

Agenda Briefing

15 March 2023

Notes

Unconfirmed Notes

These notes were approved for distribution on 16 March 2023.



Suzie Haslehurst

CHIEF EXECUTIVE OFFICER

When the Chief Executive Officer approves these Notes for distribution they are in essence "informal notes" that will be received at the next Ordinary Council Meeting, subject to any amendments being made by Council.

The "Received" Notes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Agenda Briefing are included in the attachments to the Ordinary Council Meeting with the exception of confidential items or attachments that are confidential which will be included in Confidential Minutes of the Ordinary Council Meeting.

Received Notes

These notes were received at an Ordinary Council Meeting held on 22 March 2023.

Signed:

Note: The Presiding Member at the meeting at which the notes were received is the person who signs above.

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
2	RECORDS OF ATTENDANCE	1
2.1	APOLOGIES	1
2.2	APPROVED LEAVE OF ABSENCE	1
2.3	APPLICATIONS FOR LEAVE OF ABSENCE	1
3	DISCLOSURE OF INTERESTS	1
4	PUBLIC QUESTIONS	2
4.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
4.2	PUBLIC QUESTION TIME	2
5	CONFIRMATION OF MINUTES	2
6	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	2
6.1	PETITIONS.....	2
6.2	DEPUTATIONS.....	2
6.3	PRESENTATIONS	2
6.4	SUBMISSIONS.....	2
7	BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED).....	2
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION).....	2
9	OFFICER REPORTS	3
9.1	DEVELOPMENT AND REGULATION	3
9.1.1	Draft Local Planning Policy - Alfresco Dining	3
9.1.2	Draft Local Planning Policy - Extractive Industries	3
9.1.3	Request to close unconstructed portion of Isotoma Road, Dumbarton.....	8
9.1.4	Lot 80 Grevillea Place, Morangup - Ancillary Accommodation.....	9
9.1.5	Lot 500 (No. 40) Salt Valley Road, Hoddys Well - Shipping Container	9
9.1.6	P2022-122-113 Lot 3506 (No.58) Harvester Drive, Toodyay - Dam	10
9.2	CORPORATE AND COMMUNITY SERVICES	14
9.2.1	Monthly Financial Statements - February 2023	14
9.2.2	List of Payments - February 2023.....	17

	9.2.3	Mid-Year Budget Review 2022/2023	20
9.3		EXECUTIVE SERVICES	20
	9.3.1	Correspondence - Department of Local Government, Sport & Cultural Industries.....	20
	9.3.2	National General Assembly Proposed Motion Regarding GP Shortages	21
	9.3.3	Update on sale of properties.....	21
9.4		INFRASTRUCTURE AND ASSETS.....	21
	9.4.1	Bush Fire Mitigation Works Program Tender	21
9.5		COMMITTEE REPORTS.....	28
	9.5.1	Bush Fire Advisory Committee Recommendations.....	28
	9.5.2	Audit & Risk Committee Recommendations	36
	9.5.3	Museum Advisory Committee Recommendations.....	36
10		MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	36
11		NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	36
12		QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	36
13		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.....	37
	13.1	MEMBERS	37
	13.2	EMPLOYEES	37
14		CONFIDENTIAL BUSINESS	37
15		NEXT MEETINGS.....	37
16		CLOSURE OF MEETING.....	37

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr R Madacsi, Shire President, declared the meeting open at 1.09pm.

2 RECORDS OF ATTENDANCEMembers

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President (<i>via zoom</i>)
Cr C Duri	Councillor
Cr P Hart	Councillor (<i>via zoom</i>)
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor

Staff

Ms S Haslehurst	Chief Executive Officer
Mr J Augustin	Manager Infrastructure and Assets
Ms T Bateman	Manager Corporate and Community Services
Mr H de Vos	Manager Development and Regulation
Mrs N Mwale	Finance Coordinator
Mrs L Hort	Admin Support Officer
Ms S Schafers	Governance Officer
Mrs T Prater	Planning and Compliance Officer
Mr R Koch	Community Emergency Services Manager
Mrs M Rebane	Executive Assistant

Visitors

Nil.

2.1 APOLOGIES

Cr S McCormick Councillor

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

3 DISCLOSURE OF INTERESTS

The Chairperson advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4 PUBLIC QUESTIONS

4.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
Nil.

4.2 PUBLIC QUESTION TIME
Nil

5 CONFIRMATION OF MINUTES

As per Council Meeting Agenda

6 PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6.1 PETITIONS
Nil.

6.2 DEPUTATIONS
Nil.

6.3 PRESENTATIONS
Nil.

6.4 SUBMISSIONS
Nil.

7 BUSINESS FROM PREVIOUS MEETING (IF ADJOURNED)

Nil.

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

9 OFFICER REPORTS

9.1 DEVELOPMENT AND REGULATION

9.1.1 Draft Local Planning Policy - Alfresco Dining

Item 9.1.1 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
McKeown	Why is the policy not called Alfresco Dining in Public Places Policy?	<i>For simplicity.</i>
Pearce	Noticed some questions were sent in – if they are discussed today will they be included in these notes?	<i>We looked at the questions that came through and if we feel they can be put into the policy we will modify the policy and include a schedule of modifications.</i>
Madacsi	Noticed the certificate of currency for public indemnity insurance was not less than 10m – should be \$20m	<i>Yes that will be fixed</i>
McKeown	In the objectives can we change it? It says it applies to all alfresco dining activities in the SOT – but it doesn't – it means in all public places in Toodyay.	<i>Yes it can be changed.</i>

9.1.2 Draft Local Planning Policy - Extractive Industries

Item 9.1.2 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
Madacsi	1.(d) unless removal of that material would result in unacceptable impacts on an existing or future community This does not make sense, I raised it and I noticed	<i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i> <i>We took on board the feedback received and have incorporated it into a draft word document uploaded to teams this morning. At the Ordinary Council Meeting next week a</i>

Item 9.1.2 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
	Nathan did as well. It needs to be corrected.	<i>tabled document with modifications can form part of the resolution put forward.</i>
Madacsi	6. No excavation is to occur within 200m of a residence adjacent to the subject property. Is this distance regulated, 200m is pretty close in a rural environment for amenity – dust, noise etc?	<i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i>
Madacsi	The proposed pit is to be setback a minimum of 30 metres from any public road; This seems very close, particularly with un stabilised banks, storm water etc. is this distance regulated?	<i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i>
Madacsi	8. Element: Transport (a) Development which does not utilise school bus routes for haulage purposes. At all? Or should this be clearer?	<i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i>
Madacsi	8.1 (2) Amenity: 7am to 7pm Monday to Friday Needs to be amended to 5 or 6pm as 7pm is too late, for sound amenity and safety. Most traffic occurs in summer and drivers would be driving into the setting sun and commuter traffic at the end of a long day, 5pm would be better with the time to traverse Toodyay Rd.	<i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i>

