

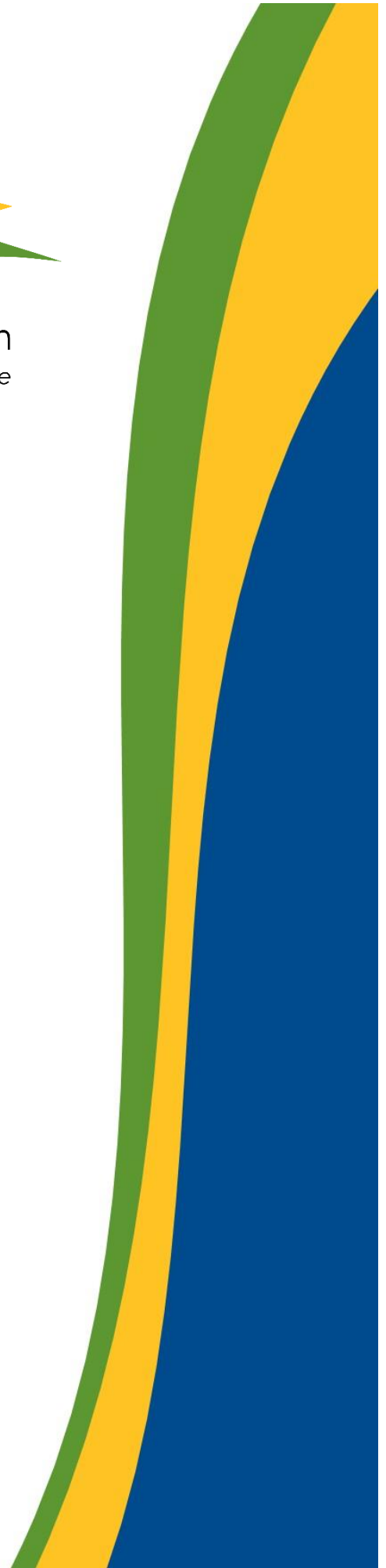


Shire of Northam

Notes

Council Forum Meeting

10 August 2022



DISCLAIMER

This agenda has yet to be dealt with by the Council. The Recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Northam for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Northam disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Northam during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Northam.

The Shire of Northam advises that anyone who has any application lodged with the Shire of Northam must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Northam in respect of the application.

The Shire of Northam advises that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

Preface

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes."

At the next Ordinary Meeting of Council the Notes will be received, subject to any amendments made by the Council. The "Received" Notes are then signed off by the Presiding Person.

Please refer to the Ordinary Council meeting agenda and minutes for further information and details in relation to the matters and items discussed at the Forum meeting.

Unconfirmed Notes

These notes were approved for distribution on 15 July 2022.

JASON WHITEAKER
CHIEF EXECUTIVE OFFICER

Received Notes

These notes were received at an Ordinary Meeting of Council held on 20 July 2022.

Signed:

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

Contents

1.	DECLARATION OF OPENING	6
2.	ACKNOWLEDGEMENT TO COUNTRY	6
3.	ATTENDANCE.....	6
3.1	APOLOGIES	6
3.2	APPROVED LEAVE OF ABSENCE.....	6
3.3	ABSENT.....	6
4.	DISCLOSURE OF INTERESTS	7
5.	ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) ...	9
6.	PUBLIC QUESTION TIME	9
6.1	PUBLIC QUESTIONS	9
7.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	9
8.	RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS	9
8.1	PETITIONS	9
8.2	PRESENTATIONS.....	9
8.3	DEPUTATIONS	9
9.	APPLICATION FOR LEAVE OF ABSENCE	9
10.	CONFIRMATION OF MINUTES	9
10.1	ORDINARY COUNCIL MEETING HELD 20 JULY 2022	9
10.2	SPECIAL COUNCIL MEETING HELD 27 JULY 2022	9
10.3	NOTES FROM COUNCIL FORUM MEETING HELD 10 AUGUST 2022.....	9
11.	ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY	10
12.	REPORTS OF COMMITTEE MEETINGS.....	10
12.1	NYOONGAR CULTURAL ADVISORY GROUP COMMITTEE MEETING HELD ON 14 MAY 2022.....	10
13.	OFFICER REPORTS	10
13.1	CEO'S Office	10
13.1.1	Lease Agreement for Northam Pistol Club, Portion of Reserve 3303, 98 Clarke Street Northam	10
13.2	ENGINEERING SERVICES	11
13.2.2	RFQ 10 of 2022 Spencers Brook Road Spray Seal & Asphalt Works	11
13.3	DEVELOPMENT SERVICES	11

