



Date: 19 November 2020

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held in the Council Chambers on 24 November 2020 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in black ink, appearing to read "D. Unsworth", is positioned above the name of the Chief Executive Officer.

**DEAN UNSWORTH
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

1. The order of business allows for a Public Question time at the beginning of the Meeting.
2. If you wish to ask a Question about an Agenda Item before it is considered then it is recommended to be made at the Public Question Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited, unless the prior approval of the Council has been given.

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AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**
2. **ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
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4. **PUBLIC QUESTION TIME**
5. **PETITIONS AND APPROVED DEPUTATIONS**
6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 6.1 **ORDINARY COUNCIL MEETING – 27 October 2020**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 27 October 2020 be confirmed as being a true and correct record of proceedings.

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**
8. **ANNOUNCEMENTS BY MEMBERS**
9. **DISCLOSURES OF INTEREST**

(Disclosure of interest **MUST ALSO** be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)

10. **RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES**

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS

11.1 DIRECTOR INFRASTRUCTURE SERVICES

11.1.1 Adoption of Shire of Waroona Waste Plan	
File Ref:	77/18
Previous Items:	N/A
Applicant:	Shire of Waroona
Author and Title:	Rikki Pulfer, Technical Officer
Declaration of Interest:	N/A
Voting Requirements:	Absolute Majority
Appendix Number	11.1.1

RECOMMENDATION

That Council adopts the Shire of Waroona Waste Plan.

IN BRIEF

The purpose of this item is to seek Council endorsement of the Waste Plan in accordance with the requirements of *Waste Avoidance and Resource Recovery Act 2007* and section 5.56 of the *Local Government Act 1995*.

BACKGROUND

In November 2019 written notification was received from the Department of Water and Environmental Regulation, (DWER) advising the Shire to implement a waste plan outlining how waste services will be managed to achieve consistency with the Western Australian Waste Avoidance and Resource Recovery Strategy 2030 (WARR). The notification was issued to all local governments located in the Perth metropolitan and Peel regions.

The vision of the WARR Strategy 2030 is “Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.” In addition the state target is to increase material recovery by 2030 to 75%.

The final waste plan is required to be submitted by 31 March 2021 with the implementation plan to commence in the 2021/22 financial year.

REPORT DETAIL

Officers from the Shire of Waroona have researched a list of initiatives which align the waste strategies for the Shire to WARR. Although the aspirational target in WARR is to increase material recovery to 75%, given the Shire’s relatively low material recovery rates it is believed that the Shire would not be able to meet the target.

Considering that little to no focus has been given to educating and improving waste management within the Shire until now, it is believed that the initiatives set out within the waste plan are both achievable and affordable. In addition, the initiatives should help achieve a 5-10% increase in material recovery over the current 26%

Another area where the Shire will struggle to comply with the aspirations set by WARR is Food Organics and Garden Organics (FOGO). The FOGO specific target in WARR is:



“2025: All local governments in the Perth metropolitan region1 and Peel region2 (Perth and Peel regions) provide consistent three-bin kerbside collection systems that include separation of Food Organics and Garden Organics (FOGO) from other waste categories”

The investigation into the feasibility of implementing a three bin system including FOGO is a requirement under WARR. The Shire will investigate the possibility of FOGO. However it is believed that due to the Shire’s rural classification, larger block sizes and a relatively low population, the amount of material that could be recovered under this classification will be relatively low and therefore not cost effective. While FOGO must be investigated, it is likely that alternative pathways will be considered. After the completion of the investigation Council will need to adopt the acceptance or refusal of implementing a three bin system with written advice being submitted to DWER.

The draft waste plan has been submitted to DWER and feedback from that process has been supportive.

Should the waste plan meet with Council approval the adopted plan will be submitted to DWER.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Environment
Aspiration	To continually care for, protect and enhance our environment for the generations to come
Objective	3.2 Proactively manage resources and practice sustainability through responsible management of water, energy, fire management and waste
Strategy	3.2.4 Improve waste management practices through diversion, re-use and recycling

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Waste Avoidance Resource Recovery Strategy 2030

Local Government Act 1995

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

The waste plan is valid for a five year period therefore officers are able to forward plan any economic impacts to the Shire.

Social - (Quality of life to community and/or affected landowners)

The waste plan will improve the Shire’s response with regards to waste management and will assist in future education and performance improvements, which will assist in community wellbeing.

Environment – (Impact on environment’s sustainability)



By creating a waste plan officers have been able to create a set of initiatives which will improve waste operations within the Shire, improve material recovery and to expose less waste to the environment.

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The preparation of the waste plan and its implementation is another tool in the Shire's waste management tool kit and has and will assist officers in determining and dealing with various risks including financial, reputational and environmental.

CONSULTATION

- Shire of Waroona – Discussion with Councillors at a previous Briefing Session
- Department of Water and Environmental Regulation
- Western Australian Local Government Association

RESOURCE IMPLICATIONS

Financial

Any financial implications stemming from the report will be dealt with in the normal budget process

Workforce

Some Officer time was expended on this process as part of normal duties.

OPTIONS

Council has the option of:

1. Adopt the Waste Plan.
2. Not adopt the waste plan and therefore not comply with Section 5.56 of the Local Government Act 1995.

CONCLUSION

The adoption of the Waste Plan is a requirement under the *Waste Avoidance and Resource Recovery Act 2007* and section 5.56 of the *Local Government Act 1995* and therefore the Shire is required to develop its own. The initiatives as part of the Waste Plan are deemed realistic and will have little financial impact on the ratepayers of the Shire while improving our waste management response.

11.2 ACTING DIRECTOR PLANNING & SUSTAINABILITY

11.2.1 Request for Closure of Portions of Hayes, Brockman and Wellington Roads and Browns Lane, Wagerup	
File Ref:	TP2170
Previous Items:	Nil
Applicant:	Alcoa of Australia Pty Ltd
Author and Title:	Anthony (Tony) Dowling, Acting Manager Planning
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers	Appendices 11.2.1 A,B,C,D – Proposed Road Closures Appendix 11.2.1E - Plan of disposition

RECOMMENDATION

That Council:

1. Pursuant to section 58 of the *Land Administration Act 1997*, initiates the proposed permanent closure of the following roads in the Wagerup locality:
 - (i) Hayes Road as depicted on Plan No. ARCW 002 drawn by RIT McEwen Licensed Surveyor on behalf of Alcoa of Australia P/L;
 - (ii) Brockman Road as depicted on Plan No. ARCW 001 drawn by RIT McEwen Licensed Surveyor on behalf of Alcoa of Australia P/L;
 - (iii) Wellington Road as depicted on Plan No. ARCW 003 drawn by RIT McEwen Licensed Surveyor on behalf of Alcoa of Australia P/L; and
 - (iv) Browns Lane as depicted on Plan No. ARCW 004 drawn by RIT McEwen Licensed Surveyor on behalf of Alcoa of Australia P/L;
2. Request Alcoa of Australia Pty Ltd to agree to reimburse expenditure incurred by the Shire of Waroona in placing a public notice in the *Harvey-Waroona Reporter* newspaper on the aforementioned proposed road closures, with such agreement being received prior to the commencement of placing the public notice.

IN BRIEF

- Alcoa of Australia Pty Ltd (Alcoa) has requested that portions of Hayes, Brockman and Wellington Roads and Browns Lane in the Wagerup locality be permanently closed with the land contained within each of these road reserves being amalgamated into adjoining lots owned by Alcoa.
- To accede to this request Council must first resolve (pursuant to section 58 of the *Land Administration Act 1997*) to initiate the closure process, which is set out in the *Land Administration Regulations 1998*.
- Initiating the closure process will enable Council to gauge community and public utility agency support (or otherwise) for the proposed closures and determine (at a future Council meeting) whether it ought to proceed to formally request the Minister for Lands to close the subject roads.

BACKGROUND

Alcoa is the registered proprietor of Lots 203 on DP 233039, 205 on DP 34250, 146 on DP 232779, 145 on DP 232779, and Lot 12 on Diagram (D) 59237 which abut the aforementioned roads.

Lot 205 contains Alcoa's residue lakes which are part of its adjacent refinery operations.

Lots 12, 145, 146, and 203 are currently used for agriculture (zoned Rural 2 – Irrigated Agriculture) and, in effect, provide a buffer around Alcoa's residue lakes.

Preliminary survey plans prepared by RIT McEwen Licensed Surveyor on behalf of Alcoa of Australia P/L depicting the roads proposed to be closed are provided at **Appendices 11.2.1A-D**

A plan of disposition also prepared by Alcoa illustrating how the residual land contained within each of the road reserves are proposed to be amalgamated into adjoining lots owned by Alcoa is provided at **Appendix 11.2.1E**.

Hayes Road comprises a dirt track for its whole length.

Brockman Road comprises a single lane asphalt road (in poor condition) from its intersection with Bancell Road to Hayes Road. Thereafter it comprises a dirt track up to its boundary with Lot 205.

Wellington Road comprises a dirt track from its intersection with Bancell Road up to its boundary with Lot 205. It is fenced and gated across its full width near its Bancell Road intersection.

