



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on **Thursday 23rd June 2022** in the Cunderdin Shire Council Chambers, WA, 6407 **commencing at 5.00pm.**

Stuart Hobley
Chief Executive Officer
24th June 2022

| | | |
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MINUTES

1. Declaration of Opening

The Shire President declared the meeting open at 5:03 pm.

The Shire of Cunderdin disclaimer will be 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 W (Sam) Stewart | |
| Cr NW (Norm) Jenzen | |
| Cr N (Natalie) Snooke | |

In Attendance

| | |
|---------------|--------------------------------|
| Stuart Hobley | Chief Executive Officer |
| Hayley Byrnes | Deputy Chief Executive Officer |

Guests of Council

Members of the Public

2.2 Apologies

Nil.

2.3 Leave of Absence Previously Granted

Nil.

3. Public Question Time

Nil.

4. Petitions, Deputations & Presentations

Nil.

5. Applications for Leave of Absence

Recommendation 5.1

That Council approve Leave of Absence for Cr N Jenzen from 21/07/2022 to 21/07/2022 inclusive

Moved: Cr W Stewart

Seconded: Cr B Daly

Vote – Simple Majority

Carried: 7/0

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 19th May 2022

Recommendation 6.1

That the Minutes of the Ordinary Council Meeting held on Thursday 19th May 2022 be confirmed as a true and correct record.

Moved: Cr B Daly

Seconded: Cr N Jenzen

Vote – Simple Majority

Carried: 7/0

Note to this item:

The President will sign the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Nil.

8. Announcements by President without Discussion

Nil.

9. Finance & Administration

9.1 Financial Reports for May 2022

| | |
|--------------------------|---|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Date: | 14th June 2022 |
| Author: | Hayley Byrnes |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| File Reference: | Nil |
| Attachment/s: | 2 attachments – Monthly Report May 2022 & May Rates Report |

Proposal/Summary

The financial reports as at 31st May 2022 are presented for Councils 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

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

Moved: Cr A Smith

Seconded: Cr N Snooke

Vote – Simple Majority

Carried: 7/0

9.2 Accounts Paid – 30th May2022

| | |
|--------------------------------|--|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Author: | Hayley Byrnes |
| Report Date: | 14th June 2022 |
| Item Approved By: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 2 attachments – Creditor's list of payments May 2022 Credit Card Statement May 2022 |

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

| | |
|-----------------------|--------------|
| Total for Municipal - | \$978,617.24 |
| Total for Trust - | \$0.00 |
| TOTAL - | \$978,617.24 |

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

1. That Council's payment of accounts amounting to \$978,617.24 being from Municipal Account for May 2022, as follows:

| Municipal Account | \$ | Total |
|--|--------------|---------------------|
| Electronic Funds Transfer: EFT 6097 - 6165 | \$889,269.40 | |
| Direct Debit (Inc Bank Charges): | \$15,542.87 | |
| Cheques: 11783 - 11787 | \$73,804.97 | |
| | | |
| TOTAL | | \$978,617.24 |
| | | |
| | | |

be confirmed and noted; and,

2. That the Payments List as presented be incorporated in the Minutes of the Meeting.

Moved: Cr W Stewart

Seconded: Cr N Jenzen

Vote – Simple Majority

Carried:7 /0

9.3 Council Investments – As at 31st May 2022

| | |
|--------------------------------|--|
| Location: | Cunderdin |
| Applicant: | Deputy Chief Executive Officer |
| Author: | Hayley Byrnes |
| Report Date: | 14 th June 2022 |
| Item Approved By: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 1 Attachment- Bank Statements May 2022 |

Proposal/Summary

To inform Council of its investments as at 31st May 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 31st May 2022.

