



Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Agenda

Special Council Meeting

22 March 2023



NOTICE PAPER
Special Council Meeting
22 March 2023

President and Councillors

I inform you that a Special Council Meeting will be held in the Council Chambers, located at 395 Fitzgerald Street, Northam on 22 March 2023 at 5:30 pm.

Yours faithfully



Jason Whiteaker
Chief Executive Officer

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.

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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.

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1 DECLARATION OF OPENING

2 SWEARING IN OF WEST WARD COUNCILLOR

The recently elected Councillor is required to undertake a declaration to office in accordance with the requirements of Section 2.29 of the Local Government Act 1995, Regulation 13 of the Local Government (Constitution) Regulations 1998 and the Oaths, Affidavits and Statutory Declarations Act 2005.

The swearing in will be witnessed by the President of the Shire of Northam. The prescribed form will be provided by the Shire President on the night of the Special Council meeting.

The new Councillor is encouraged to invite friends and family to attend the meeting to witness the swearing in ceremony.

3 ACKNOWLEDGEMENT OF 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.

4 ATTENDANCE

4.1 ATTENDEES

Council:

Shire President

Deputy Shire President

Councillors

C R Antonio

M P Ryan

D J Galloway

R W Tinetti

A J Mencshelyi

M I Girak

J E G Williams

D A Hughes

H J Appleton

L C Biglin

Staff:

Chief Executive Officer

J Whiteaker

Acting Executive Manager Engineering Services

C B Hunt

Acting Executive Manager Development Services

J Jurmann

Executive Manager Corporate Services

C J Young

Executive Manager Community Services

J Metcalf

Governance Coordinator

A C McCall

Governance Officer

T P Van Beek

4.2 APOLOGIES

Nil.

4.3 APPROVED LEAVE OF ABSENCE

Nil.

4.4 ABSENT

Nil.

5 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

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

7 PUBLIC QUESTIONS

8 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

9 RECEIVING OF PETITIONS, PRESENTATIONS AND DEPUTATIONS

9.1 PETITIONS

Local Government Act 1995 s6.10

Shire of Northam Standing Orders Amendment Local Law 2018

- (1) A petition is to –
 - (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and Page 13
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

9.2 PRESENTATIONS

Local Government Act 1995 s6.11

Shire of Northam Standing Orders Amendment Local Law 2018

- (1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

9.3 DEPUTATIONS

Local Government Act 1995 s6.9

Shire of Northam Standing Orders Amendment Local Law 2018

- (1) Any person or group wishing to be received as a deputation by the Council is to either-
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either-
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

11 CONFIRMATION OF MINUTES

Nil.

12 ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY

13 REPORTS OF COMMITTEE MEETINGS

Nil.

14 SPECIAL ITEMS

14.1 Shire of Northam Committees of Council

File Reference:	5.1.3.1, 8.2.5.26
Reporting Officer:	Alysha McCall (Governance Coordinator)
Responsible Officer:	Jason Whiteaker (Chief Executive Officer)
Officer Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Press release to be issued:	No

BRIEF

For Council to consider filling the committee vacancies following the extraordinary election for the West Ward position on 16 March 2023.

ATTACHMENTS

1. Bushfire Advisory Committee Terms of Reference 2021 - 2023 [**14.1.1** - 5 pages]
2. Community Grants Assessment Committee Terms of Reference 2021 - 2023 [**14.1.2** - 1 page]

A. BACKGROUND / DETAILS

Committee Name:

Bush Fire Advisory Committee

Committee Purpose:

To provide efficient and responsive fire service and as a Committee to advise the Council on matters relating to bush fire, make recommendations and advise Council on all matters relating to bush fire planning, control, management and rehabilitation and will liaise with other emergency organisations and relevant bodies with regard to Fire and Emergency Management within the Shire of Northam.

Meeting Frequency:

Quarterly, further meetings convened as required.

Next Meeting:

13 June 2023, 5:30pm.

Current Meeting day:

Tuesday.

Meeting Location:

Shire of Northam Council Chambers.

Current Council representatives:

Cr Maria Girak and Ex-Councillor Paul Curtis

Terms of reference:

Attachment 1.