Browns Lane also comprises a single lane asphalt road (also in poor condition) between its western and eastern intersections with Bancell Road. It too is fenced across its full width at its western intersection with Bancell Road.

Alcoa originally applied to permanently close these roads, together with three other roads located in the Hamel locality, back in July 2018. For various reasons the request was deferred, principally due to uncertainty at the time as to whether abutting lots relying on access from these roads first needed to be amalgamated into adjoining lots having alternate public road access. Alcoa has now reactivated the closure request.

The process to permanently close a public road essentially comprises three stages in the following order:

1. The local government resolves to initiate the process of the proposed closures.
2. The local government gives public notice of and invites comments on the proposed road closures (within a 35 day period) in a newspaper circulating within the locality containing the subject roads.

Additionally, the local government consults with relevant authorities and State agencies on the proposed closures, especially those who may have existing public infrastructure within the road reserves (eg. Water Corporation, Western Power etc); and

3. The local government – if satisfied that the closure can proceed having regard to any submissions/comments received from the public and affected authorities/agencies –

resolves to formally request the Minister for Lands (via the Department of Planning, Lands and Heritage) to permanently close the subject roads.

Ordinarily, the residual land contained within the roads to be closed is apportioned and amalgamated into abutting lots. This process will occur subsequent to Stage 3 above.

REPORT DETAIL

Lot 203 relies on access from either Hayes Road or Brockman Road. Closing both of these roads will leave Lot 203 without legal road access therefore Alcoa proposes to amalgamate the Hayes Road residual land and Lot 203 with Lot 205.

Lot 146 currently has legal road access from Brockman, Bancell, and Wellington Roads. Therefore, closing Brockman and Wellington Roads will not impact access to Lot 146. Alcoa proposes to amalgamate the Brockman Road residual land into Lot 146.

Similarly, Lot 145 has legal road access from Wellington and Bancell Roads and part of Browns Lane. Therefore, closing Wellington Road and Browns Lane will not impact access to Lot 145.

Lot 12 currently has legal road access from Bancell Road and Browns Lane. Therefore, closing Browns Lane will not impact access to Lot 12.

Alcoa proposes to amalgamate the Wellington Road and Browns Lane residual land into Lot 145.

Given singular ownership of Lots 12, 145, 146 and 203 by Alcoa, and that alternate legal road access is available or can be made available to these lots, it is contended that there is no public benefit in keeping the subject roads open which only benefit the singular private landowner. There is also the benefit to the Shire by having these roads closed insofar the Shire will no longer have the responsibility of maintaining these roads. Closing of these roads will also reduce indiscriminate and unauthorised public access to the abutting lots and interference with ongoing agricultural practices thereon.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets

OTHER STRATEGIC LINKS

The subject roads are included within the Industrial Precinct and Special Control Area 1 designated in the Shire's current *Local Planning Strategy*. Closure of the subject roads will have no effect upon these designations being maintained.

STATUTORY ENVIRONMENT

Land Administration Act 1997

Land Administration Regulations 1998



SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Removal of public access to Lots 12, 145, 146 and 203 will reduce the risk of unauthorised access to abutting lots as well as providing an additional layer of protection against interference with agricultural production being carried out on the abutting lots (which are designated as priority agriculture areas under the Shire's *Local Planning Strategy*).

Social - (Quality of life to community and/or affected landowners)

As Alcoa is the only directly affected landowner closure will present no risk to its alumina refinery operations.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	The proposed closures are unlikely to provide any risk to the Shire

CONSULTATION

Upon Council resolving to initiate the proposed road closures, a public notice of the proposed closures will be placed in the *Harvey-Waroona Reporter* newspaper and on the Shire website. Any person will then have up to 35 days to lodge a written submission on the proposed closures.

Simultaneously, authorities and agencies to be consulted on the proposed closures will also be notified and invited to comment.

RESOURCE IMPLICATIONS

Financial

The Shire will initially bear the small expense of placing the public notice in the *Harvey-Waroona Reporter* newspaper but this expense will be recouped from Alcoa, subject to Alcoa agreeing to reimburse the Shire for this expense.

Workforce

Administration of the road closure process can be undertaken within existing staffing resources.

OPTIONS

Council has the option of:

1. Initiating the request for closure – this will enable Council to gauge community and agency support or otherwise for the proposed road closures;
2. Declining the request for closure – the status quo remains, with the Shire still burdened by maintaining these roads to a suitable trafficable standard; it will also preclude Alcoa from consolidating its land holdings to meet its operational objectives.

CONCLUSION

The roads proposed to be closed are not integral to maintaining the Shire's local road network and essentially serve no public purpose.

Closing these roads will be beneficial to both Alcoa and the Shire.

As such, it is recommended that Council initiate the proposed road closures as described herein.

11.2.2 Request For Signing and Sealing of Section 70A Notifications Under The Transfer of Land Act - Subdivision of Lot 199 Nanga Brook Road, Waroona	
File Ref:	SD156876
Previous Items:	Nil
Applicant:	R.I.T. McEwen
Author and Title:	Anthony (Tony) Dowling, Acting Manager Planning
Voting Requirements:	Simple Majority
Appendix Number	Appendix 11.2.2 – Plan of Subdivision

RECOMMENDATION

That Council authorise the signing and sealing of two section 70A Notifications under the *Transfer of Land Act 1893* in respect to condition numbers 4 and 5 of the preliminary subdivision approval granted by the Western Australian Planning Commission (WAPC) on 13 December 2019 to subdivide Lot 199 Nanga Brook Road, Waroona into two lots (WAPC ref: 156876).

IN BRIEF

- Preliminary subdivision approval has been granted by the WAPC to subdivide Lot 199 Nanga Brook Road, Waroona into two lots.
- A total of 10 conditions were attached to the preliminary subdivision approval of which 5 conditions comprised local government requirements. Compliance with all conditions of the preliminary approval is required for the subdivision to obtain final approval.
- Two of these conditions require registration of section 70A Notifications under the *Transfer of Land Act 1893* on the respective certificates of title to be issued for the approved lots, advising that neither reticulated sewerage nor a mains potable water supply is available to the proposed lots.
- The aforementioned conditions require the Shire of Waroona to sign and apply its common seal to the section 70A Notification documents in order to enable their registration on the certificates of title.
- Signing and sealing of the section 70A Notification documents requires the authorisation of Council.

BACKGROUND

On 13 December 2018 the WAPC granted preliminary subdivision approval to subdivide Lot 199 Nanga Brook Road, Waroona into two lots as per the sketch plan of subdivision provided at **Appendix 11.2.2**. The location of the lot is shown on the following plan.





A total of 10 conditions were attached to the preliminary subdivision approval. Five of these conditions comprise local government requirements.

Two of the local government conditions (condition numbers 4 and 5 of the preliminary approval) require the registration of respective notifications under section 70A of the *Transfer of Land Act 1893* on the certificate of titles to the proposed new lots. The respective notifications required are as follows:

1. That a reticulated sewerage service is not available to proposed lots and that onsite effluent disposal is limited to an appropriately designed system which may include a secondary treatment system; and
2. That a mains potable water supply is not available to the proposed lots.

The applicant's surveyor has prepared and submitted the required section 70A notifications for the Shire's signing and application of its common seal. The signing and sealing of the section 70A Notification documents requires the authorisation of Council.

The applicant's surveyor has also requested the Shire 'clear' the remaining local government conditions attached to the preliminary subdivision approval (ie. certify that the requirements of those conditions have been fulfilled to the satisfaction of the Shire).

The requirements of condition 2 of the preliminary subdivision approval (preparation and submission of a site and soil evaluation report) has been satisfactorily fulfilled, however compliance with conditions 5 and 9 remain outstanding.

Condition 5 required the submission by the subdivider of a plan detailing proposed building envelopes on the approved lots – in consultation with the Shire. This plan has yet to be submitted and it appears that consultation with the Shire on the size and the position of the building envelopes has yet to occur.

Condition 9 required the Bushfire Management Plan submitted with the application for preliminary subdivision approval to be updated to reflect the approved plan of subdivision. This action also remains outstanding to date.

REPORT DETAIL

The submitted section 70A documents can be signed and sealed. This action can be completed independently of the two outstanding local government conditions (5 and 9).

However, the requirements of the two outstanding conditions need to be fulfilled before overall 'clearance' can be given to the subdivision.

The applicant's surveyor has been advised of the above and requested to fulfil the requirements of the two remaining outstanding conditions.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- *Transfer of Land Act 1893*
- *Local Government Act 1995*

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Progressive infill subdivision will contribute to the expanded rate base for the Shire and provide opportunities for new land uses and development.

Social - (Quality of life to community and/or affected landowners)

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Signing and sealing of the section 70A Notification documents is not considered to be a risk to the Shire.

CONSULTATION

Nil

RESOURCE IMPLICATIONS*Financial*

All costs associated with the registration of the section 70A Notification documents are borne by the subdivider.

Workforce

The administration associated with the subdivision clearance process can be undertaken within existing staffing resources.