| COUNCIL ACCOUNTS | | | | | |
|------------------------------|-----------------------|---|-----------------------|-----------------------|-------------------|
| Institution | Amount | Investment type/ Account details | Municipal Funds | Reserve Funds | Trust Funds |
| Westpac Bank | \$1,570,068.17 | Municipal- 0000030 | \$1,570,068.17 | | |
| Bendigo Bank | \$2,191,267.41 | Municipal- 155971377 | \$2,191,267.41 | | |
| | | | | | |
| 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 | \$1,228,299.01 | Term Deposit 0.45% Exp 28 June 2022 | | \$1,228,299.01 | |
| TOTAL INVESTMENTS | \$4,992,425.37 | | \$3,761,335.58 | \$1,228,445.79 | \$2,644.00 |

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Accounts being Bendigo Term Deposits# 3864633 \$369,862.05 & # 3864655 - \$169,855.00

| CUNDERDIN COMMUNITY TRUST DETAILS <u>INTEREST ACCOUNT</u> 31 May 2022 | | |
|--|-----------------------|-------------------|
| Opening Balance as per Bank Statement & Term Deposits | | |
| | Term Deposit# 3864655 | 169,855.00 |
| | TOTAL | 169,855.00 |
| Credits | | 0.00 |
| Debits | | 0.00 |
| Closing Balance as Per Bank Statements & Term Deposits | TOTAL | 169,855.00 |
| INCOMING | | 0.00 |
| | | 0.00 |
| OUTGOING | | 0.00 |
| | | |
| Balance as at end of month | TOTAL | 169,855.00 |

| CUNDERDIN COMMUNITY TRUST DETAILS <u>CAPITAL ACCOUNT</u> 31 May 2022 | | |
|---|-----------------------|-------------------|
| Opening Balance as per Bank Statement & Term Deposits | | |
| | Term Deposit# 3864633 | 369,862.05 |
| | TOTAL | 369,862.05 |
| Credits | | 0.00 |
| Debits | | 0.00 |
| Closing Balance as Per Bank Statements & Term Deposits | TOTAL | 369,862.05 |
| INCOMING | | 0.00 |
| | | 0.00 |
| OUTGOING | | 0.00 |
| | | |
| Balance as at end of month | TOTAL | 369,862.05 |

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

That the report on Council investments as at 31st May 2022 be received and noted.

Moved: Cr T Harris

Seconded: Cr N Jenzen

Vote – Simple Majority

Carried: 7/0

9.4 Shire of Cunderdin Meeting Dates for 2022/2023

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Governance and Administration Officer |
| Date: | 23 rd May 2022 |
| Author: | Emma McMiles |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | Calendar |

Proposal/Summary

For Council to consider the Council and Committee Meetings dates and times for the 2022/23 financial year.

Background

Each year Council is required to set the dates for their Ordinary and Committee Meetings for the next financial year.

Currently Ordinary Meetings of Council are held on the third (3rd) Thursday of each month commencing at 5:00pm. The month of January has no scheduled meeting.

Council Forum is held the Thursday two (2) weeks prior to the Council Meeting.

Comments

The current meeting schedule has been in place for some time.

The proposed dates are:

| Month | Meeting Date |
|----------------|-------------------------------------|
| July 2022 | Thursday 21 st July |
| August 2022 | Thursday 18 th August |
| September 2022 | Thursday 15 th September |
| October 2022 | Thursday 20 th October |
| November 2022 | Thursday 17 th November |
| December 2022 | Thursday 15 th December |
| January 2023 | No Meeting Scheduled |
| February 2023 | Thursday 16 th February |
| March 2023 | Thursday 16 th March |
| April 2023 | Thursday 27 th April |
| May 2023 | Thursday 18 th May |
| June 2023 | Thursday 15 th June |

- **From the 20th April to the 27th April 2023**

The 7th April and 10th April 2023 are Public Holidays for Easter. To allow enough time for end of month and agenda items, it is proposed to extend till the 27th April 2023.

In accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, Council must give local public notice of the times, dates, and place for Ordinary and Committee meetings.

Consultation

Nil.

