



Shire of Cunderdin

Minutes of the Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of Cunderdin Shire Council was held on Thursday 15th December 2022 in the Cunderdin Shire Council Chambers, WA, 6407 commencing at 5.00pm.

Stuart Hobley
Chief Executive Officer
15th December 2022

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1. Declaration of Opening

The Shire President declared the meeting open at 5.09 pm

The Shire of Cunderdin disclaimer was read aloud by Cr AE (Alison) Harris.

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

2. Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

Cr AE (Alison) Harris	Shire President
Cr A (Tony) Smith	Deputy Shire President
Cr TE (Todd) Harris	
Cr B (Bernie) Daly	
Cr N (Natalie) Snooke	
Cr W (Sam) Stewart	

In Attendance

Stuart Hobley	Chief Executive Officer
Hayley Byrnes	Deputy Chief Executive Officer
Samantha Pimlott	Governance & Administration Officer

Guests of Council

Members of the Public

2.2 Apologies

Cr NW (Norm) Jenzen

2.3 Leave of Absence Previously Granted

3. Public Question Time

Nil.

4. Petitions, Deputations & Presentations

Nil.

5. Applications for Leave of Absence

Nil.

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 17th November 2022

Resolution 6.1 OCM December 2022

That the Minutes of the Ordinary Council Meeting held on Thursday 17th November 2022 be confirmed as a true and correct record.

Moved: Cr B (Bernie) Daly

Seconded: Cr N (Natalie) Snooke

Vote – Simple majority

Carried: 6/0

Note to this item:

The President signed the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Chief Executive Officer, Stuart Hobleby has declared a financial interest in Item 9.11

8. Announcements by President without Discussion

Cr AE (Alison) Harris thanked Councillors for the efforts over the past 12 months. The Shire of Cunderdin has had a strong year with many achievements.

Thank you extended to the administration team for their accomplishments over the past year and feels that the Shire of Cunderdin is in a very strong position moving into 2023.

She wished everyone a very happy and safe Christmas.

9. Finance & Administration

9.1 Financial Reports for November 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	7 December 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.1.1 – November 2022 Monthly Financial Report Attachment 9.1.2 - Rates Details November

Proposal/Summary

The financial reports as at 30th November 2022 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

The *Local Government Act 1995* Part 6 Division 3 requires that a monthly financial report be presented to Council.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.1 OCM December 2022

That Council receives the monthly financial reports for the periods ending 30th November 2022.

Moved: Cr W (Sam) Stewart

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

9.2 Accounts Paid – 30th November 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	7th December 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.2.1 – November Creditors Listing Attachment 9.2.2 - Credit Card Statement November 2022

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

Total for Municipal -	\$328,167.51
Total for Trust -	\$0.00
TOTAL -	\$328,167.51

For September 2022 as listed in the Warrant of Payments for the period 1st to 30th November 2022.

Background

Nil.

Comment

Nil.

Consultation

Nil.

Statutory Environment

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.2 OCM December 2022		
1. That Council's payments of accounts amounting to \$328,167.51 being from Municipal Account for November 2022, as follows:		
Municipal Account	\$	Total
Electronic Funds Transfer: EFT 6483 - 6668	\$293,117.10	
Direct Debit (Inc Bank Charges):	\$17,710.83	
Cheques: 11825 - 11832	\$17,339.58	
Trust Account		
	\$0.00	
TOTAL		\$328,167.51
Moved: Cr A (Tony) Smith Vote – Simple majority	Seconded: Cr TE (Todd) Harris Carried: 6/0	

9.3 Council Investments – As at 30th November 2022

Location:	Cunderdin
Applicant:	Deputy Chief Executive Officer
Author:	Hayley Byrnes
Report Date:	7th December 2022
Item Approved By:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.3 - Bank Statements November 2022

Proposal/Summary

To inform Council of its investments as at 30th November 2022.

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 30th November 2022.