OPTIONS

The Section 70A notification documents are in a form that address the conditions of subdivision and Council therefore does not have any practical option but to authorise the signing and sealing of the documents.

CONCLUSION

Council's authorisation is required and ought to be granted to the signing and sealing of the section 70A notification documents.

11.2.3 Local Planning Strategy and Local Planning Scheme Review	
File Ref:	129/1 and TPS7
Previous Items:	Nil
Applicant:	N/A
Author and Title:	Rod Peake, Acting Director Planning
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Numbers	Nil

RECOMMENDATION

That Council:

1. Resolves to prepare a new Local Planning Strategy for the Shire of Waroona in accordance with Part 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. Resolves to prepare a new Local Planning Scheme for the Shire of Waroona, pursuant to Section 72(1)(a) and 88(3) of the *Planning and Development Act 2005* and Regulation 19(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
3. Gives notice of the resolution to prepare a new Local Planning Scheme to all adjoining local governments, each licensee under the Water Services Act 2012 likely to be affected, the Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions and all relevant public authorities pursuant to Regulation 20(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
4. Following advertising of the resolution to prepare a new Local Planning Scheme under Regulation 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, authorises the commencement of the preparation of a new Local Planning Scheme in accordance with the procedures set out in the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*;
5. Agrees to undertake the preparation of the new Local Planning Strategy and Local Planning Scheme jointly with the Shire of Murray;
6. Agrees the project funding for the preparation of the Local Planning Strategy and Local Planning Scheme will be accounted for in the 2020/21 mid-year budget review and 2021/22 financial year budget.
7. Requests a further report following quotations for specialist consultants in order to set the project budget.

IN BRIEF

- The timeframe for the Shire's current Local Planning Strategy (Strategy) is to 2021. The Shire's existing Local Planning Scheme (Scheme) was initially gazetted in 1996.
- The Shire has a statutory responsibility to review its Strategy and Scheme in the short term.

- The current Corporate Business Plan proposes the Strategy and Scheme to be reviewed in the 2021/22 and 2022/23 financial years and indicates a budget allocation of \$50,000 in each of these years.
- The Shire of Murray – Waroona Resource Sharing Alliance Business Plan includes a project to '*Prepare Local Land Use Planning Strategy and Planning Scheme*' to be undertaken before June 2022.
- The Shire of Murray has a current project to prepare a Strategy and review its Scheme in 2020/21. By undertaking the project jointly with the Shire of Murray will save costs and result in a more unified planning framework across the two Shires.
- It is proposed that the timing of Waroona's Strategy and Scheme review be brought forward to enable it to be undertaken jointly with the Shire of Murray's Strategy and Scheme preparation.

BACKGROUND

The Shire of Waroona Local Planning Scheme No. 7 (Scheme) is the current local planning scheme for the Shire. It was published in the Government Gazette and therefore became operative on 17 December 1996.

The Shire of Waroona Local Planning Strategy (Strategy) was approved by the Western Australian Planning Commission (WAPC) on 24 March 2009. The timeframe for the Strategy was 2021.

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) require local governments to carry out a review of their Scheme in the 5th year after it became operative. Given that the Regulations were introduced in 2015, existing dated local government schemes were given some additional time, until 19 October 2018 to carry out the review.

The Regulations also require that a local government must prepare a Strategy for each Scheme and provides that this may be prepared concurrent with the Scheme.

Given the now overdue review date for the Scheme and the approaching expiry date of the Strategy, it is appropriate that work commence on a Strategy and Scheme review in the short term.

REPORT DETAIL

A Strategy is a high-level strategic document that serves to guide the preparation of a Scheme. The WAPC's Local Planning Manual provides guidance on the preparation of Strategies and what they ought to contain. The Strategy will provide the interface between regional and local planning. It will set out the Shire's objectives for future planning and development and will include a broad framework by which to pursue those objectives. The Strategy will cover a diverse range of topics which affect land use and development across the Shire including demographic analysis, housing, commercial and retail floor space, centres, open space and recreation, transport, infrastructure, community facilities, urban design and heritage.

The Scheme will predominantly:

- set out the Shire's planning aims for the Scheme area and provide a statutory mechanism to implement the Strategy;
- set aside land as reserves for public purposes;
- zone land within the Scheme area in accordance with the Strategy; and



- control and guide land use and development in accordance with the specific objectives, land use permissibility, and development control provisions.

It should be noted that the Scheme will be prepared to generally fall into line with the model Scheme provisions provided in the Regulations. The Regulations also include Deemed Provisions which automatically form part of the Scheme and have already in effect replaced any corresponding provisions in the current Scheme.

The Shire of Murray has recently commenced work on the preparation of its new Strategy and Scheme. It is intended that this project be undertaken over the 12-18months.

Given the similar status, the Resource Sharing arrangements between the two Shire’s, the similar planning context and range of planning issues, there is an opportunity to bring forward the preparation of the Waroona Strategy and Scheme review and undertake the projects jointly with the Shire of Murray. It is expected that this would result in a more consistent outcome across the two Shire’s and therefore provide an easier to understand and administer planning framework. It would also enable the project to be undertaken in a more cost-effective manner.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.3 A planning framework that is visionary, supports connectivity and enables participation that ensures quality, diverse and innovative planning outcomes that meets community aspirations
Strategy	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes

OTHER STRATEGIC LINKS

The *Towards Waroona 2030 Corporate Business Plan 2020-2024* includes the following projects for the 2021/22 and 2022/23 financial years respectively:

- 1.3.1.1 Prepare a new place-led Local Planning Strategy
- 1.3.1.2 Prepare a new Town Planning Scheme

The Shire of Murray – Waroona Resource Sharing Alliance Business Plan includes a project ‘*Prepare Local Land Use Planning Strategy and Planning Scheme*’ to be undertaken before June 2022.

STATUTORY ENVIRONMENT

Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015



SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

The Strategy and Scheme will provide a clear planning framework to guide future public and private investment in the Shire.

Social - (Quality of life to community and/or affected landowners)

The Strategy and Scheme will provide for a land use planning framework to protect and enhance the quality of life and liveability for the Shire's community, and will address a range of social trends and issues.

Environment – (Impact on environment's sustainability)

The Strategy and Scheme will provide a framework to accommodate the Shire's growth in a way that is sensitive to, and capitalises on, the Shire's the existing natural and built environmental assets.

Policy Implications

The *Planning and Development Act 2005* requires that local governments are to have due regard to any State Planning Policies in preparing or amending a local planning scheme. The WAPC has adopted a range of such policies that have relevance to the Shire, including policies that relate to urban growth and settlement; environmental protection; agriculture and rural land use planning; and residential design.

The Deemed Provisions under the Regulations provide for the adoption of Local Planning Policies by the Shire to guide its discretionary decision making. These policies are not binding, but must be given due consideration in decision making and will have a bearing on how land may be used and the form of development which may take place. Local Planning Policies must be consistent with the provisions of the Scheme.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks associated with undertaking the review of the Local Planning Strategy and Local Planning Scheme.

CONSULTATION

It is anticipated that there would be significant input sought from the community and other stakeholders during the preparation of the Strategy and Scheme. Once draft versions of the documents have been endorsed by Council, there are statutory advertising obligations set out under the Regulations which will need to be followed.

Due to the importance of the project to the community, it is considered appropriate to engage holistically with the community and relevant stakeholders throughout the preparation of the documents. It is proposed that a detailed community consultation strategy be prepared as one of the initial actions to guide the level and extent of engagement.

RESOURCE IMPLICATIONS

Financial

There are no funds allocated in the current financial year budget for the Strategy and Scheme. The Corporate Business Plan however reflects funding of \$50,000 for both the Strategy and Scheme to be allocated in 2021/22 and 2022/23 respectively.

By bringing forward the Strategy and Scheme project and undertaking the project jointly with the Shire of Murray, it is expected that the project would be able to be undertaken in a more cost-effective manner than if it were undertaken separately.

The Shire of Murray has allocated \$200,000 for its project. By undertaking the project jointly, it is anticipated that it could be undertaken with a Waroona contribution in the order of between \$50,000 to \$70,000, rather than the \$100,000 estimated in the Corporate Business Plan if undertaken separately. The funding is needed to engage specialist consultants (planning, mapping, environmental, bush fire etc) and for costs associated with community engagement and advertising. The actual amount could be confirmed at the time of selecting the consultants.

It is envisaged that savings will be evident when the Shire prepares its mid-year budget review in early 2021 due to staff cost savings made through the Resource Sharing Alliance with the Shire of Murray in the Planning Directorate and in addition, the extended vacancy for the Town Planner position. As the project will span approximately 18 months, any additional funding can be allocated from the 2021/22 budget.

Workforce

The project will be able to be undertaken within existing staffing resources. Undertaking the project jointly with the Shire of Murray under the Resource Sharing Alliance will save duplicating staff project management in both Shire's.

OPTIONS

Given the statutory need for a Strategy and Scheme review the only realistic option is to proceed to undertake this project in the short term.