13.3.1	Proposed Amendment – Co-Operative Bulk Handling, Leeming Road, Grass Valley	11
13.3.2	Proposed Review of the Heritage List	12
13.4	CORPORATE SERVICES	13
13.4.1	Accounts & Statements of Accounts 1 July 2022 to 31 July 2022.....	13
13.5	COMMUNITY SERVICES	15
13.5.1	Nyoongar Cultural Advisory Group	15
14.	MATTERS BEHIND CLOSED DOORS	15
14.1	LEASE OF A PORTION OF RESERVE 44700	15
14.2	UNAUTHORISED STRUCTURE – A72.....	15
15.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	16
15.1	FENCED DOG PARK	16
16.	URGENT BUSINESS APPROVED BY DECISION	16
17.	DECLARATION OF CLOSURE	16

1. DECLARATION OF OPENING

The Shire President, Cr C R Antonio declared the meeting open at 5.30pm.

2. ACKNOWLEDGEMENT TO COUNTRY

The Shire of Northam would like to acknowledge the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and pay our respects to Elders, past present and emerging.

3. ATTENDANCE

Council:

Shire President
Deputy Shire President
Councillors

C R Antonio
M P Ryan
D Galloway
R W Tinetti
A J Mencshelyi
M I Girak
J E G Williams
D A Hughes
H Appleton
P Curtis

Staff:

Chief Executive Officer
Executive Manager Engineering Services
Executive Manager Development Services
Executive Manager Community Services
Executive Manager Corporate Services
Acting Governance Officer

J B Whiteaker
S Patterson
C B Hunt
J Metcalf
C Young
T P Van Beek

3.1 APOLOGIES

Acting Governance Coordinator

A C McCall

3.2 APPROVED LEAVE OF ABSENCE

Nil.

3.3 ABSENT

Nil.

4. DISCLOSURE OF INTERESTS

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

As defined in section 5.61 of the Local Government Act 1995, an **indirect financial interest** includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.

As defined in 34C of the Local Government (Administration) Regulations 1996, an **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Item Name	Item No.	Name	Type of Interest	Nature of Interest
Proposed Amendment – Co-Operative Bulk Handling, Leeming Road, Grass Valley	13.3.1	Cr C R Antonio	Financial	Cr Antonio's farming operation holds a \$2 share in CBH.
Proposed Review of Heritage List	13.3.2	Cr M I Girak	Proximity	Cr Girak's residential property is on the proposed Heritage List.
Proposed Review of Heritage List	13.3.2	Cr A J Mencshelyi	Impartiality	Some owners of properties on the Heritage List are known to Cr Mencshelyi
Proposed Review of Heritage List	13.3.2	Cr R W Tinetti	Impartiality	Some owners of properties on the Heritage List are known to Cr Tinetti

Proposed Review of Heritage List	13.3.2	Cr M P Ryan	Impartiality	One of the property owners on the proposed Heritage List is known to Cr Ryan.
Proposed Review of Heritage List	13.3.2	Cr D A Hughes	Impartiality	One of the property owners on the proposed Heritage List is known to Cr Hughes.
Proposed Review of Heritage List	13.3.2	Cr J E G Williams	Impartiality	Some owners of properties on the Heritage List are known to Cr Williams.
Proposed Review of Heritage List	13.3.2	Cr C R Antonio	Impartiality	Some owners of properties on the Heritage List are known to Cr Antonio.
Unauthorised Structure – A72	14.2	Cr J E G Williams	Proximity	A property Cr Williams co-owns is located across a thoroughfare from the subject property.

5. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

No queries were raised in relation to these items.

6. PUBLIC QUESTION TIME

6.1 PUBLIC QUESTIONS

Nil

7. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

8. RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

8.1 PETITIONS

Nil

8.2 PRESENTATIONS

Nil

8.3 DEPUTATIONS

Nil

9. APPLICATION FOR LEAVE OF ABSENCE

Nil.

10. CONFIRMATION OF MINUTES

10.1 ORDINARY COUNCIL MEETING HELD 20 JULY 2022

No queries were raised in relation to this item.

10.2 SPECIAL COUNCIL MEETING HELD 27 JULY 2022

Clarification was sought in relation to:

- The total budget allocated to the building of the Shire Depot.
The Chief Executive Officer advised of the total budget allocated over the financial years 21/22 and 22/23. The Executive Manager Engineering Services advised that the Depot project was divided into smaller packages, which made it more difficult to accurately calculate the potential cost before commencement. The additional costs are reflective of scoping adjustments and escalating prices.

10.3 NOTES FROM COUNCIL FORUM MEETING HELD 10 AUGUST 2022

No queries were raised in relation to this item.

11. ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

Nil

12. REPORTS OF COMMITTEE MEETINGS

12.1 NYOONGAR CULTURAL ADVISORY GROUP COMMITTEE MEETING HELD ON 14 MAY 2022

Clarification was sought in relation to:

- If the meeting minutes from the committee meeting held on 14 MAY 2022 had already been received by council previously. The Chief Executive Officer will seek further clarification prior to council meeting on 17 AUGUST 2022.

Additional Comment

- Staff have confirmed the presented minutes have not been previously provided to Council for endorsement

13. OFFICER REPORTS

13.1 CEO'S Office

13.1.1 Lease Agreement for Northam Pistol Club, Portion of Reserve 3303, 98 Clarke Street Northam

Clarification was sought in relation to:

- How the Pistol Club were able to build a structure without shire approval.
Executive Manager Development Services advised that the shire simply was not aware that it had been done. However once we became aware, we reached out to the Pistol Club to explain the breach and have been assisting them through the process of retrospective approval since. It was noted that the Pistol Club had not thought they needed approval as they were replacing a shed with a shed (like for a like).
- If there is any liability risk for the shire.
Chief Executive Officer advised that in his view the exposure would be limited, however it would very much depend on the circumstance. The Shire was simply unaware that the works had been undertaken and as soon as we were made aware of the situation steps were taken to correct it.
- If the Pistol Club would need to follow the same procedure a rate payer would.

Executive Manager Development Services advised that the club would be able to apply for retrospective approval but would still need to comply with all necessary building requirements and specifications.

13.2 ENGINEERING SERVICES

13.2.2 RFQ 10 of 2022 Spencers Brook Road Spray Seal & Asphalt Works

Clarification was sought in relation to:

- Why the cost for line marking is estimated as high as it is.
Executive Manager Engineering Services advised that due to the length of the road plus how many lines will be painted plus the traffic management involved that is the estimated cost.
- If the Shire had previously looked at purchasing a line marking machine themselves.
Chief Executive Officer advised that that they have purchased a line marking machine for the grass fields but not for roads.

13.3 DEVELOPMENT SERVICES

Cr C R Antonio declared a "Financial" interest in item 13.3.1 – Proposed Amendment – Co-operative Bulk Handling, Leeming Road, Grass Valley as Cr Antonio's farming operation holds a \$2 share in CBH.

Cr C R Antonio left the meeting at 5.49pm

13.3.1 Proposed Amendment – Co-Operative Bulk Handling, Leeming Road, Grass Valley

Clarification was sought in relation to:

- If there was a way to catch the water runoff.
Executive Manager Development Services advised that CBH addressed this in their drainage management plan.
- If CBH will assist to fix roads damaged by heavy truck loads.
Executive Manager Development Services advised that this is covered by condition 3 in the officer recommendation.