Statutory Implications

Local Government Act 1995 – section 5.3 Ordinary and Special Meetings of Council

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Local Government (Administration) Regulations 1996 – Regulation 12 Public Notice of Council and Committee meetings

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*are to be held in the next 12 months.*
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place, and purpose of the special meeting.*
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

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

That Council adopts and provides Local Public Notice for the following Ordinary Council and Committee Meeting dates, time, and places for the 2022/2023 financial year:

1. The date for Ordinary Council Meetings to be as follows, commencing at 5:00pm and being held in the Council Chambers, Lundy Avenue, Cunderdin:

| Month | Meeting Date |
|----------------|-------------------------------------|
| July 2022 | Thursday 21 st July |
| August 2022 | Thursday 18 th August |
| September 2022 | Thursday 15 th September |
| October 2022 | Thursday 20 th October |
| November 2022 | Thursday 17 th November |
| December 2022 | Thursday 15 th December |
| January 2023 | No Meeting Scheduled |
| February 2023 | Thursday 16 th February |
| March 2023 | Thursday 16 th March |
| April 2023 | Thursday 27 th April |
| May 2023 | Thursday 18 th May |
| June 2023 | Thursday 15 th June |

2. Audit Committee meetings will be held as and when required with local public notice given on those occasions where the public are invited to attend.
3. Local Emergency Management Committee (LEMC) meetings are to be held four (4) times per year in, August, November, February & May, commencing at 5:30pm in the Council Chambers, Lundy Avenue, Cunderdin.

Moved: Cr B Daly

Seconded: Cr T Harris

Vote – Simple Majority

Carried: 7/0

9.5 Respite Unit – Applicant

| | |
|--------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Administration |
| Date: | 23 rd May 2022 |
| Author: | Emma McMiles |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| File Reference: | Nil |
| Attachment/s: | Nil |

Proposal/Summary

For Council to allow a resident to move into the Respite Unit in the Sandalwood Village.

Background

A request has been received from a local family to allow a long-term resident to reside in the Respite Unit in Sandalwood Village. The applicant has been in care for a period and is now able to return to Cunderdin to live in suitable accommodation.

Hospital staff have advised that their current house is not suitable for their needs, but the Respite Unit in Sandalwood Village meets all the applicant's independent living requirements.

Currently, there are no vacancies in the Sandalwood Village, however, the Respite Unit is occupied by the Swimming Pool Manager as a temporary measure while work was being done on the Shires property at 82 Mitchell Street.

The works on 82 Mitchell has been completed and the Swimming Pool Manager is now able to move back into it.

Comment

The Respite Unit was original built to provide a short term respite care for those in need within the community. Due to changes in the aged care section, it is unlikely that the respite unit will be used for its intended purpose.

Over the past 12 months the Respite Unit has been used to provide short term housing options for the Doctor and the Swimming Pool Manger, however its intended purpose is to support the aged or health sector within our community.

The Respite Unit doesn't need any modifications to allow the applicant to move in and there is no reason why the applicant can't move into the Respite Unit (unit 2).

The Shire has been considering offering the Respite Unit for aged accommodation for a number of years but has held off hoping that respite care may be offered in the unit as per its intention.

The applicant has been a valuable member in the community for quite some time. The family has approached the Shire on a number of occasions seeking independent living options.

The respite unit will allow the applicant to receive the care she needs, while being able to be back in Cunderdin which is closer to family.

Consultation

Sandalwood Village Committee

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Rent will be paid for the unit to the Shire as per the Shires Fees and Charges. Currently no rent is being received for the unit.

Strategic Implications

1. Community and social

1.3 Advocate for the provision of quality health services, health facilities and programs in the Shire

Resolution 9.5

1. That Council approve of the applicant moving into the Cunderdin Sandalwood Respite Unit (Unit 2) and that a tenancy agreement be entered into with the applicant.
2. That Unit 2 be included in the Fees and Charges as per the other units rental fees.

Moved: Cr N Snooke

Seconded: Cr W Stewart

Vote – Simple majority

Carried: 7/0

9.6 WALGA State Conference and Annual General Meeting

| | |
|--------------------------------|--|
| Location: | Crown Perth |
| Applicant: | Administration |
| Date: | 15th June 2022 |
| Author: | Emma McMiles |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | ADM245 |
| Attachment/s: | 1 x Attachment |

Proposal/Summary

For Council to appoint its delegates and proxy delegates to the 2022 WALGA Annual General Meeting (AGM) on Monday the 3rd October 2022 at Crown Perth.