Council does however have the option of:

1. Commencing the Strategy and Scheme review in the current financial year or as previously planned next financial year.
2. Undertaking the Strategy and Scheme review either individually or jointly with the Shire of Murray.

CONCLUSION

The Shire has a statutory obligation to review its Strategy and existing Scheme. There have been substantial changes in the State and Regional planning framework since the existing Strategy and Scheme were prepared, which underpins the importance of regular reviews.

The Strategy and Scheme will provide the key strategic and statutory framework for future development and will clearly express Council's strategic land use vision, policies and proposals in preparation of the next phase of the Shire's growth.

It is proposed that the timing of the project be brought forward to enable it to be undertaken jointly with an equivalent project being undertaken by the Shire of Murray. This will enable a more unified planning framework across the two Shire's and enable the Shire of Waroona to achieve the project in a cost-effective manner.

The project will take 12-18 months to undertake, with the initial steps being to finalise the project scope, seeking quotations for specialist consultants and settling the project budget.

11.3 DIRECTOR CORPORATE SERVICES

11.3.1 Listing of Payments for the Month of October 2020	
File Ref:	1/3 - Creditors
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kathy Simpson, Senior Finance Officer
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	11.3.1

RECOMMENDATION

That Council:

1. receive the following payments made throughout the month of October 2020;

Municipal	Cheque 9556 - 9575	\$21,559.73
	EFT 32965 - 33130	\$468,057.48
Direct wages	01/10/20 – 31/10/20 inclusive	\$164,252.00
Direct Debit	01/10/20 – 31/10/20	\$36,857.12
Trust	Cheque – Nil	\$ -
GRAND TOTAL		\$690,726.33

as attached at appendix 11.3.1.

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of October 2020.

BACKGROUND

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

REPORT DETAIL

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribe information.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following is required;

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing
 - (a) for each account which requires council authorisation in that month
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil



Social - (Quality of life to community and/or affected landowners)
 Nil

Environment – (Impact on environment’s sustainability)
 Nil

Policy Implications
 Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial
 Nil

Workforce
 Nil

OPTIONS

Council has the option of:

1. Receive the listing of payments presented for the month of October 2020.
2. Not receive the listing of payments presented for the month of October 2020.

CONCLUSION

The listing of payments as per the attached appendix is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the month of October 2020. All expenditure is accordance with the 2020/21 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

11.3.2 Monthly Statement of Financial Activity for the Period 1 July 2020 to 31 October 2020	
File Ref:	1/1 – Annual Statements
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	11.3.2

RECOMMENDATION

That Council receive the Monthly Statement of Financial Activity for the period 1 July 2020 to 31 October 2020 as presented.

IN BRIEF

The purpose of this report is to present the financial position of Council as at the reporting date as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulation 1996.

BACKGROUND

The Local Government Act 1995 in conjunction with regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a monthly Statement of Financial Activity to be presented to Council detailing the prescribed information within 2 months after the end of the month to which the statement relates.

REPORT DETAIL

The monthly financial report recognises the financial position of Council at the reporting date and contains the following information;

- a) Annual budget estimates taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c) of the Local Government Act 1995;
- b) Budget estimates to the end of the month to which the statement relates;
- c) Actual amounts of expenditure, revenue and income to the end of the month to which the statements relate;
- d) The material variance between the comparable amounts referred to in the paragraphs (b) and (c); and
- e) The net current assets at the end of the month to which the statement relates.

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions

- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Shire of Waroona 2020/21 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil

Social - (Quality of life to community and/or affected landowners)

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

All financial policies from Policy FIN002 through to Policy FIN035

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	Inadequate financial performance monitoring could lead to over/under budget expenditure which could affect council’s financial position and/or financial ratios.
Low	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclean compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

CONSULTATION

Nil



RESOURCE IMPLICATIONS

Financial
Nil

Workforce
Nil

OPTIONS

Council has the option of:

1. Receiving the monthly financial statement.
2. Not receiving the monthly financial statement.

CONCLUSION

That Council receive the monthly financial statements prepared in accordance with the Local Government Act 6.4 and Local Government (Financial Management) Regulations 1996 section 34.

11.3.3 Risk Management Framework	
File Ref:	153/4
Previous Items:	Nil
Applicant:	Not applicable
Author and Title:	Brad Vitale, Corporate Compliance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.3

RECOMMENDATION

That Council accepts and endorses the revised Shire of Waroona Risk Management Framework as per Appendix 11.3.3.

IN BRIEF

- Every 3 years local governments are required to undertake a review of the appropriateness and effectiveness of the risk management system and procedures.
- The proposed risk management framework is modelled from ISO AS/NZS 31000:2018.

BACKGROUND

Organisations of all types and sizes face external and internal factors and influences that make it uncertain whether they will achieve their objectives. The purpose of risk management is the creation and protection of value. It improves performance, encourages innovation and supports the achievement of objectives. The International Organisation for Standardisation (ISO) summarises risk management as follows:

Managing risk is iterative and assists organisations in setting strategy, achieving objectives and making informed decisions.

Managing risk is part of governance and leadership, and is fundamental to how the organisation is managed at all levels. It contributes to the improvement of management systems.

Managing risk is part of all activities associated with an organisation and includes interaction with stakeholders.

Managing risk considers the external and internal context of the organisation, including human behaviour and cultural factors.

Risk principles, framework and process might already exist in full or in part within the organisation, however, they might need to be adapted or improved so that managing risk is efficient, effective and consistent.

The *Local Government (Audit) Regulations 1996* requires all local governments to undertake a review of the appropriateness and effectiveness of the risk management system and procedures at least once in every 3 financial years, with the CEO to report review results to Council via the Audit Committee.

The current risk management framework is outdated and refers to a superseded International Organisation for Standardisation (ISO) Standard.



REPORT DETAIL

The proposed risk management framework and process has been modelled from ISO AS/NZS 31000:2018 (The Standard). This document is for use by people who create and protect value in organisations by managing risks, making decisions, setting and achieving objectives and improving performance.

The Standard describes the principles that are the foundation for managing risk which should be considered when establishing an organisation's risk management framework and processes. The principles are:

1. Integrated

Risk management is an integral part of all organisational activities.

2. Structured and comprehensive

A structured and comprehensive approach to risk management contributes to consistent and comparable results.

3. Customised

The risk management framework and process are customised and proportionate to the organisation's external and internal context related to its objectives.

4. Inclusive

Appropriate and timely involvement of stakeholders enables their knowledge, views and perceptions to be considered. This results in improved awareness and informed risk management.

5. Dynamic

Risks can emerge, change or disappear as an organisation's external and internal context changes. Risk management anticipates, detects, acknowledges and responds to those changes and events in an appropriate and timely manner.

6. Best available information

The inputs to risk management are based on historical and current information, as well as on future expectations. Risk management explicitly takes into account any limitations and uncertainties associated with such information and expectations. Information should be timely, clear and available to relevant stakeholders.

7. Human and cultural factors

Human behaviour and culture significantly influence all aspects of risk management at each level and stage.

8. Continual improvement

Risk management is continually improved through learning and experience.

These principles provide guidance on the characteristics of effective and efficient risk management, communicating its value and explaining its intention and purpose. These principles should enable an organisation to manage the effects of uncertainty on its objectives.

Appendix 11.3.3 is the proposed Shire of Waroona Risk Management Framework comprised of risk framework, principles and process; risk management process; risk categories; risk likelihood; risk consequence; risk matrix; and risk acceptance criteria.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.2 Develop a skilled, safe and compliant organisation
Strategy	5.2.2 Promote an organisational culture of safety, best practice and continuous improvement

OTHER STRATEGIC LINKS

Shire of Waroona Corporate Business Plan “Towards Waroona 2030”

Action 5.2.2.5 – Progress the emphasis on organisational safety and risk management.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996

r.17 – CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to –
 - (a) Risk management; and
 - (b) Internal controls; and
 - (c) Legislative compliance.
- (2) The review may relate to any or all of the matters referred to in sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Economic considerations are addressed predominantly in the ‘Financial’ risk category of the proposed risk framework.

Social - (Quality of life to community and/or affected landowners)

An updated risk management framework will improve the delivery of considered services.

Environment – (Impact on environment’s sustainability)

Environmental considerations are addressed predominantly in the ‘Environmental’ risk category of the proposed risk framework.

Policy Implications

CORP020 – Shire of Waroona Risk Management Policy

The purpose of risk management is to develop cultures, processes and structures that are directed towards the effective management of potential opportunities and adverse effects. It also is designed to reduce the potential costs of risk by reducing liability, preventing litigation and improving loss control.



Risk management is a key process in developing the strategic direction of the Shire.

The key drivers for risk management are the Council’s responsibility for due diligence as good corporate governance practice and the due diligence requirements by the insurance industry which impacts on the cost of insurance.

CORP021 – Risk Management

The purpose of this policy is to provide a framework for the management of risk. It also outlines Council’s commitment to organisation-wide risk management principle, systems and processes that ensure consistent, efficient and effective assessment of risk in all planning, decision making and operational processes, as well as any new issues identified from time to time.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The main risk of not reviewing and endorsing the Risk Management Framework triennially is non-compliance with the <i>Local Government (Audit) Regulations 1996</i> .