Committee Name:	<u>Community Grants Assessment Committee</u>
Committee Purpose:	To make recommendations to Council on the Shire of Northam's grants scheme.
Meeting Frequency:	As required, approximately four (4) meetings annually.
Next Meeting:	To be confirmed
Current Meeting day:	Ad-hoc.
Meeting Location:	Shire of Northam Committee Room.
Current Council representatives:	Cr Chris Antonio, Cr Dave Galloway, Cr Attila Mencshelyi and Cr Rob Tinetti, Cr Des Hughes and Ex-Councillor Paul Curtis
Terms of reference:	Attachment 2.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: Performance. Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

B.2 Financial / Resource Implications

As elected members are paid annual fees in lieu of fees for attending meetings, travel expenses for attendance at any meeting called will be an additional expense incurred. Committee Members attending committee meetings are entitled to claim for expenses incurred. No meeting fees are payable to employees or non-Councillors.

B.3 Legislative Compliance

- Local Government Act 1995, Part 5 Administration, Division 2 Council meetings, committees and their meetings and electors' meetings.
- Local Government Act 1995 Section 7.1A. Audit committee.
- Local Government Act 1995 Section 7.12A. Duties of local government with respect to audits.
- Bush Fires Act 1954, Section 67.
- Emergency Management Act 2005 Section 38 – Local Emergency Management Committees.

B.4 Policy Implications

Nil.

B.5 Stakeholder Engagement / Consultation

Nil.

B.6 Risk Implications

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	Nil		
Health & Safety	Nil		
Reputation	Nil		
Service Interruption	Nil		
Compliance	Non-compliance with the relevant legislation.	Medium (3) x Possible (3) = Moderate (9)	Adoption of Terms of Reference. The Terms of Reference are designed to ensure that the committees operate in accordance with this. In addition, Council has an adopted Code of Conduct for Council and Committee Members.
Property	Nil		
Environment	Nil		

B.7 Natural Environment Considerations

Nil.

C. OFFICER'S COMMENT

Nil.

RECOMMENDATION

That Council in accordance with the provisions of Section 5.10(1)(a) of the Local Government Act 1995:

1. Appoint Cr _____ as a member of the Bush Fire Advisory Committee.
2. Appoint Cr _____ as a member of the Community Grants Assessment Committee.

ABSOLUTE MAJORITY VOTE OF SIX (6) REQUIRED

TERMS OF REFERENCE

SHIRE OF NORTHAM BUSH FIRE ADVISORY COMMITTEE

1. Objectives of Bush Fire Advisory Committee

Northam Bush Fire Advisory Committee is established pursuant to Section 5.8 of the Local Government Act 1995 and Section 67 of the Bush Fires Act 1954 within the local government boundaries of the Shire of Northam. The committee's objective is to provide efficient and responsive fire service and as a Committee to advise the Council on matters relating to bush fire, make recommendations and advise Council on all matters relating to bush fire planning, control, management and rehabilitation.

To liaise with other emergency organisations and relevant bodies with regard to Fire and Emergency Management within the Shire of Northam.

Reports from the committee will assist Council in discharging its legislative responsibilities of controlling the local government's affairs, determining the local government's policies and overseeing the allocation of the local government's finances and resources.

2. Powers of the Bush Fire Advisory Committee

The committee is a formally appointed committee of Council and is responsible to that body. The committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated financial responsibility. The committee does not have any management functions and cannot involve itself in management processes or procedures.

The committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its term of reference in order to facilitate informed decision-making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

3. Membership

3.1 Full voting members

- Chief Bush Fire Control Officer;
- Two (2) Deputy Chief Bush Fire Control Officers;
- Two (2) Shire of Northam Elected Members;
- One (1) delegate or proxy representative from each of the registered Shire of Northam Volunteer Bush Fire Brigades listed below:
 - Bakers Hill Bush Fire Brigade;
 - Clackline/Muresk Bush Fire Brigade;
 - Grass Valley Bush Fire Brigade;
 - Inkpen Bush Fire Brigade;
 - Irishtown Bush Fire Brigade;
 - Jennapullin Bush Fire Brigade;
 - Southern Brook Bush Fire Brigade;
 - Northam Central Bush Fire Brigade; and
 - Wundowie Bush Fire Brigade.
- One (1) delegate or proxy representative from Northam Volunteer Fire and Rescue Service; and
- One (1) delegate or proxy representative from Wundowie Volunteer Fire and Rescue Service.