Background

WA Local Government Association is holding its Annual General Meeting on Monday, 3rd October 2022 at Crown Perth.

As a Member of the Association the Shire has been asked to register the attendance and voting entitlements of Council's delegates to the AGM.

Council has been requested to register two Voting Delegates and two Proxy Voting Delegates.

Comment

It is usual practice for the Shire President and Shire Deputy President to be the Shire's Voting Delegates. However, should one not be available another Councillor will need to be nominated together with the required Proxy Voting Delegates.

The 2021 Council's Voting Delegates were Cr Dennis Whisson and Cr Todd Harris, with Mr Stuart Hobley as the Proxy Voting Delegate.

The 2022 WA Local Government Convention is scheduled to be held at Crown Perth on Monday 3rd October 2022 from 9:00am. The formal Agenda will begin at 11:30am. Lunch will be provided at the conclusion of the meeting.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

1.8 – Elected Members – Conference, training, travel and out of pocket expenses.

Financial Implications

The AGM is free of charge, however, there may be cost associated with meals and accommodation for attending Councillors but their expenses are included in the Draft Budget.

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 9.6

That Council appoints its Delegates to the 2021 Annual General Meeting of the WA Local Government Association as follows:

| Voting Delegates | Proxy Voting Delegates |
|-------------------------------------|---|
| <i>Name of Voting Delegates (2)</i> | <i>Name of Proxy Voting Delegates (2)</i> |
| Cr Alison Harris | Cr Todd Harris |
| Cr Natalie Snooke | C Antony Smith |

Moved: Cr B Daly

Seconded: Cr N Jenzen

Vote – Absolute Majority

Carried: 7/0

9.7 Shire of Cunderdin Rebranding and Logo

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Administration |
| Date: | 16 th June 2022 |
| Author: | Emma McMiles |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 1x Attachment |

Proposal/Summary

For Council to approve the final logo design as presented by Castledine & Castledine.

Background

Rebranding of the Shire of Cunderdin was first considered in the Strategic Community Plan 2017 – 2027, under section ED3- Objective 4 Explore and Develop tourism opportunities within the Shire. In 2019, the Council considered rebranding, but decided it was not a priority at that time.

Council has since completed a major review of the Shire of Cunderdin Strategic Community Plan 2022 – 2032, with renew and improve the visibility of the Shire of Cunderdin brand being listed as a Strategic Priority.

It was proposed that Council consider a modernisation of the current Shire of Cunderdin logo and branding instead of a completely new brand.

At the Council Forum on the 9th June 2022, the Councillors discussed five (5) options for the logo redesign and decided on a preferred style. Castledine have worked with Council's preferred style and have come up with two final options for Council's consideration.

Comment

Branding should be a clear indication of the Shire's identity, drive a positive sentiment, encourage engagement with the community and appear professional, reputable, state, organised and trustworthy.

After the new logo is approved the Shire will launch a marketing campaign to enhance the profile of the Shire to create economic growth and tourism opportunities.

Representatives from Castledine will attend the meeting to address any of Council queries.

Consultation

Shire Staff

Castledine & Castledine Designers

Statutory Implications

Local Government Act 1995 :-

Section 5.56 Planning for the future

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Policy Implications

Nil.

Financial Implications

Council has budgeted \$40,000 in the 2021/2022 Annual Budget to complete the Re-branding process.

Strategic Implications

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.

Resolution 9.7

That Council:

- 1) approves the final logo design and branding for the Shire of Cunderdin as presented in attachment,
- 2) Advise the community of the decision including the reason behind the final design date to be determined pending the date of the website update.

Moved: Cr B Daly

Seconded: Cr W Stewart

Vote – Simple majority

Carried: 7/0

9.8 Management of Volunteer Bush Fire Brigades - Proposed Advocacy Position

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Administration |
| Date: | 16 th June 2022 |
| Author: | Emma McMiles/Stuart Hobley |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 2x Attachments |

Proposal/Summary

Council is requested to provide comments to the Western Australian Local Governments Associations (WALGA) in regard to the proposed Advocacy position on Arrangements for Management of Volunteer Bushfire Brigades in order to allow WALGA to provide guidance in its engagement with the State Government on the drafting of the Consolidated Emergency Services Act (CES Act).