CONSULTATION

- LGIS seeking guidance on local government risk management frameworks.
- Endorsed by Risk Management Committee and Strategic Leadership Group.
- Public consultation not required.

RESOURCE IMPLICATIONS

Financial
Nil.

Workforce
Employees and volunteers will require a risk management induction to ensure adherence to risk management framework and processes.

OPTIONS

Council has the option of:

1. Accepting the officer recommendation.
2. Amending the officer recommendation.

CONCLUSION

The purpose of the risk management framework is to assist the Shire of Waroona in integrating risk management into significant activities and functions. The effectiveness of risk management will depend on its integration into the governance of the Shire, including decision-making. This requires support from stakeholders, particularly Council and Executive Management. Framework development encompasses integrating, designing, implementing, evaluating and improving risk management across the Shire. The Shire should regularly evaluate its existing risk management practices and processes, evaluate any gaps and address those gaps within the framework. The components of the framework and the way in which they work together have been customised to the needs of the Shire.



11.3.4 Policy FIN018 – Cheques & Electronic Fund Transfers	
File Ref:	17/1
Previous Items:	OCM 19/12/163 – 17 December 2019
Applicant:	N/A
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	11.3.4

RECOMMENDATION

That Council:

Endorse the amended Policy FIN018 – Cheque & Electronic Fund Transfer as per Appendix 11.2.4.

IN BRIEF

To seek Council's endorsement to amend the current Cheques and Electronic Fund Transfers policy to include two additional signatories and include the Trust Bank account. The additional signatories will be:

1. Director Infrastructure Services; and
2. Manager Works & Services.

BACKGROUND

The current policy states:

- i) That any two of the following be authorised to sign cheques from the Council's Municipal fund:

Shire President
 Deputy Shire President
 Chief Executive Officer
 Deputy Chief Executive Officer/Director Corporate Services
 Manager Corporate Services

- ii) That any two of the following be permitted to authorise electronic funds transfers from the Council's Municipal fund:

Chief Executive Officer
 Deputy Chief Executive Officer / Director Corporate Services
 Manager Corporate Services
 Director Planning & Economic Development

REPORT DETAIL

As a result of recent staff changes it is recognised that additional authorisers are required for the signing of cheques and authorising of electronic fund transfers.

Currently the majority of cheques and electronic fund transfers are authorised by the Director Corporate Services and the Manager Corporate Services, however, on occasion the Manager Corporate Services is required to process business transactions that result in a



bank transfer. On these occasions the Manager Corporate Services is unable to authorise her own transactions. This also proves to be an issue during periods of leave.

With the recent resignation of the Director Planning & Economic Services, the current policy only allows for the Chief Executive Officer to authorise electronic funds transfers in the absence or inability of either the Director Corporate Services or the Manager Corporate Services.

The current staff detailed on the existing policy will continue to be the primary authorises for cheque signatures and electronic fund transfers, however, it is recognised that additional staff should be included in the policy as a backup in the absence of other authorised staff.

As the majority of electronic fund transfers are required to be processed in a reasonably urgent manner it is requested that the Director Infrastructure Services and Manager Works & Services be included in the amended Policy.

In addition to the above amendments, it is a recommendation that the Trust Bank account be included in the amended policy and the titles of “Shire President”, “Deputy Shire President” and “Deputy Chief Executive Officer” be removed.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Regulation 11 of the Local Government (Financial Management) Regulations 1996 the following is required:

- 1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is an effective security for, and properly authorised use of –
 - (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - (b) petty cash systems.
- 2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- 3) Payments made by a local government-



- (a) subject to sub-regulation (4), are not to be made in cash; and
 - (b) are to be made in a manner which allows identification of-
 - (i) the method of payment; and
 - (ii) the authority for the payment; and
 - (iii) the identity of the person who authorised the payment.
- 4) Nothing in sub-regulation (3)(a) prevents a local government from making payments in cash from a petty cash system.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)
 Nil

Social - (Quality of life to community and/or affected landowners)
 Nil

Environment – (Impact on environment’s sustainability)
 Nil

Policy Implications

Details on the policy have been included in this amendment. See the “Report Detail” for information on the proposed policy amendment.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Not reviewing and correctly amending the Council policy results in poor governance, non-compliance with legislative requirements and unclear direction to staff on Council’s direction.

CONSULTATION

No direct public consultation is required during the preparation of documentation, however, all policies will be placed Council’s website.

RESOURCE IMPLICATIONS

Financial
 Nil

Workforce
 Nil

OPTIONS

Council has the option of:

1. Accepting the officer recommendation.
2. Amending or not accepting the officer recommendation.



CONCLUSION

Although the Policies Documentation is formally reviewed and adopted en-bloc once a year, the requirement to address this individual policy outside of the normal policy review process will result in the amendment to the policy being able to take immediate effect.

11.3.5 Policy COM024 – Shire of Waroona Special Series Local Authority Vehicle Number Plates	
File Ref:	101/1
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.5

RECOMMENDATION

That Council adopts the Shire of Waroona Special Series Local Authority Vehicle Number Plates Policy as per Appendix 11.3.5.

IN BRIEF

Council is requested to consider adopting the Shire of Waroona Special Series Local Authority Policy as per Appendix 11.3.5.

BACKGROUND

Special Local Authority vehicle number plates were introduced by the Traffic Board in 1993 in which Local Authorities were given the opportunity to authorise the purchase of plates to interested people.

In March 1995, the Shire of Waroona authorised the Waroona Football Club and the Waroona Aquatic Centre Building Appeal Fund committee, to instigate the issue of Special Local Authority vehicle number plates for the municipality of the Shire of Waroona for the purpose of fundraising for their clubs. The final arrangements, design, authorised numbering and the sale/auction of the plates required approval from Council.

With available numbering established at 0 to 9999, Council resolution 7591 details:

“That the fundraising committees associated with the Waroona Aquatic Centre and Waroona Football Club, be advised Council has allocated the plates 0 – 50 plus the (6) plates already sold at auction (total 57 plates) for their combined fundraising activities. Allocation is for a period of six (6) months and any unsold plates after this time to revert back to Council. A review of this resolution will be conducted after the expiration of six months (April 1996)”.

Following a request from the Waroona Aquatic Centre Building Fund Appeal in December 1995 to extend their number range, that motion was later rescinded as per Council resolution 7638:

“That the fundraising committees associated with the Waroona Aquatic Centre and Waroona Football Club, be advised Council has granted them an open choice of numbers for their combined fund raising activities. Approval is for a period of six (6) months and all unsold plates after this time are to revert back to Council. A review of this resolution will be conducted after the expiration of six months (June 1996)”.

Following a review at the June 1996 Council meeting, Council resolution 7787 details:

“That the approval be granted for the Aquatic Centre Building Fund Appeal Committee to retain sale rights of the Waroona logo number plates until 31st December 1996. As from

January 1st 1997 the rights revert back to Council for over the counter sales at \$150.00 per set of plates”.

As per the above resolution, the administration and sale of the Shire of Waroona Special Series Local Authority vehicle numbers plates reverted to the Shire of Waroona on 1st January 1997.

To date there have been approximately 253 special series number plates sold with 9746 remaining available for sale.

The current cost of the plaques is \$255.00 in which \$200.00 covers charges from the Department of Transport and \$55.00 is deposited into the muni account as operating income for tourism and area promotion.

REPORT DETAIL

As a result of recent enquiries to Administration/Licensing staff from members of the public submitting applications for numbers outside of the previously authorised numbers (adding a prefix of 0 to previously issued plates), it is recognised that a policy is required to provide direction, guidance and protection of administration and licensing staff from the potential scrutiny of members of the public and to ensure Councils wishes are followed until such time as Council authorises the issue of additional numbers.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
Strategy	1.1.1 Develop an identity for the Shire and the communities it comprises

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)
Nil

Social - (Quality of life to community and/or affected landowners)
Nil

Environment – (Impact on environment’s sustainability)
Nil

Policy Implications

Details on the policy have been included in this amendment. See the “Report Detail” for information on the proposed policy amendment.



Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Not reviewing, adopting and correctly amending Council policy results in poor governance, non-compliance with legislative requirements and unclear direction to staff on Council's direction.

CONSULTATION

No direct public consultation is required during the preparation of documentation, however, all policies will be placed on Council's website.

RESOURCE IMPLICATIONS*Financial*

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. Accepting the officer recommendation.
2. Amending or not accepting the officer recommendation.

CONCLUSION

Although the Policies Documentation is formally reviewed and adopted en-bloc once a year, the requirement to address this individual policy outside of the normal policy review process will result in the new policy being able to take immediate effect.

11.3.6 Annual Review of the Delegation of Authority Register 2020/21	
File Ref:	52/1
Previous Items:	Nil
Applicant:	Not applicable
Author and Title:	Brad Vitale, Corporate Compliance Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	11.3.6

RECOMMENDATION

That Council revokes all previous delegations in Appendix 11.3.6 under the Local Government Act 1995.