COUNCIL ACCOUNTS					
Institution	Amount	Investment type/ Account details	Municipal Funds	Reserve Funds	Trust Funds
Westpac Bank	\$346,827.34	Municipal- 0000030	\$346,827.34		
Bendigo Bank	\$1,798,176.44	Municipal- 155971377	\$1,798,176.44		
Westpac Bank	\$146.78	Business Cash Reserve 22-3647 0.50%		\$146.78	
Bendigo Bank	\$2,643.00	Bendigo Trust Account 164 488 686			\$2,643.00
Westpac Bank	\$1.00	Trust Working Account 12-2981			\$1.00
Bendigo Bank	\$1,231,978.86	Term Deposit 3.10% Exp 10 Jan 2023		\$1,231,978.86	
Bendigo Bank	\$2,000,000.00	Term Deposit -4.00% Exp 10 May 2023	\$2,000,000.00		
Bendigo Bank	\$500,000.00	Term Deposit -3.45% Exp 10 Feb 2023	\$500,000.00		
Bendigo Bank	\$500,000.00	Term Deposit -3.65% Exp 10 March 2023	\$500,000.00		
TOTAL INVESTMENTS	\$6,379,773.42		\$5,145,003.78	\$1,232,125.64	\$2,644.00

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits as below & operating Ac#000073- \$22,162.38

CUNDERDIN COMMUNITY TRUST DETAILS
INTEREST ACCOUNT
30 November 2022

Opening Balance as per Bank Statement & Term

Deposits	Term Deposit# 4032054	170,195.64
	TOTAL	170,195.64
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term	TOTAL	170,195.64
INCOMING		0.00
		0.00
OUTGOING		0.00
Balance as at end of month	TOTAL	170,195.64

CUNDERDIN COMMUNITY TRUST DETAILS
CAPITAL ACCOUNT
30 November 2022

Opening Balance as per Bank Statement & Term

Deposits	Term Deposit# 4032053	370,603.80
	TOTAL	370,603.80
Credits		0.00
Debits		0.00
Closing Balance as Per Bank Statements & Term	TOTAL	370,603.80
INCOMING		0.00
		0.00
OUTGOING		0.00
Balance as at end of month	TOTAL	370,603.80

Consultation

Nil.

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long Term Financial Plan when determining annual Council Budgets.

Resolution 9.3 OCM December 2022

That the report on Council investments as at 30th November 2022 be received and noted.

Moved: Cr N (Natalie) Snooke

Seconded: Cr B (Bernie) Daly

Vote – Simple majority

Carried: 6/0

9.4 Adoption of the agreement between the Shire of Cunderdin and WA Contract Ranger Services

Location:	Shire of Cunderdin
Applicant:	Deputy Chief Executive Officer
Date:	15 November 2022
Author:	Hayley Byrnes
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment 9.4 - Ranger Service Agreement 2022

Proposal/Summary

For Council to consider the adoption of the WA Contract Ranger Services Agreement.

Background

Council has been utilising the WA Contract Ranger Services since March 2015, it was not common practice to hold service agreements with contactors such as rangers when we started using their service.

It had previously been brought to our attention that for legal purposes we have a Ranger Service agreement in place. The original agreement to utilise WA Contract Ranger Services was adopted at the October 2019 Ordinary Council Meeting through resolution 9.7;

Resolution 9.7

That Council:

- 1. Enter into a new Ranger Service Agreement with WA Contract Ranger Services Pty Ltd for the purpose of completing contractor to provide the services to and on behalf of the shire.*

*Moved: Cr Alison Harris
Vote – Simply Majority*

*Seconded: Cr Di Kelly
Carried: 8/0*

The agreement outlined the responsibilities of each party such as liability, insurance, and confidentiality. It did not go into job specifics and just refers to the acts a Local Government Rangers must abide by.

The adopted agreements expired on the 1st of November 2022 as such we are required to enter into a new agreement for ranger services.

No changes to the service currently provided however employee and running costs fees were increased from \$85.00 to \$95.00 per hour plus GST as per advice received from WA Contractor Ranger Services via email dated 18th June 2022 with an effective date of 1 July 2022.

Comment

The service provided by WA Contract Ranger Service has been more than satisfactory since the original agreement began in 2015. They provide one day a fortnight service and will attend emergencies or callouts as required.

Over the past few years Council has had very few complaints with the respect to the level of service or professionalism. It is believed it would be difficult for Council to find another range service provider in this area.

Consultation

WA Contract Ranger Services

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub

Resolution 9.4 OCM December 2022

That Council;

1. Enter into a new Ranger Service Agreement with WA Contract Ranger Services Pty Ltd for the purpose of completing a contractor agreement to provide the services to and on behalf of the shire.