The State Government is proposing to consolidate the Fire Brigades Act 1942, Bush Fires Act 1954 and the Fire and Emergency Services Act 1998, into a single piece of legislation, which is anticipated to be released as a Green Bill for consultation in early 2023.

Background

In May 2022, the Shire received an Infopage and the Proposed Advocacy Position on Arrangements for Management of Bushfire Brigades Paper from WALGA seeking comments from Local Governments that manage bushfire brigades. WALGA has allowed for a six (6) weeks consultation period (comments to be submitted by 8 July 2022) the item will then go to the WALGA State Council in September 2022.

This is a result of the introduction of the Work Health and Safety Act 2020, which has put on additional responsibilities on Local Government for managing Bush Fire Brigades, along with the State Government drafting the Consolidated Emergency Services Act, which combines the Fire Brigades Act 1942, Bush Fires Act 1954 and Fire and Emergency Services Act 1998 into a single piece of legislation.

In 2021, WALGA undertook a comprehensive Local Government Emergency Management Survey to ascertain the sector's sentiment with respect to their emergency management responsibilities. 104 Local Governments responded to the Survey consisting of:

- 36 Chief Executive Officers;
- 18 Community Emergency Services Managers; and
- 50 Local Government officers.

The survey also asked Local Governments about their level of satisfaction with current arrangements for managing Bush Fire Brigades, 92 Local Governments (69 of which manage Bush Fire Brigades) provided the following feedback:

- 93% were not wholly satisfied with the current arrangements for the management of BFBs; and
- 51% expressed that their Local Government does not support the requirements for Local Governments to manage BFBs.

As a result of these findings, WALGA has proposed the following Advocacy Position:

"1. *The Association advocates that the State Government must provide for:*

- A clear pathway for Local Governments to transfer responsibility for the management of Bush Fire Brigades to the State Government when ongoing management is beyond the capacity, capability and resources of the Local Government;*
- The co-design of a suite of relevant guidelines and materials to assist those Local Governments that manage Bush Fire Brigades;*

- c) *Mandatory and minimum training requirements for Bush Fire Brigade volunteers supported by a universally accessible training program managed by the Department of Fire and Emergency Services (DFES); and*
 - d) *The recognition of prior learning, experience and competency of Bush Fire Brigade volunteers.*
2. *That a Working Group comprising representatives of WALGA and DFES be established to develop a process and timeline for the transfer of responsibility for Bush Fire Brigades in accordance with 1(a).*
 3. *Where management of Bush Fire Brigades is transferred to DFES in accordance with 1(a), DFES should be resourced to undertake the additional responsibility."*

The recent 2016, Waroona Yarloop bush fires, led to the Public Sector Commission undertaking a special inquiry by Mr Euan Ferguson AFSM, which resulted into recommendations for change in the area of Strategic and Agencies opportunities for improvements. These included 17 Recommendations and 23 Opportunities, including the establishment of a Rural Fire Services established by the State Government, with the options of transferring the management of all Bush Fire Brigades under the Department of Fire and Emergency Services (DFES).

It is understood that in 2017, this recommendation was explored and considered by the Economic Regulation Authority for the Emergency Services Levy, to the extent to which the Emergency Services Levy (ESL) should be available to fund the administrative and operational costs of a rural fire service.