Cr C R Antonio returned to the meeting at 5.51pm

Cr M I Girak declared a "Proximity" interest in item 13.3.2 – Proposed Review of the Heritage List as Cr Girak's residential property is on the proposed Heritage List.

Cr A J Mencshelyi declared a "Impartiality" interest in item 13.3.2 – Proposed Review of the Heritage List as some property owners on the proposed Heritage List are known to Cr Mencshelyi.

Cr R W Tinetti declared a "Impartiality" interest in item 13.3.2 – Proposed Review of the Heritage List as some property owners on the proposed Heritage List are known to Cr Tinetti.

Cr M P Ryan declared a "Impartiality" interest in item 13.3.2 – Proposed Review of the Heritage List as one of the property owners on the proposed Heritage List are known to Cr Ryan.

Cr D A Hughes declared a "Impartiality" interest in item 13.3.2 – Proposed Review of the Heritage List as one of the property owners on the proposed Heritage List are known to Cr Hughes.

Cr J E G Williams declared a "Impartiality" interest in item 13.3.2 – Proposed Review of the Heritage List as some property owners on the proposed Heritage List are known to Cr Williams.

Cr C R Antonio declared a "Impartiality" interest in item 13.3.2 – Proposed Review of the Heritage List as some property owners on the proposed Heritage List are known to Cr Antonio.

Cr M I Girak left the meeting at 5.52pm

13.3.2 Proposed Review of the Heritage List

Clarification was sought in relation to:

- If the list provided includes all properties on the previous Heritage List. Executive Manager Development Services advised that the list shows the original properties plus the properties being recommended for addition.
- If the different wording in attachments on pages 128-129 will cause issues in future. Executive Manager Development Services advised that there will be no issues.
- If Dempster Home at Muresk Institute will need to come through the shire or if it is exempt due to being on government property. Executive Manager Development Services advised that Dempster Home would generally be exempt from the Shire of Northam approval process as it is State Government owned but would still be required to go through the internal government heritage process.
- If the Centenary Hill monument is included on the Heritage List. Executive Manager Development Services advised his understanding is that it is not currently included on the Municipal Heritage Inventory (MHI) (soon to be renamed Local Heritage Survey), however could be considered in the future.

- If Pool Street bridge is included on to the Heritage list will this mean that the Shire is liable/obligated to fix the disrepair on the bridge.
Executive Manager Development Services advised that as the Shire does not own the bridge, we will not be liable for the repair. However, having the bridge listed in the Heritage list may strengthen a case to obtain funding for recommissioning/repair.
- Will the Shire respond to the 5 submissions received regarding the Heritage list.
Executive Manager Development Services advised that the Shire will respond to the submissions.

Cr M I Girak returns to the meeting at 6.02pm

13.4 CORPORATE SERVICES

13.4.1 Accounts & Statements of Accounts 1 July 2022 to 31 July 2022

Clarification was sought in relation to:

- Clarification around payment for crash barriers on Mitchell Avenue and whether it actually belongs to the Shire or Main Roads.
Executive Manager Engineering Services advised that Mitchell Ave belongs to the Shire, however that the project to fix the road has been 2/3 funded by Main Roads.
- Why the finance report was not provided in this agenda.
Executive Manager Corporate Services advised that due to the heavy workload at this time of year the report was not ready as yet but will be provided in next month's agenda.

