



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Notes

Council Forum Meeting

14 December 2022



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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 14 April 2022.



JASON WHITEAKER
CHIEF EXECUTIVE OFFICER

Received Notes

These notes were received at an Ordinary Meeting of Council held on 21 December 2022.

Signed:

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

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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	C R Antonio
Deputy Shire President	M P Ryan
Councillors	D Galloway
	R W Tinetti
	A J Mencshelyi
	M I Girak (Forum Only)
	J E G Williams
	D A Hughes
	H Appleton

Staff:

Chief Executive Officer	J B Whiteaker
Executive Manager Engineering Services	S Patterson
Acting Executive Manager Development Service	J Jurmann
Executive Manager Community Services	J Metcalf (Forum Only)
Manager Seniors and Disability	N Hampton
Acting Executive Manager Corporate Services	K Matanga
Acting Governance Coordinator	A McCall
Acting Governance Officer	T Van Beek

Gallery:

Public	R Herzer
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3.1 APOLOGIES

Nil.

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
Bush Fire Advisory Committee held on 06 December 2022	12.3	Cr C R Antonio	Impartiality	Cr Antonio's brother is mentioned in the report.
Lease of a Portion of Lot 1 Withers Street, Northam	13.1.3	Cr C R Antonio	Impartiality	The potential lessors are known to Cr Antonio.
		Mrs A McCall	Impartiality	Mrs McCall knows the adjoining property owner and has removed herself from the process.
Second Hand Transportation – 10 Riverside Outlook, Northam	13.3.1	Cr A J Mencshelyi	Impartiality	The developer of the subject land is known to Cr Mencshelyi. Some lots in the area were purchased by Cr Mencshelyi (purchase O & A's) on behalf of his former employer.

5. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

A further announcement was made by the Shire President, Cr C R Antonio, advising that Executive Manager Engineering Services, Scott Patterson, has recently returned from leave in New Zealand, where he participated in the Softball World Championships as a member of the Australian Softball team and won the gold medal.

6. PUBLIC QUESTION TIME

6.1 PUBLIC QUESTIONS

Name: Robert Herzer

Background

Mr Herzer is attending the Council Forum meeting on behalf of the Irishtown Hall Club Inc. in relation to item 13.1.1 – Lease of 444 (Lot 440) Irishtown Road, Irishtown. Mr Herzer reiterated that they are only a small club, but they only struggle with paying for the insurance. The Irishtown Hall Club Inc. stand by the officer's recommendation to increase the insurance cap from \$2000 to \$3000 over the life of the lease (5 years)

Summary of Question: Is the increase to the cap of the insurance something that the Council are able to consider?

Summary of Response: Yes, this request is something that Council can consider. Council will consider all information provided in item 13.1.1 – Lease of 444 (Lot 440) Irishtown Road, Irishtown and come to a determination at the Ordinary Council Meeting on 21 December 2022.

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

To be provided in the agenda for Ordinary Council Meeting on 21 December 2022.

10. CONFIRMATION OF MINUTES

10.1 MINUTES FROM THE ORDINARY COUNCIL MEETING HELD 16 NOVEMBER 2022

Nil.

10.2 NOTES FROM THE STRATEGIC COUNCIL MEETING HELD 23 NOVEMBER 2022

Nil.

10.3 NOTES FROM THE COUNCIL FORUM MEETING HELD 14 DECEMBER 2022

Nil.

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

The Shire President, Cr C R Antonio, advised that item number 13.1.1 – Lease of 444 (Lot 440) Irishtown Road, Irishtown was to be brought forward for the convenience of the Public Gallery.

13.1.1 Lease of 444 (Lot 440) Irishtown Road, Irishtown

Clarification was sought in relation to:

- Why doesn't the Shire of Northam cover the full cost of the insurance? The Governance Coordinator advised that Council has previously made a determination to not pay the full cost of the insurance, rather make a 'contribution'. The Chief Executive Officer noted that if Council wanted to, they could move to cover the full cost of insurance.
- Is it general practice to cover the insurance for halls? The Chief Executive Officer advised that this situation was a little different to others due to it being a privately owned hall.

Mr R Herzer left the meeting at 5:39pm.

12. REPORTS OF COMMITTEE MEETINGS

12.1 COMMUNITY SAFETY COMMITTEE MEETING HELD ON 15 NOVEMBER 2022

Nil.

12.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON 01 DECEMBER 2022

Nil.

Cr C R Antonio declared an "Impartiality" interest in item 12.3 – Bush Fire Advisory Committee Meeting held on 06 December 2022 as Cr Antonio's brother is mentioned in the report.