Item 9.1.2 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
Madacsi	<p>8.1 (3) Amenity: Extraction of material occurs from only one site per property at any one time.</p> <p>Needs to be amended to “except for satellite pits of demonstrated different grades of materials” as Nathan had a sound point.</p>	<p><i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i></p>
Madacsi	<p>8.7 Security for Site Restoration: ...give to the Shire of Toodyay a bond, bank guarantee or other security, of a kind and in a form acceptable to the Shire of Toodyay, in or for a sum as determined by the shire of Toodyay in accordance with the adopted Schedule of Fees and Charges...</p> <p>Nathan Blackwell determined this was unfair and too vague. Therefore I suggest remove ‘or other security, of a kind and in a form acceptable to the Shire of Toodyay’ and remove ‘in or’ and ‘of Toodyay in accordance with the’ and add ‘calculated on a dollar per hectare rate’ to read as;</p> <p>...give to the Shire of Toodyay a bond or bank guarantee, for a sum as determined by the Shire’s adopted Schedule of Fees and Charges calculated on a dollar per hectare rate. Adjust 15.2 to remove ‘or other acceptable security’</p>	<p><i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i></p>
Madacsi	<p>15.1 Pit Rehabilitation Plan: Forming stable battered</p>	<p><i>These points have been incorporated into a new draft policy document. This along with a</i></p>

Item 9.1.2 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
	<p>banks not to be steeper than 1:5.</p> <p>Where did the 1:5 parameter come from? Replace with - Forming stable battered banks consistent (or in keeping) with the geology , landform and end use.</p>	<p><i>schedule of the modifications will be tabled at the Ordinary Council Meeting.</i></p>
Pearce	<p>I sent in some questions that were more or less the same as the questions asked by Cr Madacsi. Will they be responded to?</p>	<p>Yes.</p>
Pearce	<p>Section 8.1 Table 2 hours operation 7am – 7 pm. Crs comments. 7am – 5pm M-F Saturday was not a favoured option.</p>	<p><i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i></p>
Pearce	<p>Pit Rehabilitation</p> <p>8.1 Table 2 (4)</p> <p>Site to be filled with “clean” material. Clean should be defined.</p>	<p><i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i></p>
Pearce	<p>I am not sure if can be modified with Councillor discussion at the Briefing. The policy includes Waste disposal, in the title but all phrases refer to extractive industries. Should waste disposal be included in relevant phrases e.g. in the objectives</p> <ul style="list-style-type: none"> To ensure that proposed haulage routes and road hierarchy are satisfactory to support an extractive industry and waste disposal 	<p><i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i></p>

Item 9.1.2 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
	<p>without affecting the sustainability of the Shire's road assets.</p> <ul style="list-style-type: none"> To provide Council and prospective developers with guidelines and minimum requirements for the processing of applications and approvals for an extractive industry and waste disposal 	
Pearce	<p>Borrow Pit definition as per dictionary.</p> <p>A borrow pit is a term used in construction for a hole, pit or excavation that has been dug for the purposes of removing gravel, clay and sand used in a construction project.</p> <p><i>ADD used as fill at another location.</i> I.e. remove in a construction project.</p> <p>I noticed Main Roads used this term in application for Dam relocation and it fits the above definition.</p> <p>Pg 8 Class 3 e.g. Classic example lime quarry – shd replace with clay – Toodyay has clay as major extractive industry.</p> <p>P15 Hrs operation 8.1.Table 2 7am – 7pm M-F 7am – 1Pm Sat – Amendment???</p> <p>Define Clean- as in Fill Table 8.1 P 14</p>	<p><i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i></p>

Item 9.1.2 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
Pearce	Road Maintenance Pg 24 The contribution fee per tonne will be calculated in accordance with the Western Australian Local Government Association (WALGA) guidelines and methodology. This is the convoluted formula used by Shire in the road maintenance policy. I am not sure this phrase should be included in the policy. Is there another method available.?	<i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i>
Pearce	for expenses incurred by the Shire of Toodyay for the repair and maintenance of Council's roads... ADD after.... used by Extractive Industry and waste Trucks. The contributions to be place in the Road Maintenance Reserve Fund.	<i>These points have been incorporated into a new draft policy document. This along with a schedule of the modifications will be tabled at the Ordinary Council Meeting.</i>

9.1.3 Request to close unconstructed portion of Isotoma Road, Dumbarton.

9.1.3 - Questions and Points raised		
Councillor	Question	Response from CEO
Pearce	As the recommendation is not to support the closure will the SOT be responsible for maintaining the road e.g. fire control etc.	<i>Yes, that is correct.</i>

9.1.4 Lot 80 Grevillea Place, Morangup - Ancillary Accommodation.

Tabled document at 1.18pm from Planning and Compliance Officer. The applicant made a last minute change. Originally the setback was 20m from boundary and 34m from the existing home. To meet the BAL requirements the Applicant has requested the ancillary accommodation setback of 30m from boundary and 24m from the existing home. The variation to the scheme is not needed if this revised request is put forward.

9.1.4 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
<i>Madacsi</i>	What is the setback from the home?	<i>20m</i>
<i>Pearce</i>	Does Council have to note this change?	<u><i>Shire President response:</i></u> <i>The alteration is to be presented by Planning as an addition to the Agenda so Councillors are aware and it is noted in the report.</i>

9.1.5 Lot 500 (No. 40) Salt Valley Road, Hoddys Well - Shipping Container

9.1.5 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
<i>Pearce</i>	My understanding is that the applicant had two shipping containers prior to December 2022 and then we had a Council resolution to remove them both. Were they removed?	<u><i>Shire President response:</i></u> <i>Neither were accepted. The resolution said we did not accept the shipping containers so as it stands they have no containers approved so they are now applying to have one approved.</i>
<i>Pearce</i>	Did the resolution indicate that they had to be removed or not?	<u><i>Shire President response:</i></u> <i>I think that it was but will check.</i> <u><i>Manager Development and Regulation response:</i></u> <i>We have given a direction notice to the applicant, which I will be addressing in the concept forum after this meeting to come up with a restoration plan to the satisfaction of the Shire.</i>

9.1.5 - Questions and Points raised		
Councillor	Question	Response from the Manager Development and Regulation unless otherwise specified
		<p><i>There is nothing stopping the applicant from re-applying because it is not an X use to have a shipping container.</i></p> <p><i>We have to consider that this is a new application. One of the reasons we were not willing to recommend the two containers in the previous applications was that it was connected to the use of the land and the operation of a commercial facility; whereas this request is for one container for storage. It is in a different location. It meets the boundary setback requirements.</i></p> <p><i>This is a wholly different application to consider.</i></p>

9.1.6 P2022-122-113 Lot 3506 (No.58) Harvester Drive, Toodyay - Dam

9.1.6 - Questions and Points raised		
Councillor	Question	Response from Manager Development and Regulation unless otherwise specified
McKeown	<p>Because this item was about a dam I went to check the Shire's Dams Policy and I found that it states in the definition of Watercourse the following:</p> <p><i>"means any river, stream or creek as depicted on a plan attached to or associated with the 'Interpretation of Watercourses Policy'</i></p> <p>When I went looking for the Interpretation of Watercourses Policy I could not find it.</p>	<p><i>My apologies.</i></p> <p><i>That is a definition that taken from another local government's policy. That is a typographical error.</i></p>
McKeown	<p>So does that mean we have not got a definition of watercourse in our policy at the moment?</p>	<p><i>We probably need to amend that. You are right, but what we look at when we are looking at watercourses is its appearance on the</i></p>