(Note: this recommendation will need three Councillors to support this, being a mover, a seconder and a third Councillor)

RECOMMENDATION

1. Notes completion by Council as the Delegator, of the 2020/21 annual statutory review of the Delegations Register, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*;
2. Approves all delegations as detailed in Appendix 11.3.6 in accordance with sections 5.17 and 5.42 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 48 of the *Bush Fires Act 1954*, section 44 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 118 of the *Food Act 2008*, section 16 of the *Graffiti Vandalism Act 2016*, and section 21 of the *Public Health Act 2016*.

IN BRIEF

- Each year Council must review the Shire of Waroona Delegation of Authority Register.
- The proposed register is modelled from the WALGA template which features in many local governments of various sizes throughout the state.

BACKGROUND

The *Local Government Act 1995* requires local governments to review their delegation of powers and authority to the Chief Executive Officer at least once in every twelve months, and for the Chief Executive Officer to review their delegation of authority within the same review period. The last review of the Delegation of Authority Register was conducted in November 2019 and endorsed at the Ordinary Council Meeting held in December 2019.

The aim and purpose of delegated authority is to assist with the efficiency of the local government activities by way of quicker decisions. Under the *Local Government Act 1995* and other legislation, Council may delegate its functions, duties and powers to the Chief Executive Officer to assist with efficient and timely decision making. The Chief Executive Officer may then sub delegate functions, duties and powers to other staff and sub-delegated functions are also reviewed annually as a separate process. Delegations are a proven effective organisational tool that enhances productivity and support effective customer service and timely decision making.

REPORT DETAIL

A comprehensive review of the Delegation of Authority Register involving a complete deletion of the previous register and delegations has been completed to align with the WALGA Delegation of Authority Register template.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 5	Our Leadership
Objective 5.1	A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy 5.1.1	Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

s.5.16 – Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.
* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

s.5.17 – Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority of the council; and
 - (ii) any other power or duty that is prescribed; and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.



- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

s.5.18 – Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

s.5.42 – Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

s.5.43 – Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority of the council;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

s.5.44 – CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.

- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

s.5.45 – Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

s.5.46 – Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Local Government (Administration) Regulations 1996

r.18G – Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

r.19 – Delegates to keep certain records (Act s.5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Advice from McLeods Barristers & Solicitors

Advice was sought from McLeods Barristers and Solicitors regarding whether officers not directly employed by the Shire of Waroona are able to be granted delegated authority, be granted authority to sign purchase orders and be appointed as authorised officers under various legislation.

Extensive and specific advice was received and the advice relevant to this report is summarised as follows:

1. The combination of definitions of “employee” in the *Industrial Relations Act 1979* gives rise to a statutory deeming of an employee / employer relationship between an individual and a labour hire agency, and therefore officers employed by a labour hire agency would not be an employee of the Shire.
2. Decision-making authority under various legislation such as the *Planning and Development Act 2005* and the *Local Government Act 1995* could only be delegated to officers not directly employed by the Shire of Waroona if they were also employees of the Shire of Waroona. To grant these officers that status it would be necessary for the Shire of Murray and Shire of Waroona to enter into a formal agreement varying the employment contracts of the officers, as has been done for the CEO under the Resource Sharing Agreement.

Therefore, until the respective resource shared officers are included in a formal agreement between the Shire of Murray and Shire of Waroona to grant these officers the status of employees of the Shire of Waroona, powers and duties cannot be delegated to these officers.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Not applicable.

Social - (Quality of life to community and/or affected landowners)

Delegated functions support the community by providing means for effective and timely decision making.

Environment – (Impact on environment’s sustainability)

Not applicable.

Policy Implications

All policies have a section for relevant delegations. Any amendments to delegations may impact how a policy is implemented but not the policy itself.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	The main risk of not reviewing and endorsing the Delegation of Authority Register annually is non-compliance with the <i>Local Government Act 1995</i> .

CONSULTATION

- WALGA Delegations of Authority Register template.
- Comparison of Shire of Waroona Delegations of Authority Register with other local governments including City of Greater Geraldton, City of Stirling, Shire of Bridgetown-Greenbushes, Shire of Dardanup, Shire of Denmark, Shire of Harvey, Shire of Kojonup, Shire of Murray and Shire of Plantagenet.
- McLeods Barristers & Solicitors seeking clarification on delegated authority to resource shared officers.
- Public consultation not required.



RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

The annual review will not significantly impact the workforce, however the amendment of delegations may impact the Chief Executive Officer, and officers that have authority sub-delegated.

OPTIONS

Council has the option of:

1. Accepting the officer recommendation.
2. Amending the officer recommendation.

CONCLUSION

Delegation of Council duties and powers to the Chief Executive Officer and other officers assists with efficient and timely decision making. Delegations are a proven effective organisational tool that enhances productivity and support effective customer service and timely decision making.

11.3.7 Proposed Local Government (Model Code of Conduct) Regulations 2020 – Council Members, Committee Members and Election Candidates	
File Ref:	2/1; 48/6
Previous Items:	Nil
Applicant:	Not applicable
Author and Title:	Brad Vitale, Corporate Compliance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.7A – Proposed Feedback from Shire of Waroona; and 11.3.7B – Proposed Local Government (Model Code of Conduct) Regulations 2020 11.3.7C – Current Shire of Waroona Code of Conduct for Employees, Elected Members and Committee Members

RECOMMENDATION

That Council supports the Chief Executive Officer providing feedback to Department of Local Government, Sport and Cultural Industries as provided in Appendix 11.3.7A (with any amendments clarified at this meeting) on the proposed Local Government (Model Code of Conduct) Regulations 2020.

IN BRIEF

- The Department of Local Government, Sport and Cultural Industries (DLGSCI) have released a draft of the proposed Local Government (Model Code of Conduct) Regulations 2020 (Regulations) which encompasses the code of conduct for council members, committee members and election candidates.
- Local government sector feedback is being sought by 6 December 2020.

BACKGROUND

In 2017 the McGowan Government announced a review of the *Local Government Act 1995*. The reviews intent was to consider reform of local government legislation, with the overall objective being for Western Australia to have a new, modern Act that empowers and provides the means to better support communities. A staged approach was applied to the review process, being:

- Stage one: priority reforms.
- Stage two: wide ranging reforms.

As Council are aware, the majority of the stage one reforms are now in effect following the staged enactment of provisions within the *Local Government Legislation Amendment Act 2019*. These reforms include:

- A new gift framework for elected members;
- A mandatory online induction for all candidates;
- Universal training for elected members;
- Changes to the Standards Panel; and
- Easier access to information to provide greater transparency to the community.

Some of the remaining priority reforms currently being worked on for implementation are the best practice standards for Chief Executive Officer (CEO) recruitment, performance, review



and early termination which is separately being presented to Council for consideration; and the subject of this report, the proposed Local Government (Model Code of Conduct) Regulations 2020, which prescribes conduct for elected members, committee members and candidates.

Western Australian Local Government Association (WALGA) have been active in the reform space for some time. In 2019 WALGA invited DLGSCI and other parties to participate in the Mandatory Code of Conduct Working Group. DLGSCI discontinued the Working Group and released a Consultation Paper without endorsement by the Working Group in September 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop an endorsed mandatory Code of Conduct for further sector consultation. State Council also identified several concerns with the proposals in the Consultation Paper. Throughout 2020, WALGA continued to seek information about the progress of the draft regulations and the sector consultation process, without outcome.

The following are clauses that directly relate to the proposed Regulations, as provided from the *Local Government Legislation Amendment Act 2019* that have not yet, commenced operation. Once these provisions commence the referenced provisions will consequentially amend the *Local Government Act 1995*.

49. Section 5.102A amended

- (1) In section 5.102A delete the definition of rules of conduct.
- (2) In section 5.102A insert in alphabetical order:
 - **candidate** means a candidate for election as a council member;
 - **model code** means the model code of conduct prescribed for the purposes of section 5.103(1);
 - **rule of conduct** means a provision of the model code that is specified in the model code to be a rule of conduct;

50. Sections 5.103 and 5.104 replaced

Delete sections 5.103 and 5.104 and insert:

5.103. Model code of conduct for council members, committee members and candidates

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.
- (2) The model code of conduct must include -
 - (a) general principles to guide behaviour; and
 - (b) requirements relating to behaviour; and
 - (c) provisions specified to be rules of conduct.
- (3) The model code of conduct may include provisions about how the following are to be dealt with -
 - (a) alleged breaches of the requirements referred to in subsection (2)(b);
 - (b) alleged breaches of the rules of conduct by committee members.
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).
- (5) Regulations may amend the model code of conduct

5.104. Adoption of model code of conduct

- (1) Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.
* **Absolute majority required.**
- (2) Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.
- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements -
 - (a) can only be expressed to apply to council members or committee members; and
 - (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The model code is taken to be a local government adopted code until the local government adopts a code of conduct.
- (6) An alleged breach of a local governments adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.
- (7) The CEO must publish an up-to-date version of a local adopted code of conduct on the local government's official website.