3.2 Non-voting

- Shire of Northam Community Emergency Services Manager;
- Department of Fire and Emergency Service Northam District Officer;
and
- Department of Parks and Wildlife Manager.

4. Meetings

The committee shall meet at least two times annually.

Additional meetings shall be convened at the discretion of the presiding person.

5. Reporting

Reports and recommendations of each committee meeting shall be presented to the next ordinary meeting of the Council.

6. Duties and Responsibilities

The committee is to facilitate:

- Preventing, controlling and extinguishing of bush fires
- The planning of the layout of fire-breaks in the district
- Prosecutions for breaches of the Bush Fire Act 1954
- The formation of bush fire brigades
- The ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities
- Any other matter relating to bush fire control whether of the same kind, as, or a different kind from, those specified
- Provide guidance and advise to Council to the carrying out the functions of the local government in relation to bush fires.
- Develop and recommend to Council appropriate processes for bush fires.

7. Tenure of Membership

Shall be in accordance with the Local Government Act, section 5.11.

8. Authority

Bushfires Act 1954, 22 January 2016
Section 67, Advisory committees

A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

9. Committee

9.1 Chairperson

The committee shall elect one of their number to be chairman thereof in accordance with the Local Government Act 1995, section 5.12

9.2 Secretary

A Shire employee will fulfil the role of non-voting Secretary.

9.3 Quorum

The quorum at any meeting shall be half plus one of the number of offices.

9.4 Voting

Shall be in accordance with the Local Government Act, Section 5.21

9.5 Minutes

Shall be in accordance with the Local Government Act, Section 5.22.

A copy of the unconfirmed minutes shall be forwarded to all members within fourteen (14) days of the meeting for endorsement at the next meeting.

Members are given at least 5 working days after the minutes of a BFAC meeting are circulated to comment or raise issues associated with the wording of the minutes, before the BFAC minutes are included in a Council agenda; and

Each draft document considered by BFAC is amended in accordance with BFAC resolutions and the amended version is circulated to BFAC members for at least 5 working days for comment before it is included in the Council agenda.

Recommendations arising from the minutes shall be presented to Council in the next available Council agenda for endorsement and/or action.

The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify confirmation.

9.6 Who Acts If No Presiding Member

Shall be in accordance with the Local Government Act, Section 5.14.

9.7 Meetings

Meetings shall be generally open to the public pursuant to Section 5.23 of the Local Government Act and include question time for members of the pursuant to Section 5.24 of the Local Government Act.

9.8 Members Interests to be Disclosed

Members of the Committee are bound by the provisions of the Local Government Act Section 5.65 with respect to disclosure of financial, impartiality or proximity interests.

9.9 Brigade Reports

Each member brigade shall provide a brigade report to the meeting.

9.10 Working Groups

A working group can be established to carry out specific tasks. A working group will undertake only those duties specified by the committee.

9.11 Deputations

A person or organisation maybe invited to attend any meetings but such persons shall not be entitled to vote on any decision arising from such meetings.

TERMS OF REFERENCE SHIRE OF NORTHAM COMMUNITY GRANTS ASSESSMENT COMMITTEE
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1. Purpose of the Shire of Northam Community Grants Assessment Committee

The purpose of the Community Grants Assessment Committee is to oversee and make determinations on all matters associated with the Community Grants Scheme.

2. Powers of the Community Grants Assessment Committee

The Community Grants Assessment Committee is a formally appointed committee of Council and is responsible to that body. The Community Grants Assessment Committee is delegated authority by Council to receive and assess grant applications; and make a final determination on all grant applications received as part of the Community Grants Scheme.

3. Membership

Voting members:

- Up to 6 Council Representatives

Ex-officio members:

- Chief Executive Officer or nominated representative, i.e. Executive Manager Community Services;
- Manager Community Recreation & Youth Services
- Community Development Officer

4. Meetings

Meetings will be convened as required.

5. Reporting

Minutes and decisions of each Community Grants Assessment Committee meeting shall be presented to the next Ordinary Meeting of the Council.

6. Duties and Responsibilities

- a) Receive and assess grant applications for the Community Grants Scheme; and
- b) Make a final determination on all grant applications received as part of the Community Grants Scheme.

15 MATTERS BEHIND CLOSED DOORS

Nil.

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17 URGENT BUSINESS APPROVED BY DECISION

Nil.

18 DECLARATION OF CLOSURE