Moved: Cr B (Bernie) Daly

Seconded: Cr W (Sam) Stewart

Vote – Simple majority

Carried: 6/0

9.5 Amendment to the Fees and Charges 2022/2023

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	24 th November 2022
Author:	Brooke Davidson
Item Approved by:	Stuart Hobley, Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

It is proposed that Council adopt the following new/amendments to our Fees and Charges:

Sandalwood Unit 1 – Rent for non-palliative use - \$300 per week

14 Robyn Street Cunderdin – Rent subsidised for CESM accommodation - \$250 per week

Background

Unit 1/51 Lundy Avenue, was built primarily for Palliative Care for the Shire of Cunderdin and surrounding towns. It was completed and ready for occupancy toward the end of 2018. The unit was furnished by the Shire of Cunderdin and WACHS, however has not been used for its intended purpose to date.

The Shire of Cunderdin will be providing accommodation for the new Community Emergency Services Manager at 14 Robyn Street, Cunderdin. The new accommodation is required from January 2023.

Comment

The Shire was approached by the WA Country Health Service searching for a furnished premises to lease short term for their Centre Manager, arriving 30th October 2022. Unit 1, the designated Palliative Care unit, was unoccupied at the time of the enquiry. A short term lease for 4 weeks was provided to WACHS.

The new Community Emergency Services Manager's contract has a subsidised rent of \$250 to lease the premises at 14 Robyn Street, Cunderdin.

Consultation

Mr Stuart Hobley, Chief Executive Officer
Alison Harris, Shire President
WA Country Health Service

Statutory Implications

Local Government Act 1995 – Section 6.16

6.16. Imposition of fees and charges

A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* Absolute majority required.

A fee or charge may be imposed for the following —

providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

supplying a service or carrying out work at the request of a person;

subject to section 5.94, providing information from local government records;

receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

supplying goods;

such other service as may be prescribed.

Fees and charges are to be imposed when adopting the annual budget but may be — imposed* during a financial year; and amended* from time to time during a financial year.

Local Government Act 1995 – Section 6.19

Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —its intention to do so; and the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil

Financial Implications

Amending the 2022/2023 Fees and Charges adopted by Council, of the following charges;

An additional fee for “Sandalwood Unit 1 – Rent for non-palliative use - \$300 per week”

An additional fee for “14 Robyn Street Cunderdin – Rent subsidised for CESM accommodation - \$250 per week”

Strategic Implications

Key Result Area – Infrastructure and Transport

We work together for the provision of essential services and assets to support our growing community.

Resolution 9.5 OCM December 2022

That Council;

1. Approve the addition of fee for Sandalwood Unit 1 – Rent for non-palliative use - \$300 per week.
2. Approve the addition of fee for 14 Robyn Street Cunderdin – Rent subsidised for CESM accommodation - \$250 per week.

Moved: Cr TE (Todd) Harris

Seconded: Cr A (Tony) Smith

Vote – Absolute majority

Carried: 6/0

9.6 Tender 3 – 21/22 – Resurfacing and Upgrade of the Cunderdin War Memorial Olympic Pool Basin- Additional Expenditure.

Location:	Cunderdin
Applicant:	Administration
Date:	30 th November 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.6 - Project Details letter form Wetdeck pools

Proposal/Summary

For Council to review the variation submitted by Wetdeck Pools in regard to additional works completed as part of the resurfacing and upgrade of the Cunderdin War Memorial Olympic Pool Basin.

Background

Council has received funding from the LRCI Program with the aim to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It is recommended where possible to utilise local business and workforces to deliver projects under the LCRI Program to ensure stimulus funding flows into local communities.

Council had previously allocated \$160,000.00 of the Phase Two amount to the Resurfacing and upgrade of the Cunderdin War Memorial Olympic Pool.

Council completed a request for quotation that closed on the 16th September 2021, only one quote was received exceeding the amount of funding allocated to the project.

Council reviewed the matter and met with Matt Mildwaters from Contract Aquatics on the 16th of December to review the Cunderdin War Memorial Pool options for repair.

Council have been working with Matt Mildwaters to create a Scope of Works for this project. The Scope of works included completing concrete repairs and if require a complete rebuild of the Pool construction joints and cracks.

Tenders were completed via public Tenders and were advertised in the West Australian on the 15th January 2022. Tenders closed at 12 pm on the 10th February 2022.