9.1.6 - Questions and Points raised		
Councillor	Question	Response from Manager Development and Regulation unless otherwise specified
		<i>topographic mapping supplied by the State government.</i>
<i>McKeown</i>	So our policy does not contain a definition of a watercourse at the moment?	<u><i>Shire President response:</i></u> <i>No it does not.</i>
<i>Hart</i>	I am conscious of Mr Maddox's actions recently and was just wondering if there is a connection to be drawn by Mr Maddox and this particular application?	<u><i>Shire President response:</i></u> <i>I think it is a little different however I will defer to the Manager Development and Regulation.</i> <u><i>Manager response:</i></u> <i>The similarities are that both applications involve a dam across a watercourse.</i> <i>The differences are that Tony Maddox's dam will also impact the Aboriginal Heritage Act whereas the Harvester Drive property has got no indication of registered Aboriginal Heritage sites on the property.</i>
<i>Madacsi</i>	Was the Aboriginal Cultural Heritage Act consulted recently given the fact that it came into being in 2021 and the two investigations that occurred with regard to the dam occurred in 2017 and 2018. Have they actually looked and the site is not a declared site. Is that correct?	<i>Yes. I supplied mapping as recent as last week. The mapping shows that there are no registered Aboriginal Heritage sites on that property.</i>
<i>Pearce</i>	Our dam policy says that Council will not necessarily approve of a dam that is on a stream and this one is on a stream. I understand that Council has the ability to vary policy but this dam is going to be on a stream. Is it going to affect anyone further down the line if water	<i>I will answer the last question first. You are right. It is replacing an existing dam. The dam is in line with rural activities which is not uncommon in the landscape.</i> <i>In regard to downstream impacts of the dam, it was advised at the presentation by Main Roads that by doing a smaller dam the water catchment area below the dam is actually improved and so the flow on effect should be better for those downstream properties.</i>

9.1.6 - Questions and Points raised		
Councillor	Question	Response from Manager Development and Regulation unless otherwise specified
	<p>is dammed up from the stream?</p> <p>Also, our policy says that in the report it should say why they need the dam. It is obvious Main Roads has taken away a dam so they need it but there was no real indication in the report why they needed to replace the dam</p>	
McKeown	<p>The policy states that: <i>“The construction of dams will generally only be supported where there is a demonstrated need for water storage associated with an agricultural use or for domestic purposes.”</i></p> <p>I am guessing they do not want to use it for domestic purposes.</p> <p>Have they supplied information about whether it is associated with an agricultural use?</p>	<p><i>No they have not.</i></p> <p><i>I guess we look at the history of the site. The dam has been operating in situ for many, many years. I do not think it is unreasonable for the dam to be replaced.</i></p>
McKeown	<p>I was not asking whether we thought it was reasonable. I was asking whether they supplied information about whether it was associated with an agricultural use?</p>	<p><i>No they have not.</i></p>
McKeown	<p>It doesn't comply with that part of the policy?</p>	<p><i>No.</i></p>
Pearce	<p>Item 9.2.6 Harvester Rd Main Roads dam relocation</p> <p>A very detailed and comprehensive application submitted by Main Roads.</p>	<p><i>The initial 2019 GHD geotechnical report identified the proposed new dam site would have a relatively small catchment area. Modelling by Main Roads has since calculated that the new dam will have a catchment area of 12.2ha compared to 17.3ha for the existing dam. An additional 5.3ha of downstream</i></p>

9.1.6 - Questions and Points raised		
Councillor	Question	Response from Manager Development and Regulation unless otherwise specified
	<p>The dam proposed to be constructed on-Stream</p> <p>I note in section on Legal responsibilities:</p> <ul style="list-style-type: none"> • Dam owners should make themselves aware of the potential downstream impacts of their dam. • Dams should have appropriately constructed spillways and/or bypass channels to return water to the original waterway. <p>Main roads has indicated:</p> <p><i>The dam will include a rock-lined spillway to accommodate large stormwater events and prevent overtopping and erosion of the embankment. The drainage line downstream of the proposed dam will also be rock pitched where necessary to minimise erosion.</i></p> <p>In the event of unseasonal increased water flow (thunderstorm) or a particularly wet season and damage occurs to ecological function downstream, whose responsibility will the remedial action fall and if Shires, how will this affect future shire budgets and capacity to repair?</p>	<p><i>catchment area will apply (below the new dam site) once the existing dam is removed.</i></p> <p><i>The new dam and spillway has been designed to accommodate an un-seasonally high rainfall event. As outlined in your email, rock will be used to mitigate against future potential erosion at the spillway and along drainage lines.</i></p> <p><i>Main Roads will also undertake a rehabilitation program using native flora species to further reduce potential erosion.</i></p> <p><i>If however following construction of a new dam, there is any future erosion causing downstream damage, it would not be a Shire responsibility.</i></p> <p><i>The dam is on private land and any erosion on this property would be a matter for address by the landowner with Main Roads having an initial period of responsibility.</i></p> <p><i>The drainage line beyond private property runs into the widened Toodyay Road reserve.</i></p> <p><i>As Toodyay Road is a State road and not a local road, any remedial action along Toodyay Road leading into existing waterway drainage would be the responsibility of Main Roads.</i></p>

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 Monthly Financial Statements - February 2023

9.2.1 - Questions and Points raised		
Councillor	Question	Response from Finance Coordinator unless otherwise specified
Pearce	<p>Bendigo Bank Term Deposit 31/1/2023 \$1,000,000 28/2/2023 \$0.00</p>	<p>\$1,000,000 was invested in Muni Term Deposit for 92 days to take advantage of higher interest rates the bank was offering. When it matured on 25 February,2023, We did not reinvest the funds due to ongoing capital works projects. The bank was instructed to transfer (\$1,008,601.37) both principal and interest into the Municipal account.</p>
Pearce	<p>Bendigo Bank At Call 31/1/2023 \$1,100,000 28/2/2023 \$500,000.</p>	<p>Bendigo Bank @Call account was opened because it has higher interest rates as compared to the Municipal account. This account has no restrictions, allowing the Shire to recall the funds any time. The Shire asked Bendigo bank to transfer the funds into the Municipal account to enable access to funds when required to pay creditors.</p>
Pearce	<p>Would the Officer please explain where the \$1,600,000 was transferred?</p>	<p>All the funds were transferred to the Municipal account as earlier stated.</p>
Pearce	<p>Muni Account 31/1/2023 - 64,500 28/2/2023 - 1,300,000 a net increase 1,235,500 If 1,600 000 was transferred to Muni, would the officer please explain the reason for the approx. \$400,000 difference.</p>	<p>The difference is due to payments made to creditors, as funds were transferred to the Municipal account to cover the payments.</p>
Pearce	<p>Council funds: Term deposit of 2,400,000 plus 500,000 at call. If I am reading the report correctly, How Should Council be addressing the diminishing funds levels?</p>	<p>The funds were transferred from Bendigo Bank @call to the Municipal account as follows: \$500,000 on 16 December,2022 \$500,000 on 4 January,2023 \$300,000 on 18 January,2023</p>