51. Section 5.105 amended

Delete section 5.105(1) and insert:

- (1) A council member commits a minor breach if the council member -
 - (a) contravenes a rule of conduct; or
 - (b) contravenes a local law under this Act, contravention of which the regulations specify to be a minor breach.
- (1A) Subsection (1) extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- (1B) Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under subsection (1), also be a serious breach under subsection (3).

Once the Regulations are enacted, Council will need to formally adopt the Model Code of Conduct within 3 months, by Absolute Majority. The adopted Code of Conduct must incorporate all of content of the Regulations. Additional content can be incorporated into the Code of Conduct, but any other provisions can only be expressed to apply to council members or committee members; and are of no effect to the extent that they are inconsistent with the model code. Once adopted the Code of Conduct must be published.

The proposed Local Government (Model Code of Conduct) Regulations 2020 is included as Appendix 11.3.7B.

The current Shire of Waroona Code of conduct for Employees, Elected Members and Committee Members is included as Appendix 11.3.7C.



REPORT DETAIL

Appendix 11.3.7A details the explanatory notes from the Regulations provided by DLGSCI, with comments outlining alignment to the current Shire of Waroona Code of Conduct if any, and feedback proposed DLGSCI on the draft Regulations should the recommendation be adopted.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

- Local Government Act 1995.
- Local Government Legislation Amendment Act 2019.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Not applicable.

Social - (Quality of life to community and/or affected landowners)

Not applicable.

Environment – (Impact on environment’s sustainability)

Not applicable.

Policy Implications

When the proposed Regulations in their current form or as amended after sector feedback are adopted, a review of the current Shire of Waroona Policy Manual will be required to effectively address any inconsistencies.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Moderate	The main risk of not providing feedback is neglecting the opportunity to potentially influence the Regulations.

CONSULTATION

- Local Government (Model Code of Conduct) Regulations 2020 – Explanatory Notes.
- Shire of Murray Manager Governance.
- Public consultation not required.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. Accepting the officer recommendation as provided.
2. Amending the officer recommendation or determining an alternate position.
3. Not providing a submission.

CONCLUSION

The development and proposed implementation of the new Regulations form part of the Local Government reform being actively progressed by State Government to modernise the legislation that empowers and guides Local Governments in support of their respective communities.

11.3.8 Shire of Waroona Brand Refresh	
File Ref:	29/1 – Marketing & Promotion
Previous Items:	Nil
Applicant:	
Author and Title:	Ashleigh Nuttall, Director Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.8

RECOMMENDATION

That Council:

Supports the brand refresh and use concept option ### with alterations as listed;

- 1. Using the orange for horticulture or using the purple for agriculture**
- 2. Using capitalised text / using lower case text**
- 3. Using an extended line in lifestyle / using the reduced line in lifestyle**
- 4. Using font Futura / Semplicita / Ubuntu / Concon**

IN BRIEF

- Council officers have been in consultation with Market Creations to refresh the current Council logo and style guide to provide a modern and professional identity and style to promote and distinguish the Shire of Waroona
- Officers are seeking guidance from Council on the preferred concept option to continue moving forward on this project as well as integrate this design into the website refresh.

BACKGROUND

Market Creations is an innovative full service marketing and technology agency. They provide marketing and media services including; creative design, marketing strategy, brand development, online and digital services, public relations and even management.

Council officers have been working with Market Creations to refresh our current identity design. Utilising feedback that was received during the Strategic Community Plan surveys and workshops the following comments and point of interest were identified when referring to our local identity;

- 'Sea to Scarp' is our unique identifier
- Focus on agriculture, horticulture and existing industries
- Lakes, Dams and Waterways
- Tourism and trails and 'Sea to Scarp'
- Residents desire a Shire that is natural and unique and has country town values
- True to its rural heritage while enhancing its many water aspects

Utilising this feedback it was acknowledged that the community were satisfied with the current identity of 'Sea to Scarp' incorporating agriculture/horticulture and the many waterways that are located within the Shire's landscape.

REPORT DETAIL



A Councils brand represents its community. It is our image and identity, therefore it is essential to maintain consistency within our messaging across all applications to building on our brand equity and develop a sense of recognition and professionalism.

Branding helps to develop trust and loyalty allowing communities to create sustainable relationships with their stakeholders.

The branding refresh was activated to help provide our community with a professional, innovative brand identity that will assist to establish the right building blocks for all future marketing and promotional requirements.

Good business branding is critical to achieve the following outcomes;

- Reinforce our identity
- Drive positive sentiment
- Appear professional, reputable, stable, organised and trustworthy
- Create memorability
- Encourage greater engagement with our community
- Links to our reputation

Market Creations has taken the current Shire of Waroona logo and using direction gathered in the Strategic Community Plan deconstructed the design. Then using inclusion of the ‘Sea’, ‘Scarp’ ‘Lifestyle & Waters ways’ and ‘Horticulture’ or ‘Agriculture’

Council officers are requesting direction from Council as to the preferred concept design to refresh the current logo which will then be used to create the following;

- develop a complimentary suite of stationery (e.g. letterhead, business cards, envelopes and Microsoft templates),
- prepare a corporate style guide which serves as a direction for using the logo and subsequent applications which will establish consistency organisation wide,
- Update the current Council website architecture to ensure that we are connecting our people to the content that are looking for in an efficient and effective manner,
- Initiate other applications such as a website landing page, Council meeting module and messaging applications.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.3 Actively increase the level of engagement with the community, and respond efficiently and effectively to the evolving needs of the community
Strategy	5.3.1 Establish and maintain a user focused communication approach that informs, engages and empowers the community

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY & RISK CONSIDERATIONS



Economic - (Impact on the Economy of the Shire and Region)

Design a modern Council brand and identity that will be immediately identifiable with our local individuality and unique area.

Social - (Quality of life to community and/or affected landowners)

Create a brand that the Community associate with and are proud to promote as their own.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	Risk with relation to this project is low, however not establishing a modern and unique brand identifier could result in Council not having an increased capacity to promote our community and local economy to relevant stockholders.

CONSULTATION

Market Creations

Internal staff survey on preferred concept. Majority of staff preferred concept 1a & 2a with the alteration of capital letters in concept b.

RESOURCE IMPLICATIONS

Financial

Funding has been approved in the 2020/2021 budget for both the branding refresh and the website update projects.

Workforce

Nil

OPTIONS

Council has the option of:

1. Deciding on a concept to move forward with the Brand refresh and website upgrade projects.
2. Not deciding on a concept to move forward with the Brand refresh and website upgrade projects.

CONCLUSION

Officers are requesting direction from Council as to their preferred brand concept design. Having a modern and refresh council logo and design will enable Council officers to enhance their corporate documents and communication channels with the community and various stakeholders. Deciding on a direction will enable this project to move ahead and incorporate the website refresh. It is estimated that these works will take 3-5 weeks to establish.



11.4 ACTING DIRECTOR PLACE & COMMUNITY DEVELOPMENT

11.4.1 Proposed Amendments to 2020/21 Adopted Budget	
File Ref:	1/7
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Title:	Kelly Nottle, Community Development Officer
Declaration of Interest	Nil
Voting Requirements:	Absolute Majority
Appendix Number	Nil

RECOMMENDATION

That Council approve to amend the 2020/21 adopted budget as follows:

1. Income account 152130 Grants and Contributions be increased by \$25,200.00 and correlating expenditure account 153320 Grant Expenditure be increased by \$25,200.00
2. That income account 114630 Youth Activities be decreased by \$8351.00 from \$16852 to \$8501.00 and correlating expenditure account 114820 decrease from \$13980 to \$5629.00

IN BRIEF

Council is requested to authorise an amendment to the 2020/21 adopted budget.

BACKGROUND

Under the *Local Government Act 1995*, budget amendments are required to be authorised by an absolute majority.

REPORT DETAIL

- WA Department of Communities has advised of our successful grant application for Thank a Volunteer Day of \$1,100. Breakfasts will be held 5th December 2020.
- National Australia Day Council advised of successful Australia Day Council branding Grant of \$1,100.
- National Australia Day Council advised of successful Covid Safe Australia Day Grant of \$22,000.
- The Alcohol and Drug Foundation advised of a successful grant for a 12 month Youth Engagement Program of \$5,629. The forecasted budget income was \$13,980. In addition, \$2,872 carried forward from 2019/2020 to the successful grant of \$5,629 bringing the total to \$8,500.
- National Indigenous Australians Agency advised of \$1,000 to support indigenous Culture through during NAIDOC week 2020.

These however were not accounted for at the time the 2020/21 budget was adopted. The relevant income and expenditure accounts for these grants must be amended to reflect this.

SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN

Theme 6	Good Governance.
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Aspiration	Active Civic Leadership and Excellence in Management.
Strategy 6.02	High legislative compliance.

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.2 – Local government to prepare annual budget states that:

During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

* Absolute majority required.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil.

Social - (Quality of life to community and/or affected landowners)

Not applicable.

Environment – (Impact on environment’s sustainability)

Not applicable.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
High	Failure to authorise budget amendments will result in non-compliance with the <i>Local Government Act 1995</i> .