The Tenders were presented to Council at the Ordinary Council Meeting held 17th February 2022.

Resolution 9.8 OCM February 2022

That Council:

Accepts the Tender submitted by WetDeck Pools for the amount of \$274,450.00 as per the attached schedule.

- 1. That the President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract Agreement for Tender 03 – 2021/2022 Resurfacing and upgrade of the Cunderdin War Memorial Olympic Pool Basin.*
- 2. That all other tenders be advised of (1) above; and*
- 3. That an amount of \$104,450 be transfer from the capital expenditure of the Industrial Land to capital expenditure of the Pool Development.*

There were some variations to the project that were unknown until the works were in progress, while there was some savings made in areas there were additional expenses and works that were able to be completed saving time and funds by completing them while the works was in progress. The variations were discussed with the CEO and assessed throughout completion of the project. A detailed report was provided to the CEO.

Comment

Council on the 29th November 2022 received correspondence from Wetdeck Pools advising of a variation in the Tender Price including a detailed listing of the variation in works and price (attached).

The total variation cost is an additional \$14,555.00 ex GST.

To resolve the tender variation, budget expenditure for the amount of \$14,555.00 excl GST can potentially be transferred from another Building Project that will be unobtainable due to the current climate resulting in the unavailability of contractors and the lack of material availability. The projects that are currently inhibited due to the outlined constraints and are:

- New Bathroom (2 Togo Street) \$25,000.00
- New Kitchen (82 Mitchell Street) \$15,000.00
- New Bathroom (82 Mitchell Street) \$15,000.00
- Cracking on front of Museum \$40,000.00
- Drainage works (Museum) \$25,000.00

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Deputy Chief Executive Officer
Matt Mildwaters, Contract Aquatics.

Statutory Environment

Local Government (Functions and General) Regulations 1996

Regulations 11 to 24 deals with tenders for providing goods and services in detail.

Policy Implications

Shire of Cunderdin Policy

3.1 Purchasing Framework

Financial Implications

Refer to the summary attachment.

Strategic Implications

Shire of Cunderdin Strategic Community Plan 2022 -2032

1. Community and Social

- 1.2 A healthy and safe community is planned for Sport and recreation facilities are upgraded in a planned, cohesive and timely manner.

3. Built Environment

- 3.3 Enhance public spaces and townscapes

5.Civic leadership

5.2 Forward planning and implementation of plans.

Resolution 9.6 OCM December 2022

That Council;

1. Accepts the Tender variations submitted by Wetdeck pools for the amount of \$14,555.00 ex GST
2. That an amount of \$14,555.00 ex GST be transferred from the budgeted Building Projects - New Bathroom (2 Togo Street) \$25,000.00, New Kitchen (82 Mitchell Street) \$15,000.00, New Bathroom (82 Mitchell Street) \$15,000.00, Cracking on front of Museum \$40,000.00 or Drainage works (Museum) \$25,000.00 that will be unable to be completed in 2022/23 due to contractor and or material unavailability.

Moved: Cr B (Bernie) Daly

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

9.7 Receiving Minutes of Local Emergency Management Committee

Location:	Cunderdin
Applicant:	Administration
Date:	7 th December 2022
Author:	Hayley Byrnes
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachment/s:	Attachment 9.7 - LEMC Meeting Minutes

Proposal/Summary

For Council to receive the minutes for the Local Emergency Management Committee held on the 6th December 2022.

Background

The Minutes listed above have been attached for Councillor Review and they have been made available to the public.

Comment

The Local Emergency Management Committee made one Resolution OCM December 2022 to Council, this is presented in the next Agenda item for Council to review and consider.

Consultation

Mrs Samantha Pimlott – Governance and Administration Officer

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.7 OCM December 2022

That the Minutes of the Local Emergency Management Committee Meeting held on the 6th December 2022 be received.

Moved: Cr W (Sam) Stewart

Seconded: Cr N (Natalie) Snooke

Vote – Simple majority

Carried: 6/0

9.8 Acting Chief Executive Officer

Location:	Shire of Cunderdin
Applicant:	Governance & Administration Officer
Date:	7 th November 2022
Author:	Samantha Pimlott
Item Approved by:	Deputy Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to endorse the appointment of an Acting Chief Executive Officer whilst the CEO, Stuart Hobley takes a period of Annual Leave.

