKELY TO RECEIVE A RESPONSE. I REQUESTED A COPY OF THE EOI OF THE 30 OCTOBER.
- LATER THAT DAY, MOONDYNE MEN NOTIFIED COUNCILLORS THEY HAD SUBMITTED AN EOI TO THE SHIRE OF TOODYAY REGARDING LEASING THE OLD TENNIS CLUB FACILITIES AND HAD NOT RECEIVED ACKNOWLEDGEMENT OR ADVICE AS TO HOW SUCH A SUBMISSION IS PROCESSED. THE LETTER OF THE 30 OCTOBER WAS ATTACHED. THIS LETTER INCLUDED A STATEMENT, THEY WOULD PURSUE THE POSSIBILITY OF LEASING THE OLD TOODYAY TENNIS CLUB ROOMS IN CONJUNCTION WITH THE TOODYAY TENNIS CLUB AND THE SHIRE OF TOODYAY AND THEIR INTEREST IN A COMMUNITY GARDEN AT THE SITE IF IT WERE TO MATERIALISE.

PLEASE EXPLAIN WHY THE MOONDYNE MEN NEED TO LIAISE WITH THE TOODYAY TENNIS CLUB AND TO WHAT EXTENT, GIVEN THE TENNIS CLUB TENURE HAS ENDED AND ACTIVITIES HAVE RELOCATED TO THE TOODYAY RECREATION CENTRE?

RESPONSES TO BE 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

13.2.1 Toodyay Race Club - Racecourse Precinct Remediations

Nil.

13.2.2 ARC recommendations from meeting held on 6 Dec 2023

13.2.2 - Questions and Points raised		
Councillor	Discussion	Response from the Executive Manager Corporate and Community Services unless otherwise specified.
<i>Dival</i>	DRAFT Annual Report – page 108 – the attachments. Some prescribed information is to be supplied. \$130,000 or more – one person listed. That one position – what	<p><i>Question Two: the \$170-179,000 relates to the CEO.</i></p> <p><i>The <u>total</u> remuneration package is included at question Five.</i></p>

13.2.2 - Questions and Points raised		
Councillor	Discussion	Response from the Executive Manager Corporate and Community Services unless otherwise specified.
	position is that that those questions relate to.	
<i>Dival</i>	Page 156 of the attachments regarding reserve accounts. There were a few that had money moved out of the accounts in the 2022 financial year. Can you provide the resolution number and the clause under the financial regulations that resolved to move the money and the explanation for the money movement.	<i>Movements were managed through adoption of the annual budget process. The resolution that adopted the Annual Budget was SCM007/08/22.</i>
<i>Dival</i>	Would the motion In the budget motion cover the requirements in financial regs in terms of money being moved in and out of reserve accounts	<i>Yes is would because Council determines the review and uses funds identified for that purpose.</i>

13.2.3 HAC recommendations from meeting held on 6 Dec 2023

This item has been withdrawn by the CEO.

14 CONFIDENTIAL BUSINESS

The Shire President ruled at 1.38pm that the meeting go behind closed doors so that the meeting could discuss or take questions about the CEO

The Shire President ruled the meeting return at 1.44pm.

15 NEXT MEETINGS

As per Council Meeting Agenda.

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 1.45pm.