9.2.1 - Questions and Points raised		
Councillor	Question	Response from Finance Coordinator unless otherwise specified
		<p><i>\$500,000 on 2 February 2023</i></p> <p><i>\$1,008,601.37 (Bendigo Term deposit Account) which matured on 25 February 2023 was transferred to the Municipal account.</i></p>
Pearce	<p><i>At the moment Council has term deposit of 2.4m plus 500,000 on call so just under \$3m. Should we as a council be addressing the diminishing levels of the funds. How will they be increased?</i></p>	<p><u><i>CEO response as follows:</i></u></p> <p><i>A response was provided by the Finance Staff as follows:</i></p> <p><i>It is not uncommon at this time of the year for Shires to experience diminishing funds due to ongoing projects.</i></p> <p><i>The Shire is expecting to receive some funds including:</i></p> <ul style="list-style-type: none"> <i>✓ Fourth instalments of rates will be paid on 13 April 2023.</i> <i>✓ There is also fourth instalment of financial assistance grants that will be paid to the Shire in May 2023.</i> <i>✓ We will be receiving LGGS Quarterly grants</i> <p><i>The remaining balance of the round one MAF 2022/2023 will be paid after acquittal and then we can also expect round two to be paid at the same time. From a cashflow perspective we are ok and we will be looking at putting more funds into term deposit once we receive all of those funds in.</i></p>
McKeown	<p><i>Rates on page 163 of the statement of comprehensive income by nature and type. On revenue line for rates it has adopted budget \$7,069,204, but the YTD is \$7,230,877. How can the YTD Budget be more than the Adopted Budget?</i></p>	<p><u><i>Manager Corporate and Community Services response:</i></u></p> <p><i>The adopted budget column is the revised budget which is where we took out the mining tenement rates.</i></p>
McKeown	<p><i>It is not the adopted budget at all then?</i></p>	<p><u><i>Manager Corporate and Community Services response:</i></u></p> <p><i>It is the revised adopted budget.</i></p>

9.2.1 - Questions and Points raised		
Councillor	Question	Response from Finance Coordinator unless otherwise specified
McKeown	The actual figure of \$7,031,915 is posted on an accruals basis so does the actual figure include any recovery of outstanding rates from previous years?	<u>Manager Corporate and Community Services response:</u> <i>No. The \$7m in the income statement is what has been raised this year. The outstanding rates that are uncollected at this point are sitting on the balance sheet.</i>
McKeown	Did we collect outstanding Rates this year?	<u>Manager Corporate and Community Services response:</u> <i>Yes we have.</i>
McKeown	Where do they appear, if not listed as rates?	<u>Manager Corporate and Community Services response:</u> <i>They were listed as rates last year during last year's billing process. They are receipted directly into the bank account and they offset the outstanding rates on the balance sheet.</i>
Pearce	Is it possible to get monthly statements of what cash comes in every month to know what cash comes in and what goes out?	<u>Manager Corporate and Community Services response:</u> <i>We have an idea of how much is coming in during the month because it offsets the creditors in any month. So if our creditors are half a million dollars and the movement between our bank account is similar then that will explain the movement in the bank account.</i> <i>Potentially we could look at providing that information.</i>
McKeown	Didn't we used to get that cash reconciliation in previous monthly financial statements we used to get a cash balance reconciliation every month didn't we?	<u>Manager Corporate and Community Services response:</u> <i>Yes</i>
Pearce	It was just an idea to understand where we are sitting as far as cash. IT was really good to get those answers that we are going to get those outstanding rates, grants and those things coming in, but I was just looking at what we had	<u>CEO response:</u> <i>I am not sure what the purpose of that would be because the account balances and investments are provided on page 169 for periods ended 31 January and 28 Feb 2023.</i>

9.2.1 - Questions and Points raised		
Councillor	Question	Response from Finance Coordinator unless otherwise specified
	in the accounts and I thought that as we were going down I want to understand monthly are we up or down as far as covering our costs goes?	
Pearce	That was why I asked about the levels – to track where it goes and understand the movements each month.	<u>CEO response as follows:</u> <i>It is part of our management of the cashflow. If Council directs us to do that we can, but we are already providing that information.</i>

9.2.2 List of Payments - February 2023

9.2.2 - Questions and Points raised		
Councillor	Question	Response
McKeown	On page 181 (item 141) a payment to Transwest WA supply of rock pitching material for Boyagerring Brook Walkway crossing - \$5,000. Is that crossing the one just off the end of the school there?	<u>Shire President response:</u> <i>Yes it is.</i>
McKeown	That crossing is on Crown land. How do we end up with a liability for fixing that?	<u>Shire President response:</u> <i>It is a very old story. Some of that fact is lost in time. We will have to do some work to uncover it. It appears the original walkway was put in by Toodyay Friends of the River, and then the Merrick Administration at the time were not happy with the outcome, so they did further work, plus there were footbridge modifications, through the assistance of grant funding. We would have to go back through archives and find more information.</i>
McKeown	Given that it is crown land, has the Shire of Toodyay been given a management order over that crown land?	<u>Shire President response:</u> <i>I do not know</i>

9.2.2 - Questions and Points raised		
Councillor	Question	Response
		<p><u>Manager Development and Regulation response:</u></p> <p><i>We would have to investigate whether there is one in place.</i></p> <p><u>Shire President response:</u></p> <p><i>It has been there at least 17 years so it is just a matter of going back to find out what transpired.</i></p> <p><u>Response later in the meeting:</u></p> <p><i>Mapping for the reserve indicates that it is crown land and there is a management order on the land.</i></p>
McKeown	I understand the history but wondered why we were spending money on it and was it our responsibility?	<p><u>Shire President response:</u></p> <p><i>It is a good question and not one readily answered at the moment. Apparently, the brief that I got was that it had deteriorated and had become unsafe. They also use that for emergency egress so there needed to be some repair work to do that.</i></p>
McKeown	The Aboriginal heritage issue raises its head on this as well because it is a watercourse crossing as well isn't it?	<p><u>Shire President response:</u></p> <p><i>It would and I am sure there is quite a few in the Shire going back in time and in every other Shire so this is part of the reconciliation of new acts where they will have to look at historical situations.</i></p>
McKeown	Given that the Aboriginal Heritage Act was passed in 2021 and gazetted late last year, could someone arrange for a briefing for Councillors on the significance of that?	<p><u>CEO response:</u></p> <p><i>This is on the Agenda for the Concept Forum this afternoon.</i></p>
McKeown	Page 183, Item 178 there is a reference to insurance excess for a Ute. What is the story with that? Was there an incident with the utility that required repair?	<p><u>Manager Infrastructure and Assets response:</u></p> <p><i>I will take the question on notice.</i></p> <p><u>Response after meeting:</u></p> <p><i>The RMO was responding to a fire incident, was on the firebreak and needed to exit the area. Whilst reversing down the fire break, the vehicle hit an old gate post that was not visible due to light conditions.</i></p>

