



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Notes

Council Forum Meeting

09 November 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 11 November 2022.



JASON WHITEAKER
CHIEF EXECUTIVE OFFICER

Received Notes

These notes were received at an Ordinary Meeting of Council held on 16 November 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

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

Staff:

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

J B Whiteaker
C Young
J Jurmann
J Metcalf
A C McCall
T P Van Beek

Gallery:

Public

Fred Singleton

3.1 APOLOGIES

Executive Manager Engineering Services S Patterson

3.2 APPROVED LEAVE OF ABSENCE

Cr P T Curtis has been granted leave of absence from 19 September 2022 to 01 January 2023 (inclusive)

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
Community Grants Assessment Committee Meeting Held on 31 October 2022	12.1	Cr J E G Williams	Impartiality	Cr Williams is a member and/or attends Progress Associations that may benefit from grants.
		Cr H J Appleton	Impartiality	Cr Appleton has been a guest at multiple NACHA meetings.
		Cr A J Mencshelyi	Impartiality	Potential grantees of Community Grants are known to Cr Mencshelyi.
Council Meeting Dates 2023	13.1.2	Cr M I Girak	Impartiality	Cr Girak is an Elected Member of the Shire of Northam, and her decision of meeting locations can be a

				perceived conflict of interest.
Lease of the Wundowie Hall to the Wundowie Progress Association	13.1.3	Cr M I Girak	Impartiality	Fellow councillor David Galloway is the president of the Wundowie Progress Association.
		Cr A J Mencshelyi	Impartiality	The Chair of Wundowie Progress Association is known to Cr Mencshelyi and is a current Councillor.
		Cr C R Antonio	Impartiality	Some of the Wundowie Progress Executives are known to Cr Antonio.
		Cr D J Galloway	Impartiality	Cr Galloway is the president of the WPA which is seeking lease of the Wundowie Hall.
		Cr J E G Williams	Impartiality	Members of the Wundowie Progress Association are known to Cr Williams.
Review of the Shire of Northam Wards and Representation	13.1.4	Cr M I Girak	Impartiality	Fellow Councillors will be impacted by changes to the Wards and reduction of Elected Member numbers in the Shire of Northam.
		Cr J E G Williams	Impartiality	The position Cr Williams currently holds may be changed or removed at the next election.
		Cr M P Ryan	Impartiality	Fellow councillors known to Cr Ryan will be affected by the decision.
		Cr D A Hughes	Impartiality	Cr Hughes is an elected member of the Shire of Northam.
		Cr D J Galloway	Impartiality	Cr Galloway is currently a councillor effected by the ward review.
		Cr H J Appleton	Impartiality	Cr Appleton is currently a councillor effected by the ward review.
		Cr C R Antonio	Impartiality	All councillors, including Cr Antonio, will be impacted by any changes to wards

				and number of elected members.
Australia Day Community Citizen of the Year Awards 2023	14.1	Cr M I Girak	Impartiality	Some nominees for the Citizen of the Year Awards are known to Cr Girak.
		Cr C R Antonio	Impartiality	Most nominees for the Citizen of the Year Awards are known to Cr Antonio.
		Cr A J Mencshelyi	Impartiality	Some of the nominees are known to Cr Mencshelyi.
		Cr D A Hughes	Impartiality	Cr Hughes has known one of the nominees for many years.
		Cr R W Tinetti	Impartiality	Several of the nominees and nominators are known to Cr Tinetti.
		Cr H J Appleton	Impartiality	One of the nominated groups were supplied groceries through Cr Appleton's employer.
		Cr J E G Williams	Impartiality	Various nominees are known to Cr Williams.

5. ANNOUNCEMENT BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

No queries were raised in relation to this item.

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 19 OCTOBER 2022

Nil.

10.2 NOTES FROM THE COUNCIL FORUM MEETING HELD 09 NOVEMBER 2022

Nil.

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

The Shire President, Cr C Antonio, advised that item number 13.1.1 – Lease Agreement for Avon Valley Vintage Vehicle Association – Portion of Reserve 31355, 401 Fitzgerald Street, Northam was to be brought forward for the convenience of the Public Gallery.

13.1.1 Lease Agreement for Avon Valley Vintage Vehicle Association – Portion of Reserve 31355, 401 Fitzgerald Street, Northam

Clarification was sought in relation to:

- Is there any real change to the leased area?
Acting Governance Coordinator advised that there was no change to the leased area, just a renewal of the previous agreement. The only change to the agreement is the rental amount which is increasing slightly due to insurance.

1 member of the gallery left the meeting at 5:36pm

12. REPORTS OF COMMITTEE MEETINGS

Cr J E G Williams declared an "Impartiality" interest in item 12.1 – Community Grants Assessment Committee Meeting Held on 31 October 2022 as Cr Williams is a member and/or attends Progress Associations that may benefit from grants.