Background

Stuart Hobley will be taking Annual Leave from Tuesday 20th December 2022 through to Friday 27th January 2023 returning to work on Monday 30th January 2023.

As per Shire of Cunderdin Council Policy 2.2 - Appointing an Acting Chief Executive Officer, the Deputy Chief Executive Officer is suitably qualified to be appointed as Acting CEO by the CEO when the CEO is on periods of leave.

Comment

The period of leave to be taken will equate to five (5) weeks and four (4) days being twenty nine (29) working days inclusive of three (3) public holidays during this period.

Section 2.2 (b) of the Shire of Cunderdin Council Policy allows for the CEO to appoint the DCEO to act on their behalf for a period of up to 1 month.

The period of leave scheduled to be taken will exceed this 1 month allowance therefore a determination by Council is required to approve the appointment of Hayley Byrnes as Acting CEO for the duration of the CEO's annual leave.

An Acting CEO is authorised to exercise all duties, powers and responsibilities assigned to the position of CEO, subject to any limitations that may be imposed by the Council.

Consultation

Nil

Statutory Environment

Local Government Act 1995 5.37 Local government employees

Local Government Act 1995 5.39C Policy for temporary employment or appointment of CEO

Local Government Act 1995 5.41 Functions of CEO

Local Government (Administration) Regulations 1996 Part 4 r18A & r18B.

Policy Implications

Shire of Cunderdin Council Policy 2.1 - Senior employees – Designation

Shire of Cunderdin Council Policy 2.2 - Appointing an Acting Chief Executive Officer

Financial Implications

Employee leave is within the budget provisions for 2022/2023.

Strategic Implications

6. Civic Leadership

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity, and act in good faith on behalf of their constituents.

CL6.1 Deliver sustainable governance through transparent and robust policy and processes.

CL6.2 Undertake the civic duties of Council with the highest degree of ethics.

CL6.3 Provide community leadership and lobby Federal and State Government to strengthen service provision within the Shire. Explore diverse income streams, including grants.

Resolution 9.8 OCM December 2022

That Council;

1. Approve and endorse the appointment of Hayley Byrnes to fulfill the duties, powers, delegations and responsibilities of Acting CEO from Thursday 22nd December 2022 to Wednesday 18th January 2023;
2. Approve and endorse the appointment of Craig Robinson to fulfill the duties, powers delegations and responsibilities of Acting CEO from 19th January 2023 – 29th January 2023.

Moved: Cr TE (Todd) Harris

Seconded: Cr W (Sam) Stewart

Vote – Absolute majority

Carried: 6/0

9.9 WALGA Governance Review

Location:	Shire of Cunderdin
Applicant:	Administration
Date:	8 th December 2022
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley
Disclosure of Interest:	Nil
File Reference:	Nil
Attachments:	Attachment 9.9.1 - Best Practice Governance Review Background Paper Attachment 9.9.2 - Best Practice Review Consultation Paper Model Options

Proposal/Summary

The Western Australian Local Government Association (WALGA) is seeking feedback from local governments on its Best Practice Governance Review. This an opportunity to review and reshape the governance model, where necessary, so that WALGA is well-placed to represent, respond and deliver outcomes for their members.

Background

WALGA has, as a part of its Corporate Strategy 2020-25, identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review include:

- Misalignment between key governance documents; Constitution, Corporate Governance Charter, State Council Code of Conduct, and Standing Orders – stemming from varying amendments;
- State Council's 3 September 2021 resolution requesting amendment to the Constitution to "deal with matters related to State Councillors' Candidature for State and Federal elections";
- Proposed legislative reforms to remove WALGA from being constituted under the Local Government Act 1995 (WA); and
- Constitutional requirements for WALGA to become a registered organisation under the Industrial Relations Act 1979 (WA), which would enable WALGA to make applications in its own right to the Western Australian Industrial Relations Commission.

In March 2022 WALGA's State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. The BPGR Steering Committee had its first meeting on 5 May 2022. There was wide-ranging discussions regarding WALGA's current governance model, better membership engagement, and opportunities for change. At the meeting, five (5) comparator organisations were identified to be used as part of the comparative analysis. The subsequent Steering Committee meetings focused on the development of governance model principles.