Comment

Work Health and Safety (WHS) Act 2020

Some of the key features of the WHS Act as follows:

- The primary duty holder is the 'person conducting a business or undertaking' (PCBU) which is intended to capture a broader range of contemporary workplace relationships.
- A primary duty of care requiring PCBUs to, so far as is reasonably practicable, ensure the health and safety of workers and others who may be affected by the carrying out of work.
- Duties of care for persons who influence the way work is carried out, as well as the integrity of products used for work, including the providers of WHS services.
- A requirement that 'officers' exercise 'due diligence' to ensure compliance.
- The new offence of industrial manslaughter, which provides substantial penalties for PCBUs where a failure to comply with a WHS duty causes the death of an individual, in circumstances where the PCBU knew the conduct could cause death or serious harm.
- The voiding of insurance coverage for WHS penalties, and imposition of penalties for providing or purchasing this insurance.
- The introduction of WHS undertakings, which are enforceable, as an alternative to prosecution.
- Reporting requirements for 'notifiable incidents' such as the serious illness, injury or death of persons and dangerous incidents arising out of the conduct of a business or undertaking.
- A framework to establish a general scheme for authorisations such as licences, permits and registrations (for example, for persons engaged in high-risk work or users of certain plant or substances), including provisions for automated authorisations.

Under the Work Health and Safety Act 2020, for Volunteers and Volunteer Organisations, the Shire is responsible for all the volunteers within the Bush Fire Brigades. The Shire is required to ensure that all the

Fire Control Officers (FCOs) and Bush Fire volunteers have undertaken the required training to allow them to perform the role safely.

There are very significant fines that now apply to local governments and criminal charges may be imposed on executive staff should they fail in their duty of care under the new WHS Act 2020. A significant increase in the maximum fine is now applicable to executives along with a 20 year jail term. The local government body is now subject to an uninsurable fine up to \$10M.

Bush Fire Brigade Volunteers

The Shire has currently a number of Bush Fire Brigade Volunteers within the three (3) brigades of Cunderdin, Meckering, and Ygnattering, of which the insurance for these Volunteers are paid through the ESL.

Volunteers are considered a very valuable asset and it is this Shire's view that we encouraged and support our Volunteers to undertake the required minimum training to ensure their safety and wellbeing and the long term retention of our most precious asset. It is also critical that the Shire ensure the succession planning for the up and coming volunteers that should be encouraged to undertake the required training.

Due to the changes WHS Act changes the Bush Fire Advisory Committee (BFAC) conducted review of its Bush Fire Policy with a view to implementing a new policy based on the industry standard. The BFAC did not endorse the new policy due to concerns regarding the training requirements for FCOs and volunteers. As a result of the BFAC and Council are still required to update the existing Bush Fire Policy.

WALGA Proposed Advocacy Position

The proposed Advocacy position by WALGA is in line with the Shire's direction and reflects the above Shire's concern in managing its Bush Fire Brigades Volunteers and the new WHS as well as the ability and the capacity for the Shire to take on the responsibility.

Based on the above, it is recommended that Council endorse the WALGA proposed Advocacy Position to the State Government in addressing this issue as part of its consolidated review of the Emergency Services Act.

Consultation

WALGA undertook a survey on Local Government Emergency Management 2021 and provide the report and Infopage on its Advocacy Position on the Arrangements for Management of Volunteer Bush Fire Brigades. The process of consultation is being coordinated by WALGA as the lead agency in this process.

Statutory Implications

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act of 1995: Division 3 — Executive functions of local governments, Subdivision 1 — Performing executive functions, s3.18. Performing executive functions: 3(b).
- Work Health and Safety Act 2020, mandates the duty of care to volunteers by the person conducting a business undertaking. Senior Local Government officers with decision making and budget allocation control, have a duty of care to volunteer bush fire brigade members.
- Bush Fires Act 1954, s36 and s41. Provides for local governments to establish, maintain and equip bush fire brigades.

Policy Implications

1. The following Council Policy Schedules are adopted, and form part of this Statement –
 - 5.1 – Volunteer Bush Fire Brigades areas
2. In accordance with the Bush Fires Act section 41(1) the following Bush Fire Brigades are established, and have the area as per Council Policy Schedule 5.1 Bush Fire Brigade areas –
 - Ygnattering Brigade
 - Cunderdin Brigade
 - Meckering Brigade

Financial Implications

In the 2021/2022 budget, the Emergency Services Levy received from the Department of Fire and Emergency Services a total of \$40,568 which includes PPE, Insurances, maintenance of buildings, vehicles, plant and equipment.

