



ANNUAL GENERAL MEETING OF ELECTORS

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MINUTES

For the Annual General Meeting of Electors held in the Council Chambers on Thursday, 22 February 2024 commencing at 5.30pm.

Opening of Meeting

The Presiding Member opened the meeting at 5.30pm

Acknowledgment of Country

We acknowledge the cultural custodians of the land on which we gather. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

Attendance, Apologies and Leave of Absence

President - Cr J Mountford

Councillors - S Mahoney (Deputy)
- J Boyle
- M Fletcher
- L Pearce
- A Pratico

Officers - N Gibbs, Chief Executive Officer
- M Richards, Executive Manager, Community & Economic Development
- L Taramoeroa, Executive Assistant

Apologies - Cr T Lansdell
- R Redman
- M Christensen

Attendance of Electors

B Moore, J Moore, P Logryn, B Bebbington, J Birks, S Ewing, D Hocking, T Dittrich

Confirmation of Minutes

Attachment 1 Minutes of the AGM of Electors held 02 February 2023

A Motion is required to confirm the Minutes of the Annual General Meeting of Electors held 02 February 2023.

Moved Cr Moore, Seconded Cr Boyle

That the Minutes of the Annual General Meeting of Electors held 02 February 2023 be confirmed as a true and correct record.

Carried

Annual Report & Annual Financial Report

Attachment 2 Annual Report and Annual Financial Report for the year ended
30 June 2023

A Motion is required to receive the Annual Report and Annual Financial Report for the year ended 30 June 2023, as presented.

Moved Cr Pratico, Seconded Cr Boyle
That the Annual Report & Annual Financial Statements for the 2022/23 year be received as presented.

Carried

General Business Regarding the Financial Statements – Nil

B Bebbington

Question

“Page 42 – Under governance, disclosure of annual salaries, refers to the section about disclosure of certain levels above \$130,000, disclosing to and yet then outlines the CEO salary, including the whole package. Is it correct that the regulation only has the cash component of the salary? That appears to be all that's been disclosed since one is. The CEO salary is purported to be under \$190,000 but then declares being \$198,000. Is there an explanation?”

Executive Manager, Corporate Services – The previous CEO received a cash component of \$188,915 and salary sacrificed \$9,943 towards his personal super contribution which equates to \$198,858; however, when reporting in annual financial statements, this doesn't get reported due to his personal contribution and falls within the band range of \$180,000 – \$190,000.

General Business

B Bebbington

Question

“New parcel lockers at the post office, bright red on the side of the building, which appear to be inconsistent with section 75 of the Town Planning Scheme and land use policy 10. It is listed as a heritage building that needs specific approval. Was it done as a building approval or a planning approval?”

Executive Manager, Planning & Development – A Development Approval (DA) P046/2023 was issued to the owner of the post office for a new outbuilding, post office boxes and SPL lockers. Advice from the Heritage Council was sought prior to the DA being issued and the Heritage Council did not oppose the development.

“At the November Ordinary Council Meeting in Greenbushes regarding the \$250,000 for developer contributions? Have they been paid? Would building a park be a requirement for the developer or the Shire?”

CEO Response – Originally there was going to be a \$30,000 contribution from the developer, however, the developer is not required to pay this until the end of the development. Unfortunately, \$30,000 won't buy much playground equipment so we will have to source funds elsewhere.

“Can we extend that to a review of all the subdivisions to ensure that if there was a requirement that the Shire can get that done as quickly as possible?”

CEO Response – That is what we're intending to do.

“Steere St, Steward Lane, Civic Lane Carpark and the Newsagent ACROD parking – considering the change in circumstances when Tourist Bureau turns into the Railway Station – will it be appropriate to review lack of ACROD bay and traffic flow?”

CEO Response – We are about to commence significant review of the Town Plan Scheme and will bring an Urban Planner and a Town Planner into that conversation. It is a significant issue we want addressed as early as possible, but we are only in the early stages of planning. This project is a 2024/2025.

Executive Manager, Economic & Community Development – We do have some plans to include another ACROD parking bay in front of Westpac – we do have 2 ACROD bays in the Railway Carparking there.