9.2.2 - Questions and Points raised		
Councillor	Question	Response
Pearce	<p>12991 15-02-2023 WATER CORPORATION Water account 9007933517, Toodyay St sportsground for period: 18 Oct 2022 - 20 Dec 2022 7,619.57. Particularly high water usage – Have Works investigated the high usage and what has been put in place to control future high levels?</p>	<p>Generally, between October and March/April yearly, scheme water usage at the oval increases significantly due to 2 main watering events:</p> <ol style="list-style-type: none"> 1. Reticulation for the main oval, hockey field and Hamersley Park is turned on and running at peak usage. The main oval and hockey field are watered via a combination of bore water with scheme top up stored in the water tank (92kL capacity) immediately inside the main gate. Hamersley Park (below Lee Steere Pavilion) is watered direct from scheme. Both scheme sources are from the same meter. The bore supply will generally provide 70-75% (minimum) of required water. 2. Watering of the turf cricket pitch. This water supply is required to be scheme only (due to clay used on the pitch) and is fed from two other meters within the showgrounds. Watering is done by separate reticulation system and a turf tap located near the cricket pitch. The Shire is not responsible for maintenance of this area, with all watering being completed and controlled by the Cricket Club. The Shire therefore does not control when and how long this watering takes. The Shire receives no reimbursement of water usage from the cricket club to the best of my knowledge. <p>During the winter months, water usage at the showgrounds is quite minimal with no reticulation running, and general use from football club and patrons (i.e. showering/toilets/kitchen etc).</p> <p>In general, water usage will increase significantly during the summer months on all Shire water accounts, as reticulation is turned on in most parks/reserves/shire building grounds.</p>
Pearce	<p>20 14-02-2023 CREDIT CARD MAS 05/01/23 - Target - Socks for bushfire</p>	<p><u>CESM response as follows:</u></p>

9.2.2 - Questions and Points raised

Councillor	Question	Response
	volunteers 1,120.00 – Is this refunded through DEFS grants?	<i>Yes it is part of PPE for our bush fire brigades and is covered by the LGGs grant funding.</i>

9.2.3 Mid-Year Budget Review 2022/2023

9.2.3 - Questions and Points raised

Councillor	Question	Response
Ruthven	Re GL 056.131.10 (Attachments page 100) – the Mitigation Activity Fund - Round 1 2022/23 was reduced from the adopted budget figure of \$205,085, what happened to cause the reduction?	<u>Response from CESM:</u> <i>This budget reduction reflects the procurement of Mitigation Activity Fund 2022/23 Round 1 works at a value under the overall grant allocation. No reduction in scope of the program has occurred.</i>

9.3 EXECUTIVE SERVICES

9.3.1 Correspondence - Department of Local Government, Sport & Cultural Industries

9.3.1 - Questions and Points raised

Councillor	Question	Response from CEO unless otherwise specified
McKeown	On page 37 of the actual agenda the last paragraph refers to Officers liaising with the Department of Local Government regarding the decision about the sea container. Which Officers did the liaising?	<i>Maria and I were the two officers contacted.</i>
McKeown	So they contacted you?	<i>Correct.</i>
McKeown	What matters were resolved?	<i>First of all the question was what was being done regarding the sea container. Maria explained that it was going to Council then I was called and asked what Council had done regarding the sea container. I explained what</i>

9.3.1 - Questions and Points raised		
Councillor	Question	Response from CEO unless otherwise specified
		<i>the resolution was of Council and then Maria was contacted again by someone else who asked what had happened and Maria explained to that person what the Council resolution was.</i>

9.3.2 National General Assembly Proposed Motion Regarding GP Shortages

Cr Madacsi provided overview of why this report has been presented to Council.

9.3.3 Update on sale of properties

9.3.3 - Questions and Points raised		
Councillor	Question	Response from Manager Development and Regulation unless otherwise specified
<i>Madacsi</i>	Clarity on Lot 9508 Burt Parkway and Lot 1 Red Gully Road – what are those two bits of land?	<i>Lot 9508 is the recreation centre lot. The Lot 1 Red Gully Road is vacant farmland that might potentially be used to house a solar farm.</i>
<i>Madacsi</i>	What is the Red Gully Road being used for at present?	<i>It is zoned rural and is vacant at the moment.</i>

9.4 INFRASTRUCTURE AND ASSETS

9.4.1 Bush Fire Mitigation Works Program Tender

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
<i>Ruthven</i>	<i>The value of this MAF grant is under \$250,000 which is the Purchasing Policy threshold for putting it to tender, so why was the tender process used rather than RFQ?</i>	<i>The Officer identified and had concern regarding the number of contractors available or able to provide services (with particular reference to Prescribed Burning and Chemical works categories). This was a result of the Mitigation Activity Fund 2022/23 Round 1 where procurement was run via request for quote with only few firms approached being able to quote. The officer elected to tender as</i>

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
		<p>a preferred procurement strategy to fully test the market with respect to firms offering services, irrespective of the projected tender value.</p> <p><u>CEO response:</u></p> <p><i>It was a risk mitigation strategy. When we did the last request for quote for the 2022 / 23 Round One, we had only received a couple of firms that put in, so we ran a full tender process to fully test the market to see whether there were other firms that were capable of providing the services required.</i></p>
Madacsi	<p><i>When they were discussing the individual treatments we were looking at mechanical, chemical, biological (grazing) and the hazard reduction burning.</i></p> <p><i>I am curious about the biological. I was not aware that we did any of that kind of work through FMS.</i></p>	<p><i>The reference to biological might actually be an error in the report. We have used biological grazing in the past, and we continue to, but it is not part of this current program.</i></p> <p><i>I will identify where that is in the actual report as it would be an error.</i></p> <p><i>The categories are prescribed burning, mechanical fuel reduction, chemical, and fire access track works.</i></p>
Madacsi	<p><i>Further to chemical is it road verges you are referring to or fire breaks and fire egress. What sort of chemicals do we use?</i></p> <p><i>Are we using chemicals that are relatively safe within the environment these days, given the nature of clays and that particular group of soils that retain pesticides and herbicides for quite considerable time?</i></p>	<p><i>It is not in regard to road verge spray for the MAF. It was designated by DFES that road verge spray programs were not eligible to apply.</i></p> <p><i>The chemical application that we use is largely reserve based to manage grassy weeds within what we deem to be the grass and jam fuel types so jam trees and grass and in some cases on firebreaks as well. Where it is a firebreak, the general rule of thumb that we are using a chemical that targets everything but where it is in a reserve we are targeting grass only to other native species to come up once the weed levels have reduced. We vary the chemical we use based on the task and on the desired output.</i></p>
Madacsi	<p><i>Who does the biological assessment?</i></p>	<p><i>We have had feedback from DFES on past programs about areas where we should be varying chemicals from one sort to another.</i></p>

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
		<i>We have taken that feedback on board. That comes from feedback from not only the Reserves Management Officer, but also the DFES Bushfire Technical Services Branch which has an Ecologist who has given feedback as well.</i>
Madacsi	<p><i>Do they do that in conjunction with somebody who has a good understanding of the ecology and the species diversity here or is that done purely from a fire maintenance perspective?</i></p> <p><i>What I am getting at here is that we have a very strong environmental stance within the community. We also have rapidly declining biodiversity. We are requesting that firms who undertake fire mitigation services for the Shire are mindful of this and have those conversations around optimising our fire preventative at the same time as being mindful of what the cost of that is. So where is that conversation happening?</i></p>	<p><i>The DFES Bushfire Technical Services Branch does have a qualified Ecologist as part of their team.</i></p> <p><i>It is actually based on the advice of the Ecologist that we should be increasing the use of chemicals over some other methods in that grass and jam environment.</i></p>
Madacsi	<p><i>Do they come out to Toodyay to do an assessment?</i></p> <p><i>Why I am raising this is that we have had two recent less than optimal outcomes:</i></p> <p><i>One was Sandplain road and one was Morangup Road a few years ago where there was a considerable cost in</i></p>	<p><i>With respect to Sandplain Road and Morangup Road, the Ecologist actually commented on the good treatment that was done on those roads; that was the correct treatment type to apply to that vegetation type.</i></p> <p><i>The feedback from the Ecologist, as I have said before on the grass and jam type of treatments was to move from a mechanical treatment which meant moving away from slashing and start using specific herbicides which target the actual weed.</i></p>