Strategic Implications

1. COMMUNITY AND SOCIAL

1.4 Support emergency services planning, risk mitigation, response, and recovery

Resolution 9.8

That the item lay on the table while more information is collected from the upcoming WALGA Central Country Zone meeting and the item be represented at the July 2022 Ordinary Council Meeting.

Moved: Cr B Daly

Seconded: Cr A Smith

Vote – Simple majority

Carried: 7/0

9.9 Transfer for Land – Cunderdin Hospital

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Administration |
| Date: | 17 th June 2022 |
| Author: | Stuart Hobley |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 1x Attachment |

Proposal/Summary

For Council to sign and place the Common Seal on the Contract for Sale of Land between the Shire of Cunderdin and The State of Western Australia and the WA Country Health Service for the parcel of land known as the Old Hospital Site.

Background

Council has formally considered the land swap between the Shire of Cunderdin and WACHS for the identified land, being portion of Lot 50 Lundy Avenue, Cunderdin, for the Primary Health Care Demonstration Site in exchange for the existing Cunderdin Hospital Site, being Lots 296,297, 350 & 384 Cubbine Street, Cunderdin at numerous Council Meetings from 2015 to 2021 including:

| | |
|-----------|---------------------------------------|
| Item 11.2 | 23 April 2015 Ordinary Meeting |
| Item 10.3 | 17 December 2015 Ordinary Meeting |
| Item 8.1 | 15 September 2016 Ordinary Meeting |
| Item 9.5 | 21 June 2018 Ordinary Meeting |
| Item 9.9 | 11 April 2019 Ordinary meeting |
| Item 8.6 | 20 July 2019 Ordinary Council Meeting |
| Item 9.8 | 19 September 2019 Ordinary Meeting |
| Item 9.5 | 16 September 2021 Ordinary Meeting |

After much back and forth the final recommendation included the freehold transfer of Crown Land Reserve 22160 to the Shire of Cunderdin at no cost to the Shire and the demolition of the buildings that the Shire did not require.

Resolution 9.9 OCM April 2019

That Council notify WA Country Health Services (WACHS) that:

- it accepts the land known as Reserve 22160, the former Cunderdin Hospital Site, as unencumbered freehold land at no cost to the Shire as a direct land swap for Lot 801 on Plan 407494 Lundy Avenue, Cunderdin; and,*
- It requests WACHS to defer demolition for a period of 3 months with option for a further 3 months if interest is shown in its development.*

Resolution 9.5 OCM September 2021

That Council notify WA Country Health Services (WACHS) that:

- The Ian Roberts Lodge and Carport to remain and the Street front Garden to be removed.*
- For the Maintenance Shed and Dome Shelter to remain.*
- The front Carpark to be removed.*
- The Council wish to retain the current fence along the boundary with the High School.*
- Council agrees that the extent of demolition be limited to the area highlighted in blue on attached concept site plan. Everything within the area shall be demolished and removed from site. The ground shall be scraped to a depth of 600mm to remove services and the ground shall be trimmed by a*

Bobcat. All trees, natural bush, garden, and structures outside of this area shall remain in the current state.

- *That all underground tanks are removed from the area.*
- *All contaminated material be removed, including all asbestosis and soil testing be completed.*

Comment

The demolition of the old hospital has commenced which has initiated the Contract for the Sale of Land. It should be noted that the Shire of Cunderdin is not responsible for the any payments made to the State for the land. Any payment for the land will be made by WACHS.

Consultation

WACHS

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

1. Community and Social

1.3 Advocate for the provision of quality health services, health facilities and programs in the Shire.

3. Built Environment

3.3 Enhance public spaces and townscape.

5. Civic Leadership

5.2 Forward planning and implementation of plans.

Recommendation 9.9

That Council authorises the Shire President and Chief Executive Officer to sign and place the Common Seal on the Contract for Sale of Land between the Shire of Cunderdin and The State of Western Australia and the WA Country Health Service for Crown Land Reserve 22160, comprising Lots 296,297 and 350 on Deposited Plan 158971 and Lot 384 on Deposited Plan 171289.