WALGA has presented 5 governance model options:

- Option 1 – Two tier model, existing zones;
- Option 2 – Board, regional bodies;
- Option 3 – Board, amalgamated zones;
- Option 4 – Member elected board, regional groups; and
- Option 5 – Current model

Comment

WALGA’s Corporate Strategy 2020-2025 identifies its governance model as a key enabler of performance, with the following description: “We have contemporary governance and engagement models.” Member and stakeholder feedback from a range of sources over several years has highlighted dissatisfaction with the current governance model. Specifically:

- Structure – WALGA’s governance structure is seen by members and stakeholders as creating roadblocks, hindering decision-making, and holding WALGA back;
- Responsiveness – there is a perception among members and stakeholders that WALGA’s governance model is slow and bureaucratic in an environment that requires agility;
- Prioritisation and Focus – members and stakeholders acknowledge the challenges of developing unified Local Government policy positions and advocacy priorities given the diversity of Local Government sector interests;
- Transparency and Accountability – feedback from members and stakeholders suggests that WALGA should be more transparent about its decision-making processes; and
- Zones – Feedback from members and stakeholders in relation to Zones and Zone meetings is mixed. A proportion of WALGA’s membership believes that Zones are not as representative, strategic nor effective as they potentially could be.
















The following principles were endorsed at the State Conference Annual General Meeting which was held on 2 October 2022.

- Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies;
- Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders; and
- Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.

WALGA is now seeking formal feedback by 23 December 2022, via a Council decision, on governance model options as presented in the Consultation Paper.

In addition, WALGA will be undertaking independent consultations from CEOs and Elected Members.

Below are the 5 options, including the current model, with details of each of their key governance bodies.

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
<p> Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents</p> <hr/> <p> Policy Council (25 members) 24 members plus President</p> <hr/> <p> Zones (5 metro, 12 country)</p>	<p> Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents</p> <hr/> <p> Regional Bodies (4 metro, 4 country)</p> <hr/> <p> Policy Teams / Forums / Committees</p>	<p> Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents</p> <hr/> <p> Zones (6 metro, 6 country)</p> <hr/> <p> Policy Teams / Forums / Committees</p>	<p> Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents</p> <hr/> <p> Policy Teams / Forums / Committees</p> <hr/> <p> Regional Groups</p>	<p> State Council (25 members) 24 State Councillors 1 President</p> <hr/> <p> Zones (5 metro, 12 country)</p> <hr/> <p> Policy Teams / Forums / Committees</p>

Attachment 2, pages 15-19 illustrates the nuances of each Option.

Obviously Option 5, the status quo, current model provides the clearest reference point upon which to try and best judge the other four (4) options. It is perhaps very subjective therefore how one can assess alternate options or models. However, given WALGA is asking local governments to provide feedback on which Option might suit Cunderdin's needs (as a member) and the needs of the Association moving forwards, the following subjective comments / observations are provided for assisting debate from the sole perspective of the Chief Executive Officer, who has witnessed and participated in WALGA and its predecessors' zones, over the past 37 years and also undertaken a five (5) day Australian Institute of Company Directors Course:

- WALGA represents 139 member local governments, whose size, scale, location and diversity is very extreme. For this reason it is often difficult to obtain a view on some issues that is 'acceptable' to all. That is the primary reason WALGA has always had an equal representation from metropolitan based local governments versus non (Country), with the President alternating from year to year. Notwithstanding going against the principles of one vote one value.
- WALGA originally (2001) was formed from the merger of the Western Australian Municipal Association, Country Shire Council's Association and the Local Government Association of WA and Country Urban Councils Association.
- Option 5 is known and whilst cumbersome, represents the best way of the diversity of viewpoints across the State and size and scale of local governments.
- Sometimes there is safety in the known compared to the unknown.
- The existing Option is sometimes frustrating and time consuming and lengthy to get to an agreed perspective, but could be argued can provide a more balanced view given the diversity of members.
- Options 1, 2, 3 and 4 all introduce the concept of a Board (elected still) and between two (2) to three (3) independent Board Members. This might add cost but also add 'value' and professional viewpoints (Accountant, Lawyer etc).
- Options 1 and 5 retain the current zones. That might be relevant as an issue given likely travel times and distance, compared to the other Options, which would probably result in the tendency to use teleconference as opposed to face to face and meet less frequently?
- WALGA Consultation Paper (Attachment 2) notes that the Options meet the Principles as follows (highlighting arguably WALGA's position that there is an argument for change):
 - Option 1 score of 8/10
 - Option 2 score of 8/10
 - Option 3 score of 7/10
 - Option 4 score of 7/10
 - Option 5 score of 4/10.