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
	<p><i>biodiversity along a flora road.</i></p> <p><i>Where is that conservation happening at a local level of the best way to manage those particular roads, and in particular Flora Roads?</i></p>	
Madacsi	<p><i>So you are using selective herbicides there?</i></p>	<p><i>Yes.</i></p>
Ruthven	<p><i>Would the officer please explain the reason/s for the weightings for the evaluation criteria “Nominated Project Team” and “Program” and the reasons for the scores given?</i></p>	<p><i>Nominate Project Team – The tender assessment panel considered the information provided in each tender with respect to stated experience and qualifications of key personnel and relevance to each of the four categories. Two tenders (Fire Mitigation Services and Martins Environmental Services) both identified individuals and their role and experience. One tender (Entire Fire Management) identified roles, but not experience. One tender (Working on Fire Australia) only made brief mention of the size of their workforce and non-individual reference to the types of skills within their workforce. The scoring reflects this assessment of information provided.</i></p> <p><i>With respect to the weighting – Understanding the depth structure and capabilities of key personnel assigned to a contract assists in assessing the capability to manage the delivery of requested services. This carries a lower weighting, in light of the existence of Company Experience criteria which is complementary.</i></p> <p><i>Program – The tender assessment panel considered the information provided in each tender with respect to the ordering and scheduling (time of year & duration) of the treatments tendered for. One tender (Fire Mitigation Services) provided the most appropriate schedule in the Prescribed Burning category, both from an environmental and risk perspective – with all other category programs deemed in line with</i></p>

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
		<p><i>requirements. Two tenders (Entire Fire Management & Martins Environmental Services) provided good information on programs, noting the former’s Prescribed Burning program was valid, but not preferable. One tender (Working on Fire Australia) provided only a proposed sequential order of works, which would not align with season vegetation fuel conditions required for each treatment category – specific dates or duration was not indicated in the tender. The scoring reflects this assessment of information provided.</i></p> <p><i>With respect to the weighting – most aspects of bush fire mitigation are extremely seasonal dependant. Thus, programme is an important inclusion when assessing awarding of contracts.</i></p>
Ruthven	FMS is a Northam business so how does it satisfy the Purchasing Policy criteria for regional price preference?	<p><u>Response from CESM:</u></p> <p><i>The Shire’s purchasing policy defines regional as local government areas neighbouring the Shire of Toodyay, thus Fire Mitigation Services being Northam based was considered to fit this criterion. Additionally the Fire Mitigation Services tender was the only submission which indicated use of regional suppliers and services providers.</i></p>
Ruthven	Whereabouts in the policy does it say about neighbouring locations?	<p><u>CESM response:</u></p> <p><i>Section 8 of the Policy titled “Regional Price Preference Effect on Purchasing Thresholds Tenders” talks about criteria.</i></p> <p><u>Manager Corporate and Community Services response:</u></p> <p><i>Page 15 of the Policy, just before reference information it states the following definition:</i></p> <p>“Regional* applies to local government areas neighbouring the Shire of Toodyay.”</p>
Ruthven	Would the officer please explain how Part 8 of the shire’s Purchasing Policy – Regional Price Preference	<p><u>Response from CESM:</u></p> <p><i>Your description of the policy is correct. In this particular tender everything came in under</i></p>

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
	Effect on Purchasing Thresholds Tenders translates into the scores provided under the 10% weighting in each of the tables for the Regional Price Preference criterion?	<p><i>budget so all tenders were considered to be of good value for money when just looking at that money alone, so reducing the regional tenderer further would not have had any impact. Please do not get that confused with the actual tender evaluation criteria. It is unfortunate that we have actually used the same terminology “Regional Price Preference” – that is something I will look into changing in the future.</i></p> <p><i>What we looked at is that, if you look at the description in the report, is how much service the tenderer brings from a regional area.</i></p> <p><i>The Regional Price Preference criteria considers location of the supplier and to what extent supplier demonstrates supply of ancillary goods/services from a regional source.</i></p> <p><i>In the case of this tender, all submissions received were within both overall budget and categorised estimates.</i></p> <p><i>As such, all submissions received full scoring on tendered price.</i></p> <p><i>Thus, in the case of Fire Mitigation Services, the only tender with regional credentials, applying the 10% price reduction was, a) not required in assessing the tendered price criteria and b) if applied, would have represented a double up (or double dipping) of regional preference scoring considered in the relevant Evaluation Criteria.</i></p>
Pearce	<p>From Purchasing Policy - Ethics and Integrity</p> <p>(d) All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;</p> <p>(e) Any actual or perceived conflicts of interest are to be</p>	<p><u>Response from CESM:</u></p> <p><i>I would have to take that on notice due to the content in the question needs to be clarified before I can respond to it.</i></p> <p><u>CEO response:</u></p> <p><i>I can only respond generally that the process for the appointment of a panel is that we consider the skills and experience of the panellists that are being proposed to evaluate and we have a conflict of interest declaration that is required to be signed by all panellists</i></p>

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
	<p>identified, disclosed and appropriately managed;</p> <p>The tender submitted by Fire Mitigation is from a contractor who was previous shire employee and involved in fire control with connection to the panel members. In the interests of transparency and integrity, how is the community guaranteed that the process and panel is free from bias as per ethics, integrity of Purchasing policy? In these situations what would the process be for the appointment of an independent panel from another LG?</p>	<p><i>and all panellists are required to sign off on the decision of the panel so we know they are all in agreement with that recommendation.</i></p> <p><i>I cannot tell you the exact details of this particular tender because I was not involved so will have to take on notice and investigate.</i></p> <p><u>Response after meeting provided by the CEO:</u></p> <p><i>The CEO has reviewed the tender process and is satisfied that the evaluation was conducted in accordance with the Shire's Purchasing Policy.</i></p> <p><i>The Shire could seek to appoint and independent person to evaluate tenders. However, this would likely incur further costs. In addition, neighbouring local government CEOs have indicated a reluctance to expose staff to what they perceive as a risk in being responsible for another LG's tender process.</i></p>
Pearce	<p>The Officer's report states <i>This tender scored strongly with respect to the depth and experience of the nominated project team for vegetation management, both via prescribed burning and mechanical methods'</i></p> <p>In last financial year, there were concerns with successful tender - Fire Mitigation's work carried out on verge in Sand Plain Rd and damage to pipes in Morangup.</p> <p>How were these concerns addressed in the tender document and by the panel in assessing environmental impacts/damages by contractors?</p>	<p><u>Response from CESM:</u></p> <p><i>With respect to the works that the aforementioned contractor was doing for the Shire in the past, they were doing the work in accordance with specifications provided by the Shire.</i></p> <p><i>There was no question in my mind as an Officer that the Contractor was not doing their job as specified.</i></p>