Resolution 9.9

Council requested that a legal opinion of the contract be obtained and presented to the July 2022 Ordinary Council meeting for consideration prior to the contract being signed.

Moved: Cr T Harris

Seconded: Cr N Jenzen

Vote – Simple majority

Carried: 7/0

9.10 Chief Executive Officers Report

| | |
|--------------------------|--|
| Location: | Cunderdin |
| Applicant: | Chief Executive Officer |
| Date: | 17 th June 2022 |
| Author: | Stuart Hobley |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| File Reference: | Nil |
| Attachment/s: | Nil |

Proposal/Summary

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

Background

Old Hospital Site and Ian Roberts Lodge

Demolition has commenced at the Old Hospital Site and it is anticipated contractors will be on site for approximately six to eight weeks. WACHS have provided Council with copies of the demolition permit and the scope of works.

WACHS have reported that, for a building of its age, there is a limited amount of asbestos in the building. The asbestos will be removed as per the Regulations and Council will receive copies of the testing that is being undertaken during and after its removal.

Unfortunately there was some misinformation spread regarding the demolition which has been addressed via a media release from the Shire President.

Local Roads and Community Infrastructure Program Projects

Round 1 Projects

Basketball Courts – Retaining Wall and Fencing \$30,000 – Completed.

AAA Garden - \$160,000 – Completed.

Oval Lights - \$270,000 (\$180,000 LRCIP) – Completed.

Cunderdin Irrigation Project (Part 1) \$20,000 - Completed

Round 2 Projects

Cunderdin Swimming Pool - \$170,000

The contractor is still completing works at the pool. Testing has been conducted on the joints to confirm which ones are active so the correct treatment can be determined. Due to the thickness and type of quartz in the concrete the works are taking longer than expected, however it is not expected to delay the opening of the pool. The project is currently running on budget.

Cunderdin Irrigation Project (Part 2) \$40,000

This project has commenced and expected to be completed before the end of June 2022. Manager of Works is liaising with contractors.

Recreation Centre Car Park \$90,000

The Recreation Centre Car Park had commenced and will be finished within two weeks. We are still waiting on confirmation from the contractor on when it will be sealed.

Regional Airports Development Scheme (RADS)

The program task execution is shown on the attached Gantt Chart and progress with the Site Works components is summarised below.

- All preliminary tasks are complete
- The conduit and pit system is complete and the primary cable is installed up to the Control Cubicle location.
- The mounting slabs and conduits connecting the pits to the lights is in progress and estimated at 20% complete.

Other outstanding items are yet to be started are:

- Installation and connection of the LED lights
- Installation of the new Control Cubicle
- Testing and commissioning

Meckering Sporting Club Roof

After discussion with the Meckering Sports Club a contractor has been engaged to replace the existing roof on the Club.

The contractor has advised that the Meckering Club has a very small fall of less than 1% and a specialised product is needed to complete the works. They have recommended using Kliplok 700 or Metlok 700 as these products are designed for flat roofs.

The Scope of Works includes:

- Removing the existing roof, flashing and box gutters
- Installing ANticon 55mm insulation to the enclosed areas
- Supply and fit Kliplok 700 or Metlok 700 to the roof
- Supply and fit new gutters and down pipes

The project is expected to commence in October 2022 and is covered by a 5 year warranty against leaks.

Comment

Nil.

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Nil.

Resolution 9.10

That the Chief Executives Officers Report be received.

Moved: Cr B Daly

Seconded: Cr W Stewart

Vote – Simple majority

Carried: 7/0

10. Environmental Health and Building

Nil.

11. Planning & Development

Nil.

12. Works & Services

Nil.

13. Urgent Items

Nil.

14. Scheduling of Meeting**14.1 July 2022 Ordinary Meeting**

The next ordinary meeting of council is scheduled to take place on Thursday 21st July 2022 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 6:22pm.

16. Certification**DECLARATION**

I, Alison Harris, certify that the minutes of the Ordinary Council Meeting held on 23rd June 2022 as shown were confirmed at the ordinary meeting of Council held on 21st July 2022.

Signed: _____

Date: _____