Cr H J Appleton declared an "Impartiality" interest in item 12.1 – Community Grants Assessment Committee Meeting Held on 31 October 2022 as Cr Appleton has been a guest at multiple NACHA meetings.

Cr A J Mencshelyi declared an "Impartiality" interest in item 12.1 – Community Grants Assessment Committee Meeting Held on 31 October 2022 as potential grantees of Community Grants are known to Cr Mencshelyi.

Further disclosure of interests is noted in the attached Committee Meeting Notes.

12.1 COMMUNITY GRANTS ASSESSMENT COMMITTEE MEETING HELD ON 31 OCTOBER 2022

Clarification was sought in relation to:

- If the Shire agreed to return to the 3 year Community Event Funding Agreements, would this fit under the term of reference?
CEO advised that this would fit under the term of reference but not under delegated authority. This would mean a number of the recommendations would be decisions made, but there would also be some that would have to be a motion to council.

13. OFFICER REPORTS

13.1 CEO'S Office

Cr M I Girak declared an "Impartiality" interest in item 13.1.2 – Council Meeting Dates 2023 as Cr Girak is an Elected Member of the Shire of Northam, and her decision of meeting dates can be a perceived conflict of interest.

13.1.2 Council Meeting Dates 2023

Clarification was sought in relation to:

- Clarification provided that not all attendees at the Bakers Hill meeting were there for specific items, at least 1 person attended just to observe the proceedings.
Acting Governance Coordinator advised this could be adjusted in the item.
- What is the cost/difference between having the meeting at another location compared to in the council chambers.
CEO advised that the cost is not significant to the budget at around \$1000 per meeting at another location. It is more about set up and pack down times as well as travel.
- Would forum meetings be held at other locations?
CEO confirmed that as recommended they would not.
- Was there any consultation with the community?
CEO advised that there was no community consultation at this time as the intent of the decision to defer this decision in 2022 was to utilise the previous 12 months as a trial before coming to a conclusive decision.
- Does the Local Government reform to go online need to be considered in regard to this?
CEO advised that it does not need to form part of this decision.

Cr M I Girak declared an "Impartiality" interest in item 13.1.3 – Lease of the Wundowie Hall to Wundowie Progress Association as fellow Councillor David Galloway is the president of the Wundowie Progress Association.

Cr A J Mencshelyi declared an "Impartiality" interest in item 13.1.3 – Lease of the Wundowie Hall to Wundowie Progress Association as the chair of the Wundowie Progress Association is known to Cr Mencshelyi and is a current councillor.

Cr C R Antonio declared an "Impartiality" interest in item 13.1.3 – Lease of the Wundowie Hall to Wundowie Progress Association as some of the Wundowie Progress Executives are known to Cr Antonio.

Cr D J Galloway declared an "Impartiality" interest in item 13.1.3 – Lease of the Wundowie Hall to Wundowie Progress Association as Cr Galloway is the President of WPA which is seeking lease of the Wundowie Hall.

Cr J E G Williams declared an "Impartiality" interest in item 13.1.3 – Lease of the Wundowie Hall to Wundowie Progress Association as members of the Wundowie Progress Association are known to Cr Williams.

13.1.3 Lease of the Wundowie Hall to Wundowie Progress Association

Clarification was sought in relation to:

- Can the expenses associated with the gardening around the hall be put to the association?
CEO advised that the decision is up to Council but noted that similar leases held between the Shire and Associations regarding halls have the Shire listed to maintain the gardens.
- Is all income regarding the hiring of the hall to go to the Association?
CEO confirmed this is correct.
- So the Association is to get the benefit of community grants as well as the income generated through hiring out the hall with out having to pay for maintenance?
CEO advised that this is correct, however it is the same as other leased halls. Also advised that it can be raise again at budget time to ensure that Council is comfortable with the total fees the Association received through income and grants.
- Will the Association have to report the income generated to the Shire?
Acting Governance Coordinator advised that they do not have to report it at this time, but it is something that can be looked at.
- Will the organisations who currently lease the hall regularly still be able to? (i.e. Silver Wings)
CEO confirmed that this requirement will be specified in the agreement if it goes ahead.

Cr M I Girak declared an "Impartiality" interest in item 13.1.4 – Review of Shire of Northam Wards and Representation as fellow Councillors will be impacted by changes to the Wards and reduction of Elected Member numbers in the Shire of Northam.

Cr J E G Williams declared an "Impartiality" interest in item 13.1.4 – Review of Shire of Northam Wards and Representation as the position that Cr Williams currently holds may be changed or removed at the next election.

Cr M P Ryan declared an "Impartiality" interest in item 13.1.4 – Review of Shire of Northam Wards and Representation as fellow Councillors known to Cr Ryan will be affected by the decision.