9.4.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
Pearce	<p>How were these concerns addressed in the tender document and by the panel in assessing environmental impacts/damages by contractors?</p> <p>What processes are in place to reduce the impact of environmental damage by successful contractors?</p> <p>Is panel aware of previous historical concerns in other tenders?</p> <p>What are processes does the Shire have to inform contractors if rare native flora are present prior to verge mitigation and procedures to follow?</p>	<p><u>Response from CESM:</u></p> <p><i>In terms of the environmental side of it, we do take feedback from the Ecologist from within DFES.</i></p> <p><i>We also do our due diligence on things like rare flora and fauna, we check through the Bush Fire Risk Mitigation Software and we do those checks prior to works commencing. Where there are environmental sensitivities revealed we will either exclude works in that area or go and seek the relevant permission from the relevant agency.</i></p>

9.5 COMMITTEE REPORTS

9.5.1 Bush Fire Advisory Committee Recommendations

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
McKeown	<p>On page 55 of the Agenda, second paragraph first sentence says:</p> <p><i>“The current storage of consumables is still accessible to brigades and is a short-term solution”</i></p> <p>Which consumables are still available to Brigades from the Shire depot?</p>	<p><u>CEO response:</u></p> <p><i>All of the consumables that are stored in the sea container</i></p>
McKeown	Which are they?	<i>CEO requested CESM respond.</i>

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
		<i>Currently there are no consumables accessible at the Shire Depot. They were removed by me, based on management advice.</i>
<i>Madacsi</i>	Where were they removed to?	<i>At the moment water and foam has been removed to fire stations. We do not have a suitable outcome for kerosene at this point in time.</i>
<i>Madacsi</i>	Where is the kerosene currently?	<i>It is still in the sea container but it is not currently set up for use and is not accessible at the moment.</i>
<i>Madacsi</i>	Can you provide clarity for we of the non-firefighting genre? When you say it is available in the sea container, but it is not accessible at the moment for use, what is the distinction?	<i>There is a drum of kerosene sitting in the sea container but that drum of kerosene has not been tapped for use with a pump needed to extract it out of the drum.</i>
<i>Madacsi</i>	Whose responsibility is that?	<i>At the moment we have Work Health and Safety issues in regard to the container and on management advice we are not using the sea container to access consumables.</i>
<i>Madacsi</i>	That sounds like an operational matter that can be sorted relatively easily because if there is a requirement to access it – which you have stated, then do you see a way forward for access of this kerosene required for firefighters for the fire brigades?	<u><i>Manager Infrastructure and Assets response:</i></u> <i>Yes.</i>
<i>McKeown</i>	Is firefighting foam available from the depot at the moment?	<u><i>Manager Infrastructure and Assets response:</i></u> <i>The CESM just advised there is no firefighting foam at the depot.</i>
<i>McKeown</i>	Is there drinking water available from the depot for the fire brigades at the moment?	<u><i>Manager Infrastructure and Assets response</i></u> <i>No.</i>

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
McKeown	Is the Kerosene not available either?	<u>Manager Infrastructure and Assets response</u> <i>Kerosene is not available.</i>
McKeown	These 3 items were available from depot up until late last year and now they are no longer available. Where are the fire brigades getting their drinking water from?	<u>Manager Infrastructure and Assets response</u> <i>From the fire station.</i>
McKeown	Where are the fire brigades getting the water to put into the fire station?	<u>Manager Infrastructure and Assets response</u> <i>I do not know.</i>
Madacsi	When you receive the water is it in bulk?	<i>That is correct.</i>
Madacsi	I take it that in the past it has gone to the Shire depot. Is there anything prohibiting that being delivered anywhere else?	<i>Previously a pallet of water at a time was delivered to the Shire depot and the fire brigades could re stock their in-truck fridges as they came in for fuel and other make up requirements at the end of an incident.</i> <i>We do not have a storage option for a pallet of water at the depot at this point in time.</i>
Ruthven	Why cannot the water be stored at the fire stations?	<i>At the moment; so presently, as fire brigades need water, that is being purchased from the IGA on an as needs basis and placed at the fire stations. The fire stations have not been designed to accept pallets nor are there the required facilities to move pallets on fire stations so water is being taken to the fire stations in smaller quantities at the moment.</i>
Ruthven	I am thinking of the plastic wrapped packs with a dozen or more bottles– Why can't the fire stations keep a stock of those?	<i>The Fire stations do keep a stock of those, usually around 3 or 4 packs of water at the fire station. The usage rates fluctuate based on how busy the brigade is but that is just designed to tide them over until the next time their truck could access the bulk storage at the Shire Depot. As I said, we are currently doing more frequent runs of smaller packs of water to the fire stations.</i>

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
<i>Ruthven</i>	When you do a crew changeover, if they are out for more than one shift, where is the changeover done?	<i>That is dependent on the nature of the incident; whether that is done back at the station or at the incident control or operations point. If it is done at the latter point then it is a requirement of the incident to make sure we are provisioning things like drinking water for the incoming crews.</i>
<i>Ruthven</i>	So whatever the incident control point was – say it was the colocation centre, would there be stocks of water held there, so that they could restock then?	<i>Probably insufficient stock to act in an incident control centre capability. What is on station is designed to meet the need of the brigade that is housed there in the short term.</i>
<i>Ruthven</i>	Surely in the case of an emergency there could be extra deliveries done?	<i>Yes, within an incident extra deliveries would need to be made, whether that is at a fire station or whether it is in an incident control point, which is outside in a paddock, or on the side of a road, etc.</i>
<i>Ruthven</i>	Why do pallet loads of water need to be at the depot if that is not where crew changeover is taking place and where the vehicles are coming in. Is not that extra?	<i>The advantage of having water and other consumables at the Depot is one of operational efficiency that the crews as they come in can refuel their truck, fill their truck up with water, get drinking water, get firefighting foam and kerosene in one location. It has also got operational efficiencies for administration staff in the fact that we are procuring larger quantities, less frequently, and also attracting a better purchase price in that procurement as well.</i>
<i>McKeown</i>	Has the situation changed from last year to this year in so far as last year's fire season crews were able to proceed to the Shire Depot – refuel the truck with diesel, refill the truck with water, collect the foam, collect the kerosene and collect the drinking water all at the Shire depot in the one pass?	<u><i>Shire President response:</i></u> <i>No.</i>

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
	<p>Has the situation changed to a position where the crews have to go to the Shire depot to get diesel fuel, and at one stage had to go to the standpipe to get water and now somebody from the brigade has to go to the IGA supermarket to get drinking water and I am not sure how we get the firefighting foam.</p> <p>Has the situation changed to that extent?</p>	
McKeown	<p>There was a one stop shop and now there is not.</p>	<p><u>Shire President response:</u></p> <p><i>I would not have said that it had changed to that extent simply by the conversation that there is a capacity to have water available.</i></p> <p><i>We are starting to debate.</i></p>
McKeown	<p>Has it changed from where we had a one stop shop to another system?</p>	<p><u>Shire President response:</u></p> <p><i>Yes it has changed.</i></p>
McKeown	<p>Didn't you just say that it hadn't changed?</p>	<p><u>Shire President response:</u></p> <p><i>No I said no when you referred to somebody having to go to IGA but that is not the situation.</i></p>
McKeown	<p>Is that the situation? Do people from the fire brigade end up having to go to the IGA to get drinking water?</p>	<p><i>Either myself will go to the supermarket and drive water to the fire station for the brigade, or I will meet a brigade member at the supermarket, give them the water and they take it to the station.</i></p>
Madacsi	<p>Haven't you just answered that water is available at the Incident Control centre and that is where the changeover occurs?</p> <p>Why we are asking the question is because we are trying to get an understanding of the</p>	<p><u>Cr McKeown response:</u></p> <p><i>May I ask another question that might clarify that?</i></p>