CEO Response – Executive Manager, Infrastructure has sought a technical solution that he believes will work whilst liaising with businesses involved.

“Pathway to access the visitor's centre and across the town. If someone was to trip over and hurt themselves, is it the Shire's responsibility or the landowner?”

Executive Manager, Planning & Development – This would become a matter to be decided by the insurer due to the mixed tenure of the land involved.

‘Would a motion from this meeting representing the electors asking for crossover point to be installed, would that be of assistance to the Shire's endeavours?’

CEO Response - Yes

A Motion asks that Council is to investigate improved access and crossover of the railway line, specifically for access to the old railway station and from the car park to the CBD.

Moved Cr Mountford, Seconded Cr Pratico
That Council is to investigate improved access and crossover of the railway line, specifically for access to the old railway station and from the car park to the CBD.

Carried

“Stanifer Street and Grey's Road – Speed changes. How can we improve the responsiveness or the time it's taking in relation to these matters with Main Roads?”

Shire President – We have sent a letter to the Minister, asking the Minister to intervene.

CEO Response – Since then, we have received advice from Main Roads who have agreed to reducing the limit on Stanifer Road to 40km. However, they also want to apply the 40km limit to the whole townsite. As the whole townsite was not in the original request, we are doing a mail out to all the people living in the townsite, asking whether they are agreeable to Main Roads preference.

B Moore

Question

“Since November 2023 there has been no pulled motions on the agenda. Is that deliberate or an oversight?”

CEO Response – Council has temporarily ceased ‘pulling’ agenda items based on advice from Mr James McGovern (Manager, Governance, WALGA) that:

The purpose and intent of the Local Government Act is to provide for public availability of Council Agenda and related documents (Admin Reg 14) and for items in the Agenda to be discussed at open Council meetings (s5.23). The fundamental issue with cl.3.9 of the Shire’s Standing Orders Local Law is that it presumes debate will occur in relation to items listed in the Agenda; this is in direct conflict with the provisions of Part 10 of the Standing Orders, where a mover and seconder is required prior to any debate. Further, cl 3.9(2) of the Standing Orders could perceivably lead to the provision of additional material or information to Council Members that is not made available to the public as required by Admin Reg 14.

The Shire’s Standing Orders Local Law makes appropriate reference to the process for debating and voting on substantive motions.

The Standing Orders provides an appropriate opportunity for Council Members to ask question on substantive motions – cl. 10.20; and for provisions of the Standing Orders to be suspended to facilitate open discussion – cl. 18(1).

In closing, WALGA advises that cl 3.9(f) is highly unusual content compared to standard Local Government Standing Orders / Meeting Procedures Local Laws and does not feature in the WALGA template Local Law. In addition to the above comments, a particular concern relates to cl 3.9(f) which appears to create a requirement that justification is needed for a debate to occur. Apart from conflicting with Part 10 of the Standing Orders, this arguable conflicts with the rights of a Council Member to participate in meetings as a decision-maker, as per s 2.10(d) of the Local Government Act. This has the effect of providing Council with the power to direct members to refrain from taking part in meetings to the fullest extent, and any direction to do so and is therefore inconsistent with Local Government Act. In the event of an inconsistency between the Act and a local law, s3.7 of the Act states:

A local law made under this Act is inoperative to the extent that it is inconsistent with this Act or any other written law. It is therefore arguable that cl 3.9(f) and potentially other provisions under cl 3.9 are inconsistent with the Act, and may be inoperative.



“Are meetings then conducted with all the other elements of the standing orders being utilised?”

CEO Response - Yes

Closure

The Presiding Member closed the meeting at 5.50 pm.

List of Attachments

Attachment	Details
1	Minutes of the AGM of Electors held 02 February 2023
2	Annual Report & Annual Financial Report for the year ended 30 June 2023
Minute Papers prepared and recommended by L Taramoeroa, Executive Assistant	 19 Mar 2024
Minute Papers authorised by N Gibbs, CEO	 19 Mar 2024