In summary, it could be argued that local governments don't utilise or see value in zones for many years. Tending to go directly with an issue, given the diversity and clumsiness of the zone and board system of the current model.

What has worked well, is advocacy as for a sector for many years, particularly given the complexity and diversity of its members perspectives and needs.

The only question remains then is what is the preferred model moving forwards? Does Cunderdin recommend status quo, which its own Association is indicatively saying it is no longer functional or fit for purpose or we take a risk and vote for change?

The key is which option best suits Cunderdin and its community and interest first and foremost, secondly those of the Wheatbelt of WA and lastly those of regional WA?

On balance it is believed that Option 1, Two Tier Model with existing zones is worth pursuing, noting that allowing up to three (3) independents on a 11 person Board could be potentially dangerous to meeting the

needs of members (if those independent Board Members aren't selected carefully). However, there is safety in the status quo, if the Council wishes to go with that preference.

Consultation

WALGA are seeking feedback from all Western Australian local governments.

Statutory Implications

Proposed Legislative reforms could also impact WALGA's governance arrangements.

- The Minister for Local Government's reforms to the Local Government Act 1995 proposes to remove WALGA from being constituted under the Local Government Act.
- A review of WA's Industrial Relations Act 1979 provides an opportunity for WALGA to be constituted as a registered employer organisation, which would enable WALGA to make applications in its own right on behalf of the sector

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

5.3 Implement systems and processes that meet legislative and audit obligations

Capability of our organization is continually improved

Resolution 9.9 OCM December 2022

That Council respond to the request of the Western Australian Local Government Association (WALGA) regarding its Governance Review, that the Shire of Cunderdin:

1. Endorses the principles that inform WALGA's future governance model and accompanying governance implications below:
 - a. Representative – WALGA unites and represents the entire Local Government sector in WA and understands the diverse nature and needs of members, regional communities and economies;
 - b. Responsive – WALGA is an agile association which acts quickly to respond to the needs of members and stakeholders; and
 - c. Results Oriented – WALGA dedicates resources and efforts to secure the best outcomes for Local Government and supports the delivery of high-quality projects, programs and services.
2. Believes that Option 1, the Two Tier Model with existing zones is preferred, with its second preference the status quo, in option 5, the Current Model.

Moved: Cr B (Bernie) Daly

Seconded: Cr A (Tony) Smith

Vote – Simple majority

Carried: 6/0

9.10 Chief Executive Officers Report

Location:	Shire of Cunderdin
Applicant:	Chief Executive Officer
Date:	8 th December 2022
Author:	Stuart Hobley
Item Approved by:	Stuart Hobley, Chief Executive Officer
File Reference:	Nil
Attachments:	Attachment 9.10.1 - CEO Report Indicative Subdivision Plan on Aerial Photo - Lots 45-48 Hodgson, Watts & Togo St, Cunderdin Attachment 9.10.2 - CEO Report Indicative Subdivision Plan - B&W - Lots 45-48 Hodgson, Watts & Togo St, Cunderdin

Proposal/Summary

To provide an update on the matters the Chief Executive Officer has been addressing over the past month.

Background

Local Roads and Community Infrastructure Program Phase 3 Projects

O'Connor Park

Contractor has been appointed and work has commenced on the project. The site has been cleared and earthworks have commenced. A walkthrough with the contractor was held on the 6 December. The project is expected to be completed in March/April 2023.

Meckering Earthquake Memorial Garden

The Request for Quote for the works is nearly completed which includes the planning and design of the design of the project. The Requests for Quotes were called for and no responses were received. The Shire is now looking for a suitably qualified contractor to complete the works.

Cunderdin Golf Club – Shed

The Golf Club has been advised of the funding and has commenced planning.

Gliding Club – Ablutions

The Gliding Club is obtaining quotes to complete the works. Once this is completed the Shire will meet with the Club to discuss the works and project management options.

