



# Agenda Briefing

19 June 2024

## Notes

### Unconfirmed Notes

These notes were approved for distribution on 21 June 2024.

Tabitha Bateman

**ACTING CEO**

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

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

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

### Received Notes

These notes were received at an Ordinary Council Meeting held on 26 June 2024.

Signed: .....

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

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

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

**2 RECORDS OF ATTENDANCE**Members

Cr M McKeown	Shire President
Cr C Duri	Councillor
Cr S McCormick	Councillor
Cr J Prater	Councillor

Staff

Ms T Bateman	Acting Chief Executive Officer
Ms G French	Acting Executive Manager Corporate and Community Services
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Mr H de Vos	Executive Manager Development and Regulation
Mr M Werder	Project Manager
Mrs M Rebane	Executive Assistant

Visitors

Nil.

**2.1 APOLOGIES**

Cr S Dival	Deputy Shire President
Cr R Madacsi	Councillor
Cr D Wrench	Councillor

**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**

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 P2023-87 - Lot 1 Morangup Road, Morangup - Renewal of Extractive Industry Licence - Austral Bricks**

Nil.

**9.2 CORPORATE AND COMMUNITY SERVICES**

**9.2.1 List of Payments - May 2024**

9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from the Finance Coordinator, unless otherwise specified
<i>Duri</i>	<ul style="list-style-type: none"> <li>Item 31 page 89 – 15.05.24 Cola Café Ben Falconer afternoon tea farewell \$150.00</li> </ul>	These payments are for separate Farewell afternoon teas for two depot staff members.

9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from the Finance Coordinator, unless otherwise specified
	<ul style="list-style-type: none"> <li>Item 125 page 94 – 31.05.24 Cola Café afternoon tea farewell \$150.00</li> </ul> <p>Are the above two payments for 2 separate employees leaving or has this been entered twice?</p>	
<i>Duri</i>	<p>CEO Credit Card still under the name of Suzie Hazlehurst. Should this have been changed as Ms Hazlehurst has not been the CEO since April 2024?</p>	<p><u>Acting CEO response:</u></p> <p><i>The CEO’s card has a higher limit than the Managers’ cards and was used to top up the SMS service on 9 April 2024, when the CEO (S Haslehurst) was still employed on the day that the card was used.</i></p>
<i>Duri</i>	<p>Credit Card MAS C. Sullivan 171 Warwick Newsagency Farewell Cards \$49.95 – is this for multiple persons 180–Farwell Refreshments \$62.00</p>	<p><u>Executive Manager Infrastructure, Assets and Services response:</u></p> <p><i>This expenditure was for farewell cards for two people (\$49.95); and For refreshments for two people leaving the Shire (\$62.00)</i></p>
<i>Duri</i>	<p>Credit Card CESM R Koch April 2024: 195 Victoria Hotel \$742.00 Incident 664561 196 Cola Café \$320.00 Incident 664561 197 Victoria Hotel \$205.00 Incident 664561</p> <p>Was this incident over several days or are the above costs for one day for the same incident? What was the incident please?</p>	<p><u>As notated:</u></p> <p><i>Incident 664561 Dinner Catering 15/04/2024.</i></p> <p><i>Financial statement reflects incorrect Incident Number. Correct Number is 663665. Lunch Catering 08/04/2024.</i></p> <p><i>As notated Incident 664561 Lunch Catering 16/04/2024</i></p> <p><i>All the above refers to meals and refreshments for volunteers and it is recoverable by funding from DFES.</i></p>
<i>Madacsi</i>	<p>p.88 Biomax Pty Ltd, CIO Biomax system service</p>	<p><u>Executive Manager Infrastructure, Assets and Services response:</u></p>