12.3 BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON 06 DECEMBER 2022

Clarification was sought in relation to:

- Have there been problems with the community not using the sticker system? The Chief Executive Officer advised that there have been challenges historically. The Acting Executive Manager Development Services noted that the Shire have been receiving some resistance, but it is more from an communication/understanding point.
- Will the Shires insurance not cover a private vehicle? The Chief Executive Officer advised that it gets quite complicated. If the private vehicle is under the control of the Shire/Shire run Brigade, then they may be covered. The focus now is more about managing risks and ensuring the message delivered to the community is clear.
- Is there a known reason why the people who want to assist at fires won't join local brigades? The Chief Executive Officer advised that a number of reasons were mentioned during the meeting, potentially including the historical requirement for brigade members to attend at least 3 incidents a year to stay in the brigade, however the Shire is currently looking at implementing an annual induction for the brigades that would remove the requirements for attending a set number of incidents. Another potential reason is training requirements. The Shire is also looking at a recognition of currency system that can be implemented and brigade members can be marked off as competent.

A comment was made by the Chief Executive Officer regarding action 9 of the recommendation in which it is mentioned that decisions and changes to policies are happening with limited lead time and during the fire season. The Chief Executive Officer would like it noted that the changes that are referenced have been in the works for a longer period while staff corresponded with the leadership group and sought clarification around a range of issues which has impacted the implementation.

13. OFFICER REPORTS

13.1 CEO'S OFFICE

13.1.2 Western Australian Local Government Association (WALGA) – Best Practice Governance Review

Clarification was sought in relation to:

- Who was the officer who chose which ranking to recommend? The Chief Executive Officer advised that he is the reporting officer.
- As this is the option that uses Capital Alliances, are they open to all councilors? The Chief Executive Officer advised that the Capital Alliances was available for all councilors to attend.
- What was the rationale in selecting that option? The Chief Executive Officer advised that he looked at the Government principals WALGA endorsed at the AGM and used this as a guide, amongst a range of other matters including assessing what model was felt most appropriate for the Shire of Northam to be represented at WALGA, and previous focuses of the WA Regional Capitals Alliance (of which Council I a member) to be more represented at WALGA.

Cr C R Antonio declared an "Impartiality" interest in item 13.1.3 – Lease of a Portion of Lot 1 Withers Street, Northam as the potential lessors is known to Cr Antonio.

The Acting Governance Coordinator, Mrs A McCall, declared an "Impartiality" interest in item 13.1.3 – Lease of a Portion of Lot 1 Withers Street, Northam as Mrs McCall knows the adjoining property owner and has removed herself from the process of this report.

13.1.3 Lease of a Portion of Lot 1 Withers Street, Northam

Clarification was sought in relation to:

- Will the Shire still have full access to the windsock on the property? The Acting Governance Officer advised that the accessibility would not change.
- Would the Shire of Northam be able to terminate the lease at any time should the need arise? The Acting Governance Officer advised that the lease could be terminated with 1 months' notice.
- Is the fencing around the paddock stock proof? The Chief Executive Officer advised that we can only assume that it is stock proof. In all the years the paddock has been in use there have not been any reports of livestock getting in to the airport.
- Have the proposed lessors not been paying anyone for the use of the paddock in the past? The Acting Governance Officer advised that to their knowledge the users have not paid anyone.

13.1.4 Zero Emission Vehicle Transition Plan

Clarification was sought in relation to:

- How many vehicles would be taken home and used privately? The CEO advised that it would be approximately 20 vehicles.
- Would chargers for the vehicles have the ability to be portable and have a meter to record the power use? The Chief Executive Officer advised that it a potential option. Staff will need to do more work to ascertain what exactly this policy would look like, the report being presented recognises the additional work required, as does the officer recommendation around policy development.
- Will tracking energy use, as opposed to fuel use, require additional staff resources? The Chief Executive Officer advised that the intent would be to implement a system which minimised impacts on staff resources.
- The current fleet consists of utes and SUVs, however those models of vehicles are not yet available at fully electronic vehicles, will this be an issue? The Chief Executive Officer advised that the market is evolving quickly, however, to keep in mind that first and foremost the fleet cars are council assets and a high percentage of them do not have a work need which reflects the requirement for utilities. There may need to be some adjustment to the current fleet mix, however given the first full EV was not planned for a number of years, it was noted that each year new models are being released, which would more than likely include utilities.
- How accurate are the financial predictions in the prepared report? The Chief Executive Officer advised that the report has been modelled by an independent outside group using specific information on kilometres travelled and fuel used to view patterns etc. In saying this it is important to acknowledge the variables which made it hard to get be precise (such as changing EV capital costs, fuel price fluctuations, energy costs etc). The important element is that the financial elements of the report are considered accurate based on information available currently.

13.1.5 Resignation of Councillor and Extraordinary Election

Clarification was sought in relation to:

- Will the new Councillor be elected for the same term as Cr Curtis held? The Chief Executive Officer confirmed this to be correct.
- Is there no way to pressure the WA Electoral Commissioner to reconsider? The Chief Executive Officer advised that council could request to ask again but it is not likely for the WA Electoral Commission's stance to change.