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
	efficiencies involved and then that understanding can be then dealt with.	
McKeown	At every fire is there drinking water available at incident control to be taken back to the station?	<p><i>No, there is not water supplied at the incident control point that can then be taken back to the station.</i></p> <p><i>We do aim to have drinking water at the incident control point (once again whether that is a fire station, or a paddock, or a side of a road) to meet the requirements of that incident. It is not designed as a stop that can be taken back to the station to manage or meet the obligations of the brigade (training etc).</i></p>
Madacsi	Should the first sentence on the second paragraph of page 55 have been within the Officer's report?	<p><u>CEO response:</u></p> <p><i>Part of the reason that the Officer's Recommendation reads as it does is because I consider it to be an operational matter.</i></p> <p><i>I have, during the week, asked for this matter to be resolved and discussed with the Bush Fire Brigade Captains.</i></p> <p><i>It is being dealt with. Our CESM is looking at long-term solutions and putting up a budget brief to look at a long-term storage solution. There have been changes at the depot which have resulted in greater security for Shire owned assets and personnel.</i></p>
<p><i>Cr McKeown raised a point of Order in relation to the meeting going into debate in the midst of the CEO providing the above response.</i></p> <p><i>The Presiding Member rejected the Point of Order and advised that the CEO is entitled to respond to the question that had been asked.</i></p> <p><i>The Presiding Member stated that Cr McKeown was out of order.</i></p>		
McKeown	What is she responding to?	<p><u>Shire President response</u></p> <p><i>If you were listening and not interrupting you will hear what she was responding to and that is the nature of the report and why this is even on the table.</i></p>

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
McKeown	Who asked that question?	<u>Shire President response:</u> <i>I did. I am not debating with you.</i>
McKeown	This is an Agenda Forum and questions are to be asked and responded to. If you did not ask a question there is no reason for somebody to give an answer.	<u>Shire President response:</u> <i>The question that clarity needs to be made of this situation because a report has brought operational matters into the Council Chambers on camera. Please do not interrupt me as I am speaking.</i>
McKeown	I am interrupting to make a Point of Order. Why is the CEO is able to make a personal explanation at an Agenda Briefing?	<u>Shire President response:</u> <i>The CEO, who is the head of operations is perfectly entitled to provide an explanatory note. That is what she had done and please do not argue any further.</i>
McKeown	On page 55 of the agenda item in the third paragraph it refers to VFS vehicles – what are VFS vehicles?	<u>CEO response:</u> <i>This is a typo – it should be the Fire and Emergency Services vehicles.</i>
McKeown	Do Fire and Rescue Service vehicles have 24/7 access to the Shire Depot and in particular access to the wash-down bay at the Shire Depot?	<u>CEO response:</u> <i>VFS vehicles refers to the volunteer bush fire vehicles.</i>
McKeown	Over the most recent summer period, did the volunteer fire service vehicles have 24/7 access to the washdown bay?	<u>CEO response:</u> <i>I believe there was an incidence where the bay was not available and that is why there was the word “generally” to the washdown bay.</i>
McKeown	Also in same paragraph there was a reference to key fobs being provided to Toodyay Volunteer Fire and Rescue (that is the red trucks) to enable emergency access to the Shire Depot. Do the Toodyay Volunteer Fire and Rescue Trucks currently have the key fobs	<u>CEO response:</u> <i>No.</i>

9.5.1 - Questions and Points raised		
Councillor	Question	Response from Community Emergency Services Manager (CESM) unless otherwise specified
	to allow them to access the Depot?	
Madacsi	Would the Manager of Infrastructure and Assets like to provide a reason as to why the wash-down bay might not have been available for access?	<u>Manager Infrastructure and Assets response:</u> <i>The washdown bay was actually available but it was restricted by a vehicle which was parked in the washdown bay because the cooling trailer was parked in one of the bays.</i>
McKeown	Was the washdown bay available or not for the whole summer?	<u>Manager Infrastructure and Assets response:</u> <i>Yes it was.</i>
McKeown	How can the washdown bay be available when a truck was parked in the bay?	<u>Manager Infrastructure and Assets response</u> <i>There was enough space to wash down another vehicle.</i>
McKeown	What does the Shire President, the CEO and Manager of Infrastructure and Assets understand by the term operational matter?	<u>Shire President response:</u> <i>I am not prepared to engage with that. This is not an inquisition. You have been on Council for nearly 3 years. I think you are well and truly aware of what an operational matter is.</i>
McKeown	I know what an administrative matter is, but I do not know what an operational matter is.	<u>Shire President response:</u> <i>It is the operation of the services and the facilities of the Shire is it not, and is that not undertaken by the Administration Councillor?</i>
McKeown	I do not understand what the term operational matter means in practice.	<u>Shire President response:</u> <i>You employ a CEO to oversee staff in the operations of the Shire of Toodyay. Therefore, matters that relate to the staff and the operations within that realm are termed operational. It is not a term we use as Councillors in any activities we undertake because we are not operational.</i>

Cr Hart raised a Point of Order to adjourn the briefing.

The Shire President ruled that as there were two items left, they would be discussed, and there would be a break between the briefing and the forum scheduled thereafter.

The Shire President also ruled at 2.38pm that no further discussion would take place in regard to Item 9.5.1 and that Item 9.5.2 would be discussed as the next item of business.

9.5.2 Audit & Risk Committee Recommendations

Nil.

9.5.3 Museum Advisory Committee Recommendations

Nil.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil.

12 QUESTIONS OF MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

12 - Questions and Points raised		
Councillor	Question	Response from the CEO unless otherwise stated
McKeown	Referring to the Code of Conduct for Employees, Section 5.51A (3) of the Local government Act requires that “The CEO must publish an up-to-date version of the code of conduct on the local government’s official website.” In answer to a question by a member of the public reported at the OCM of 22 February 2023, the CEO replied that “Due to an administrative oversight the Code of Conduct had not been put onto the website.” What was the administrative oversight that caused the Code of Conduct not to be put onto the Shire website?	<i>The administrative oversight was human error. It was assumed the Code of Conduct for Employees had been uploaded to the website when signed off. This was not the case which is why it was reported in the Shire’s 2022 Compliance Audit Return. Procedures have been improved to prevent a recurrence of this nature.</i>

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 MEMBERS

13.1.1 Councillor Pearce - Notice of Motion - North Street Closure

Nil.

13.2 EMPLOYEES

Nil.

14 CONFIDENTIAL BUSINESS

Nil.

15 NEXT MEETINGS

As per Council Meeting Agenda.

16 CLOSURE OF MEETING

The Shire President declared the meeting closed at 2.40pm.