Council Forum Meeting Notes

10 August 2022



Reference	Page #	Details Reference	Question	Query By	Answer	Answered By
EFT 44357	185	Mad Dog Promo Key Rings	What are these for	Cr Tinetti	As per Community Safety Committee meeting motion 090, purchased key rings with community safety messages on them to distribute to members of the Community	Jaime
EFT 44417	196	Grafton Electrics	Why so much	Cr Tinetti	This was to repair 21 lights on Minson Avenue that were not working, including five that needed replaced, (broken presumed by sling shot), an elevated platform was required to perform the works. Broken bulbs were replaced with LED bulbs	Shane
EFT 44295	175	Macri Partners	Financial management review 21/22 - \$19800.00 - is this for part of the normal audit process?	Cr Williams	Yes, this is required to be carried out under the <i>Local Government Financial Management Regulations 1996</i> every three financial years, results will be presented to Council via the Audit Committee on the 25 August 2022	Colin
EFT44408	195	Country Comfort style Northam	Enterprise office chair - \$948.00 - is this for one chair only? Is there a maximum set for expenditure on staff chairs?	Cr Williams	This was for 3 office chairs, no maximum price is set for expenditure on office chairs, though in general they cost between \$300-\$400 each. The greater the weight rating the more expensive the chair as a general rule.	Colin
EFT44439	199	Promopal Pty Ltd	Umbrella canopies for Bilya Festival - \$6377.80 - is this for purchase or hire?	Cr Williams	Purchased for use at Bilya Festival, it is noted that the purchase of the umbrellas was less than hiring a marquee for the event.	Jo
EFT44449	201	The Book Shed	Paint lettering onto concrete at Bernard Park - \$1309.00 - for what?	Cr Williams	This was for the words, River Heart Land painted on the footpath out the front of the BKB as part of initiatives to attract people into the centre.	Jo
CEO C/card	211	N/a	Confirming the personal purchase of \$500.00 has been refunded?	Cr Williams	The request has been made for the refund, as yet still pending but should be deposited this month.	Colin
EMCOMS C/card	212	Harvey Norman	Cricut cutting machine and tools for \$468.00 - purchased for what please?	Cr Williams	Purchased by the events team to be used at events in general, it was initially used to cut the leaves for the reconciliation tree, other potential uses are signage/labelling etc.	Jo

13.5 COMMUNITY SERVICES

13.5.1 Nyoongar Cultural Advisory Group

Clarification was sought in relation to:

- The use of the meeting room at the Bilya Koort Boodja and adding a requirement for a welcome to country.
Chief Executive Officer advised that the hope is that while any one can use the room, they will still leave the centre with more of an understanding of the indigenous culture.
- Would a person hiring the room have to pay someone to do a welcome to country.
Chief Executive Officer advised that they would be able to do an acknowledgement to country at no cost.

14. MATTERS BEHIND CLOSED DOORS

RECOMMENDATION

Minute No: C.4525

Moved: Cr Ryan
Seconded: Cr Hughes

That Council, in accordance with section 11.1(i) of the Shire of Northam Standing Orders Local Law 2018 and Section 5.23 (2) (b) (c) (d) of the Local Government Act 1995, meet behind closed doors to consider agenda items:

- 14.1 Lease of a portion of Reserve 44700 - as the matter relates to a contract which may be entered into.
- 14.2 Unauthorised Structure – A72 – as the matter relates to the personal affairs of a person and legal advice obtained or which may be obtained.

CARRIED 10/0

14.1 LEASE OF A PORTION OF RESERVE 44700

Cr J E G Williams declared a "Proximity" interest in item 14.2 – Unauthorised Structure – A72 as a property that Cr Williams co-owns is located directly across a thoroughfare from the subject property.

Cr J E G Williams left the meeting at 6.10pm

14.2 UNAUTHORISED STRUCTURE – A72

RECOMMENDATION / COUNCIL DECISION

Minute No: C. 4526

Moved: Cr Mencshelyi

Seconded: Cr Ryan

That Council move out from behind closed doors.

CARRIED 10/0

Colin Young left the meeting at 6.20pm
Colin Young returned to the meeting at 6.23pm

Cr J E G Williams returned to the meeting at 6.36pm

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 FENCED DOG PARK

Clarification was sought in relation to:

- Would the petition be accepted with the majority of the signers not being located in Northam.
Chief Executive Officer advised that this document would not be recognised as a formal petition as it does not comply with the requirements under the Shire of Northam Standing Order local law. The proponent was advised of this.
- Is a fenced dog park part of any identified future plans of the Shire.
Executive Managed Development Services advised that it is not currently in a recognised plan, but discussions have been held previously.

16. URGENT BUSINESS APPROVED BY DECISION

Nil.

17. DECLARATION OF CLOSURE

The Shire President, Cr C R Antonio declared the meeting closed at 6.40pm.