13.2 ENGINEERING SERVICES

Nil.

13.3 DEVELOPMENT SERVICES

Cr A J Mencshelyi declared an "Impartiality" interest in item 13.3.1 – Second-Hand Transportable Dwelling – 10 Riverside Outlook, Northam as the developer of the subject land is known to Cr Mencshelyi. Some lots in the area were purchased by Cr Mencshelyi (purchase O & A's) on behalf of his former employer.

13.3.1 Second-Hand Transportable Dwelling – 10 Riverside Outlook, Northam

Clarification was sought in relation to:

- Is there any reason why the council can't approve the use of the second-hand dwelling? The Acting Executive Manager Development Services pointed out that it is the officer's recommendation to approve.
- Where there any covenants on the land which restricted or guided development at the proposed location? The Acting Executive Manager Development Services advised that there are no covenants of specific guidelines in place.
- Will there be any boundary issues? Acting executive Manager Development Services advised that they will not be any issues with the boundaries.
- If this was not a second hand dwelling would this still have needed to be submitted to council? The Acting Executive Manager Development Services advised that it is possible that it would, however not likely.
- What other houses are in the surrounding area? The Acting Governance Officer brought up google maps on the large screens in the room and the Acting Executive Manager Development Services pointed out and discussed the shape of the block and the types of houses in the general area.
- In the report it references that the pitch of the roof does not comply with regulations, is this correct? The Acting Manager Development Services advised that the pitch of the roof complies with the Building Code but not an old policy that officers use as a guide. There are no compliance issues.
- Is it a good idea to allow an old house to be put in with new houses in that area? The Acting Executive Manager Development Services advised that it is not considered an issue in this circumstance.
- Does the Shire of Northam have the ability to impose a bond in this instance? The Acting Executive Manager Development Services advised that it is possible, but officers did not see it as necessary in this instance.
- Why was the second-hand dwelling not placed on one of the blocks where it was originally located? The Acting Executive Manager Development Services advised that this was a commercial decision by the owner.

13.3.2 Review of Fees & Charges – Old Quarry Road Liquid Waste Facility

Clarification was sought in relation to:

- Are all of the main users' other local governments? The Acting Executive Manager Development Services advised that they have users from a broad area both commercial and local government use. Northam has essentially become a regional facility due other facilities being closed to general public.
- Do we see a lot of use from metro areas? The Acting Executive Manager Development Services noted that we do not see many metropolitan users outside of the Mundaring area.
- Is there any reason why the effluent waste ca not be emptied in to the sewerage lagoon? The Acting Executive Manager Development Services advised that the sewerage lagoon is owned by Water Corporation and it is not likely they would entertain the idea.

13.4 CORPORATE SERVICES

13.4.1 Accounts & Statements of Accounts – 1st November 2022 to 30th November 2022

Nil.

13.4.2 Financial Statement for the period ending 30th November 2022

Nil.

13.4.3 Department of Transport Licensing Agreement

Clarification was sought in relation to:

- It was previously discussed that another community organisation could take on the agreement with the Department of Transport, is this still a possibility? The Chief Executive Officer advised that it is not a possibility at this time.
- Would it be possible to negotiate a new rate? The Acting Executive Manager Corporate Services advised that they have been liaising with the Department of Transport regarding the rates.

13.5 COMMUNITY SERVICES

Nil.

14. MATTERS BEHIND CLOSED DOORS

14.1 CHIEF EXECUTIVE OFFICER REVIEW COMMITTEE MEETING HELD ON 09 NOVEMBER 2022

Nil.

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 ALL-ABILITIES PLAYGROUNDS WITHIN THE SHIRE OF NORTHAM

Clarification was sought in relation to:

- Is reference to all-inclusive in the notice of motion reflective of what is desired given the officer comment? The Chief Executive Officer advised that if the mover of the notice of motion is amenable it would be more appropriate to reference an all-inclusive element to the youth space, rather than reference being made to all inclusive – which gives the notion that the entire facility will be made inclusive, rather than just an element.

15.2 EXTENSION OF ROADSIDE RUBBISH COLLECTION TO QUELLINGTON AREA

Clarification was sought in relation to:

- Are there many areas that don't have rubbish collection? The Acting Executive Manager Development Services advised that there are a number of rural areas that don't as it is not financially viable.
- If Quellington was approved for rubbish collection, is it likely that other areas may demand the same? The Acting Executive Manager Development Services advised that it is providing a precedence for future reference.
- Would a fee for the rubbish collection be included on the rates? The Acting Executive Manager Development Services confirmed this to be correct. The Chief Executive Officer added that the shire does not have an opt in/opt out rubbish service, so if it is extended to Quellington that ALL rate payers in that area will have the fee added to their rates.

16. URGENT BUSINESS APPROVED BY DECISION

Nil.

17. DECLARATION OF CLOSURE

The Shire President, Cr C R Antonio, declared the meeting closed at 6:30pm.