Cr D A Hughes declared an "Impartiality" interest in item 13.1.4 – Review of Shire of Northam Wards and Representation as Cr Hughes is an elected member of the Shire of Northam.

Cr D J Galloway declared an "Impartiality" interest in item 13.1.4 – Review of Shire of Northam Wards and Representation as Cr Galloway is currently a councillor effected by the ward review.

Cr H J Appleton declared an "Impartiality" interest in item 13.1.4 – Review of Shire of Northam Wards and Representation as Cr Appleton is currently a councillor effected by the ward review.

Cr C R Antonio declared an "Impartiality" interest in item 13.1.4 – Review of Shire of Northam Wards and Representation as all councillors, including Cr Antonio, will be impacted by any changes to wards and number of elected members.

13.1.4 Review of Shire of Northam Wards and Representation

Clarification was sought in relation to:

- How were Council numbers determined in the past?
CEO advised that the Council numbers were previously based on reviews undertaken by Local Governments in the last 15-20 years.
- How were the proposed representation numbers generated this time? Looking at the information provided, if the Shire of Northam have to reduce to 8 representatives, then shouldn't the Shires of York and Toodyay have to reduce to 1 and 2 respectively?
The Shire President advised that the State Government provided the Shire with directives on how many representatives should be required in each Band. The Shire of Northam being a Band 2 needs to reduce numbers to between 5 and 9 Councillors. However due to the shire being one of the smallest councils in Band 2 it was determined to reduce further than the minimum number. The CEO also advised that the information provided in relation to Toodyay and York was only provided as a comparison for informational purposes, if we were to compare the Shire of Northam to some of the larger city local governments our numbers would need to be lower too.
- Are other Local Governments in the same position as us?
CEO confirmed that this is correct.
- If we didn't meet the guidelines in 2023 but we did in 2025 would that be suitable?
CEO advised that it is not suitable according to the guidelines, but we are unsure of what repercussions may occur if we fail to meet them and if it will be different to the last time.

- Could the Shire President election effect the ward representations due to it being a public election and being unable to predict which ward the successful nominee will come from?
CEO advised of possible ways that the elections could run and how that may affect the ward representations. It would be clarified through the Department of Local Government in relation to whether the President would still need to be allocated to a ward, there by reducing the number of representative seat available in that ward.
- Do the Shire officers see anything wrong with going to a two ward system?
CEO advised that they do not foresee any issues and they is why it is part of the recommendation.

13.2 ENGINEERING SERVICES

Nil.

13.3 DEVELOPMENT SERVICES

Cr H J Appleton left the meeting at 6:06pm

Cr H J Appleton returned to the meeting at 6:07pm.

13.3.1 South West Native Title Settlement – Land Base Consultation Various

Clarification was sought in relation to:

- Have we received any further indication of how many of these we will be receiving?
Acting Executive Manager Development Services advised that they have not received that information.
- Has the been any community consultation before these inquiries have been sent to the Shire?
Acting Executive Manager Development Services advised that they have not heard of any consultation prior to receiving them. Noting that it was like they are seeking stakeholder consultations at this time.
- In relation to the house that is excluded from the overview, how would that work, and have they been consulted?
CEO advised that they have not been consulted as the only thing that would change is who the land is vested to.

13.3.2 South West Native Title Settlement – Land Base Consultation List 913

Clarification was sought in relation to:

- Will they be responsible for the fire breaks?

Acting Executive Manager Development Services confirmed this was their understanding.

- The red area on the map north of the town, is this all steep country?

Acting Executive Manager Development Services confirmed this is correct.

13.3.3 Proposed Scheme Amendment No. 18 – 54 Byfield Street, Northam

Clarification was sought in relation to:

- What type of house could be built on this land? Something 4x2 or smaller?

Acting Executive Manager Development Services confirmed that it could be something of that size. The assumption is that the houses would be similar to the Evoke Living module houses.

- How many lots will be developed?

Acting Executive Manager Development Services advised that their understanding is that there will be 4 lots in the development and 3 lots opposite the church.

- What does R15 and R20 mean?

Acting Executive Manager Development Services advised that this is in relation to the density of developments allowed in the area.

- Are they just going to develop the area and then sell it off?

Acting Executive Manager Development Services advised that they are unable to confirm that at this time.

13.4 CORPORATE SERVICES

Nil.

13.4.1 Accounts & Statements of Accounts – 1st October – 31st October 2022

No queries were raised in relation to the item.

13.4.2 Financial Statement for the period ending 31st October 2022

No queries were raised in relation to the item.

13.5 COMMUNITY SERVICES

Nil.

14. MATTERS BEHIND CLOSED DOORS

Refer to Confidential Addendum

15. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

16. URGENT BUSINESS APPROVED BY DECISION

Nil.

17. DECLARATION OF CLOSURE

The Shire President, Cr C R Antonio, declared the meeting closed at 6:31pm