9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from the Finance Coordinator, unless otherwise specified
	(\$133.00). Where is the Biomax system located?	<i>The Biomax unit is located adjacent to the sewer pump station at the front of the Operations Centre along the fence near the main entrance and is part of the wastewater collection and treatment system.</i>
<i>McKeown</i>	What is a Biomax system?	<u><i>Executive Manager Infrastructure, Assets and Services response:</i></u> <i>It is a pump out system. It is serviced annually. It is used to pump sewerage out but it also treats raw sewerage on the way in.</i>
<i>Madacsi</i>	p.89 EFT 21 - McLeod's Barristers and Solicitors, DPLH v Shire of Toodyay (\$773.85). Is this the final account and if so, what is the total expended for this case?	<i>This payment was for advice upon receipt of the DPLH prosecution however the CEO had also approached LGIS after the initial notice. Advice received was paid for through this invoice and there will be no further expenditure for McLeod's related to the DPLH case. Officers will look into the total expenditure for this case and report to Council as soon as that information comes to hand.</i>
<i>Madacsi</i>	EFT 31 - The Cola Café, Afternoon tea for Ben Falconer's farewell (\$150.00). Who is Ben Falconer?	<i>This person was a Shire of Toodyay employee, at the Operations Centre employed as a General hand and plant operator.</i>
<i>Madacsi</i>	p.90 EFT 44 - Carter Roofing & Slating Pty Ltd, Roof repair at Newcastle Gaol Museum (\$2,486.00). What were the roof repairs for and which building?	<i>Carter Roofing carried out replacement of split and deformed timber shingles on the roof of the Museum building.</i>
<i>Madacsi</i>	p.91 EFT 54 – Philip John ROBERTS, Reimbursement of WALGA two day course (\$185.03). Who is Philip Roberts?	<i>Mr Roberts is a community member on the Heritage Advisory Committee and received training from WALGA</i>
<i>Madacsi</i>	p.93 94 - Frontline Fire & Rescue Equipment, BFS Coondle 3.4 Truck - Repair damage (\$6,999.12). What is the damage	<i>This relates to rear bumper replacement, front step replacement and electrical replacement items (all unrelated). Costs are LGGS eligible.</i>

9.2.1 - Questions and Points raised		
Councillor	Discussion	Response from the Finance Coordinator, unless otherwise specified
	in relation to? Is this account reimbursable through insurance?	
<i>Madacsi</i>	p.97 166 – Stratco, Morangup Hall (\$374.60). What was this expenditure for?	<i>This relates to roof repair at the Community Hall building .</i>
<i>Madacsi</i>	195 – 197 for Catering – Incident 664561. What was Incident 664561 that totalled \$1,271.00 from three payments to the Victoria Hotel and Cola Café?	<i>There were two incidents which have identification numbers assigned by DFES. Locations are not named, which were Dumbarton Road and Hatfield Place.</i>

**9.2.2 Monthly Financial Statements - May 2024**

Nil.

**9.2.3 Community Funding Budget consideration**

Nil.

**9.2.4 Disability Access and Inclusion Plan Progress Report 2023/2024**

Nil.

**9.2.5 In-Principle Support - The Salvado Trail Foundation**

Nil.

**9.3 EXECUTIVE SERVICES**

**9.3.1 Delegation Register Review and Policy review**

Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise specified
<i>McKeown</i>	CEO's spending limit. Background required.	<i>There was an issue with the delegation register referring to the policy and the policy referred to the register. Tidied up by putting an unlimited amount for approvals through the purchasing policy subject to budget inclusion (adhering to tender rules) and this</i>



Item 9.3.1 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise specified
		<i>was corrected following advice from the FMR Review.</i>
<i>McKeown</i>	Development approvals Delegation – What is the difference between taking due regard and consistent with?	<i>Executive Manager Development and Regulation response: If you have a policy and the policy says you can only have 1000 sq metre shed being consistent with policy being only to have that. Due regard requirements of policy and objectives against the application before you. It is a cogent reason for a departure from a developing standard. Back up to why the decision is taken.</i>
<i>Madacsi</i>	Regarding the Risk Assessment Report (incorporating FMR Actions Report) - 6.2 Policy Review What was the reason provided to recommend that operational document control should be removed from policies?	<i>Moore Australia asked the Shire to review and update policy Version Control and Document Control Information to provide evidence and an accurate record of when the policy was reviewed, amended and adopted. Simplify and include reference information required for publication. <b>Operational information may be maintained on a policy index spreadsheet and used for operational purposes.</b></i>
<i>Madacsi</i>	Was this recommendation from Moore Australia, or the FMR Actions Report?	<i>Moore Australia produced the FMR Actions Report so technically it was from Moore Australia. Shire Officers have only put information into the Responsible Officer and the Comment/Issues columns.</i>

**9.4 INFRASTRUCTURE AND ASSETS**

Nil.