Meckering Apex Park

The Meckering Action Group decided not to proceed with the redevelopment of the APEX park, opting to wait for the stage 3 redevelopment of Meckering concept plan. With the LRCI funding allocated to the project (\$20 000), we are planning to fence the front access of the playground and if budget allows provide a shade structure over the picnic area.

Tennis Club – Installation of the Soft Fall.

Completed

Cunderdin Sport and Recreation Club - Blinds

Completed.

Community Emergency Services Manager (CESM)

The new CESM has commenced and attended the recent LEMC Meeting. He is currently living in Quairading, but will move to Cunderdin early in January and will reside in Councils property on Robyn Street.

So far this fire season there have been several small fires within the Shire and several more on our borders. The Shire has handed out an unprecedented number of uniforms in the past month and has ordered more.

Cunderdin Industrial Lot Development

The Shire has been verbally advised that there were no issues with the Heritage and Cultural Survey that was conducted. The design work on the CBH entrance has also been approved.

CBH have verbally advised that they will support the amalgamation of two parcels of its land into the industrial development. This will be completed with the lodgement of the subdivision application.

Local Government Election Transition Arrangements

The Shire of Cunderdin has completed the documents for the Community Consultation stage of the representation review. Public advertising has commenced and the reports will be circulated throughout the Shire by all means of communication.

Signage

New signage for the Shire has been designed with the assistance of Castledine and Castledine. The designs were reviewed by Council at the Forum on the 10 November 2022.

It was agreed that quotes would be sought for “banner style” signs on the Great Eastern Hwy and new signs at the Shire boundaries on the major (bitumen) roads.

New signs have also been sought for the office, depot, transfer station and pool. Road finger signs will be replaced with the new logo signage.

Town information sign and tourism sign will be replaced subject to individual project development and cost.

Quotes have been sought for new sign based on the designs agreed upon.

Watts Street Land

Council planner Mr Joe Douglas is presenting a proposal for the subdivision of the land at Watts Street during the Council Forum. After listening to the presentation Council needs to give consideration to the course of action it wishes to undertake.

Cubbine Street – Speed Change

Council has received complaints requesting that the speed signs on Cubbine Street (coming off the Cunderdin Quairading Road) be moved further north to slow traffic down as it comes into town. It has been requested that the 50km/hr sign replace the 80km/hr sign and the 80sign move further north.

It is not the first time that Council has received complaints about this section of road, especially at the intersection of Figert Road, where there is limited vision north, and vehicles are coming over the hill at 80km/hr.

Main Roads are the ultimate decision maker when it comes to speed changes, however they have advised that in this case it would be possible to move the signs. It is proposed that the Manager of Works liaise with Main Roads to move the speed signs further out of Town to reduce the speed of traffic coming into Town.

Auction Lot 121 Cunderdin Wyalkatchem Road – Non payment of Rates

The auction of Lot 121 Cunderdin Wyalkatchem Road (Old Sandblasters) for the non payment of rates will be held on the 9th February 2023.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.10 OCM December 2022

That the Chief Executives Officers Report be received.

Moved: Cr TE (Todd) Harris

Seconded: Cr W (Sam) Stewart

Vote – Simple majority

Carried: 6/0

9.11 Move Behind Closed Doors

Resolution 9.11 OCM December 2022

That Council move behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr A (Tony) Smith

Seconded: Cr W (Sam) Stewart

Vote – Simple majority

Carried: 6/0

Chief Executive Officer, Stuart Hobley left the room at 5.47pm after declaring a financial interest in Item 9.12

9.12 Annual Performance Review – Chief Executive Officer

9.13 Move from Behind Closed Doors

Resolution 9.13 OCM December 2022

That Council move from behind closed doors in accordance with s.5.23 of the Local Government Act.

Moved: Cr B (Bernie) Daly

Seconded: Cr TE (Todd) Harris

Vote – Simple majority

Carried: 6/0

Stuart Hobley returned to meeting at 6.03pm.

10. Environmental Health and Building

Nil Items.

11. Planning & Development

Nil Items

12. Works & Services

Nil Items.

13. Urgent Items

Nil Items.

14. Scheduling of Meeting

14.1 February 2023 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 16th February 2023 commencing at 5:00pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407.

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 6:04pm.

16. Certification

DECLARATION

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 15th December 2022, as shown, were confirmed at the ordinary meeting of Council held on 16th February 2023.

Signed: 

Date: 16.2.2023.