**9.5 COMMITTEE REPORTS**

**9.5.1 ARC recommendations from meeting held on 5 June 2024.**

Item 9.5.1 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise specified
<i>Duri</i>	May I please have clarification as to the reason why the Shire	<i>With the Local Government Act requiring reports from the CEO and</i>

Item 9.5.1 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise specified
	President and CEO reports in the Annual Report has been changed? I would have thought that this is in appropriate and not factual as neither persons writing these reports held the positions of CEO and Shire President for the year 2022 – 2023.	<i>Mayor or President, the present incumbents in the role will be published as the authors in the Annual Report. The Department has advised that it is understood the Act refers to the current president and CEO under section 5.53 and not the previous incumbents of those positions regarding the preparation and inclusion of reports in the local government’s Annual Report.</i>
<i>Madacsi</i>	Under what authority in section 7 of the Local Government Act and what authority within the Audit and Risk Committee Charter, was the recommendation to council to replace the CEO and the Shire President reports in the 2022-23 Annual Report made?	<i>The Authority comes in the form of their Charter, recently adopted by Council, wherein the ARC review documents put before them.</i>
<i>Madacsi</i>	What was the purpose to replace the reports with those of the Acting CEO (Tabitha Bateman) and current Shire President (Michael McKeown) , when they held the positions of Executive Manager of Corporate & Community Services and councillor respectively, after the October 2023 elections and end of the 2022-23 financial year?	<p><i>With the Local Government Act requiring reports from the CEO and Mayor or President, the present incumbents in the role will be published as the authors in the Annual Report.</i></p> <p><i>Naturally, some degree of cooperation and collaboration with previous incumbents in developing the reports would normally take place so that there is an appropriate level of accuracy and detail.</i></p> <p><i>A recent example is the City of Wanneroo 2022/23 Annual Report, where the A/CEO authored the report following the departure of a long-serving CEO:</i></p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>

Item 9.5.1 - Questions and Points raised		
Councillor	Discussion	Response from Acting CEO unless otherwise specified
Madacsi	Why were the key activities as reported for the 2022-23 financial year provided by the then CEO Suzie Haslehurst and Shire President Rosemary Madacsi removed?	<i>This was due to a recommendation made by the Audit and Risk Committee at their meeting held on 5 June 2024.</i>
Madacsi	What was the reason under R.11(da) of the Local government (Administration) Regulations 1996 for not accepting the Officers Recommendation?	<i>There was no reason given as the change to the Officer's recommendation was not a significant amendment to the intent of the Officer's Report.</i>

**9.5.2 Receipt of the LEMC Minutes**

Nil.

**9.5.3 WAC recommendations from meeting held on 12 June 2024.**

Nil.

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

**10.1 Notice of Motion – Cr Madacsi**

Item 10.1 - Questions and Points raised		
Councillor	Discussion	Response from Shire President unless otherwise specified
Prater	Is the President's role expected to be a full time job?	<i>No</i>
Prater	Would the report be done by the President or done by Administration or the CEO?	<i>Currently the CEO issues such a report. <u>Acting CEO response:</u> After any discussions or if there are information to be forwarded to councillors as a group or as an update then that is forwarded by myself.</i>
McCormick	What was the date of the summary of the Tuesday morning discussion recently?	<i><u>Acting CEO response:</u> The last update sent to Councillors was Thursday 11/6/2024 at 11am. The most</i>

		<i>recent discussion has not been forwarded as yet.</i>
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**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**

Acting CEO advised Councillors that there had been a community submission regarding the name of a federal electorate division out for public comment at present – named Bullwinkle.

The submission sought a decision of Council regarding potential for lobbying for a change of name.

This matter may be brought to Council as a late report.

**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 3.21pm.