CONSULTATION

Nil.



RESOURCE IMPLICATIONS*Financial*

Account	Description	DEBIT	CREDIT
152130	Grants & Contributions		\$1,100
G003	Australia Day Branding	\$1,100	
152130	Grants & Contributions		\$22,000
G004	Australia Day COVID Safe	\$22,000	
114630	Contributions & Donations	\$8,351	
114820	Youth Activities		\$8,351
152130	Grants & Contributions		\$1,100
G005	Thank A Volunteer Day	\$1,100	
152130	Grants & Contributions		\$1,000
G006	NAIDOC Week	\$1,000	
TOTAL		\$33,551	\$33,551

Workforce

Nil.

OPTIONS

Council has the option of:

1. Accepting the officer recommendation to authorise the proposed budget amendment.
2. Rejecting the officer recommendation to authorise the proposed budget amendment.

CONCLUSION

The budget amendments will allow these programs to continue as per the grant conditions and amounts.

11.4.2 Policy COM003 - Australia Day Awards	
File Ref:	111/1
Previous Items:	Nil
Applicant:	N/A
Author and Title:	Kelly Shipway, Place and Community Development Coordinator
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Appendix 11.4.2

RECOMMENDATION

That Council:

- 1. Agrees to the Small Grants and Awards Committee becoming the Australia Day Awards Committee, to better reflect recent changes to the committee roles and responsibilities: and**
- 2. Endorses changes to Australia Day Awards Policy COM003 to reflect these changes**

IN BRIEF

- The Shire of Waroona and Alcoa have launched a new Micro Grant Fund with applications invited twice per year. Applications received through the Micro Grant Fund will be assessed through the Alcoa Waroona Sustainability Fund Committee.
- Changes to the Shires small grant process has impacted the role and responsibility of the Small Grants and Awards Committee, guided by Policy COM003 – Australia Day Awards and until recently Policy COM005 – Community Development Grants

BACKGROUND

The Small Grants and Awards Committee is a formal committee of Council, consisting of three Councillors who come together twice a year to assess the Shire's Community Development Grants and the Australia Day Award nominations.

Following recent changes to the Shires Community Development Grant program, the roles and responsibilities of the group have been reduced to assess the annual Australia Day Awards.

Council passed a resolution at its October Ordinary Meeting of Council to review the role and responsibility of the group following the endorsement of the Alcoa Waroona Micro Grants and changes to Policy COM005 – Community Development Grants.

REPORT DETAIL

Correspondence was sent forward to the Small Grants and Awards Committee, consisting of Cr. Vitale, Cr. Snell and Cr. Purcell requesting feedback and suggestions on how the Committee would like to operate moving forward.

The following suggestions were put forward for consideration:



1. The group continues to operate as a formal committee of Council under the new banner of Australia Day Awards Committee, meeting once per year to assess the Australia Day Awards guided by Policy COM003 - Australia Day Awards. The formal approach requires structured minutes and agendas for the assessment meeting and a resolution through Council; or
2. The group chooses to operate as a less formal Australia Day Assessment Panel, continuing to meet once per year to assess applicant’s in-line with Policy COM003 - Australia Day Awards. The less formal approach reduces administrative requirements of staff for the assessment meeting with a formal resolution required through Council; or
3. The group chooses to assess the applications received for Australia Day Awards through a November Council Briefing session, allowing other Councillors to be part of the decision making process. Care would need to be taken to ensure nominations remain confidential; or
4. No change with the group continuing to operate as the Small Grants and Awards Committee under the current process.

Two Councillors were in support of option one, removing ‘small grants’ from the title to become the Australia Day Awards Committee and retaining the formal committee structure and process.

One Councillor was in favour of option two, to become a less formal Australia Day Awards Assessment Panel reducing the administrative requirements for the annual meeting.

WAROONA 2030 STRATEGIC COMMUNITY PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
Strategy	5.3.2 Deliver efficient and effective Council services to the community

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil

Social - (Quality of life to community and/or affected landowners)

The annual Australia Day Awards creates a strong sense of community pride and supports volunteering in the community.



Environment – (Impact on environment's sustainability)

Nil

Policy Implications

It is proposed that section 5 of Policy COM003 is amended to rename the assessment committee to the Australia Day Awards Committee

Risk Management Implications

Nil

CONSULTATION

- Cr. Vitale
- Cr. Snell
- Cr. Purcell

RESOURCE IMPLICATIONS*Financial*

Nil

Workforce

All workforce requirements will be absorbed as part of the Shire's operating budget.

OPTIONS

Council has the option of:

1. Approving changes to Policy COM003 – Australia Day Awards; or
2. Declining changes to Policy COM003 – Australia Day Awards

CONCLUSION

The annual Australia Day Awards are an important part of Waroona's social fabric, building pride in the local community and thanking the tireless dedication of volunteers.

Required changes to Policy COM003 – Australia Day Awards is a flow on effect from previous changes to Policy COM005 required for the Alcoa Waroona Micro Grants. Changes to the Committee name and/or structure have been guided by staff and Councillors who are part of the Committee.

11.5 CHIEF EXECUTIVE OFFICER

11.5.1 Local Government (Administration) Amendment Regulations – Draft Model Standards – CEO Recruitment, Performance and Termination	
File Ref:	180/1
Previous Items:	Nil
Applicant:	Department of Local Government, Sport & Cultural Industries
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	Impartiality Interest
Voting Requirements:	Simple Majority
Appendix Number	11.5.1A,B,C

RECOMMENDATION

That Council endorses the submission into the Model Standards – CEO Recruitment and Performance Reviews as per Appendix 11.5.1A.

IN BRIEF

- The review of the Local Government Act continues, with the Department of Local Government, Sport & Cultural Industries (DLGSCI) currently reviewing legislation relating to the recruitment, performance and termination of Local Government Chief Executive Officers.
- Submissions close Sunday 6 December, 2020.

BACKGROUND

The Department of Local Government, Sport & Cultural Industries (DLGCI) has been working towards a new Local Government Act since the McGowan Government took office in 2017.

This review has been undertaken in stages. The current focus in this review is to prepare model standards for the recruitment and performance reviews of Chief Executive Officers.

REPORT DETAIL

The Department of Local Government, Sport & Cultural Industries (DLGSCI) has requested feedback on the draft Model Standards for CEO recruitment and performance reviews.

The DLGSCI have extended their consultation period to close on Sunday 6 December.

Attached for Councils consideration is a draft submission prepared by the Chief Executive Officer (Appendix 11.5.1A). These views are shared by the Western Australian Local Government Association (WALGA) (Appendix 11.5.1B) and Local Government Professionals WA (LGPro) (Appendix 11.5.1C).

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

Economic - (Impact on the Economy of the Shire and Region)

Nil.



Social - (Quality of life to community and/or affected landowners)

Nil.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

<i>Risk Level</i>	<i>Comment</i>
Low	There is little risk to Council in providing a submission to the DLGSCI.

CONSULTATION

- Western Australian Local Government Association
- Local Government Professionals WA

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. Supporting the draft submission as presented.
2. Amending the draft submission as presented.
3. Not providing a submission to the DLGSCI.

CONCLUSION

The intent of the Local Government Act is to provide broad guidance to local Councils and to develop a structure that provides good governance and fosters autonomy. The proposed Draft Model Standards – CEO Recruitment, Performance and Termination is, in the main, quite logical. However, in terms of being forced to readvertise the position of CEO after ten (1) years, this strips away that autonomy and can unnecessarily increase costs to Council, create relationship issues between the CEO and Council, and will encourage CEO's to look for alternative employment even though the relationship and performance is sound. Council already has the opportunity to not renew contracts. However, this should be at the discretion of the Council, and not via potentially unnecessary and costly regulation.

- 12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING**
- 13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING**
- 15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**

16. MEETING CLOSED TO THE PUBLIC

RECOMMENDATION

That Council proceeds behind closed doors as per Section 5.2.3(2) of the Local Government Act for the purpose of considering Items 16.1 to 16.4.

16.1 Confidential Minutes - Small Grants & Awards Committee – Meeting held 10 November 2020 – Provided under separate Confidential Cover

RECOMMENDATION

That the Minutes of the Small Grants & Awards Committee meeting held on 10 November 2020 be received and noted.

16.2 Confidential Item - Small Grants & Awards Committee – Meeting held 10 November 2020 – Items to be dealt with separately

16.2.1 Confidential Item – 2021 Shire of Waroona Meritorious Community Service Awards and Australia Day Council of WA Citizen of The Year Awards	
File Ref:	12/1; 58/1
Previous Items:	Small Grants & Awards Committee Meeting 10 November 2020
Applicant:	Shire of Waroona
Author and Title:	Kelly Nottle, Community Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	16.2.1A & B

See confidential report and recommendation provided under separate cover.

16.3 Confidential – Small Business Subsidy	
File Ref:	9/1 – Donations & Subsidies
Previous Items:	OCM20/06/109
Applicant:	James Musgrave – Lake Clifton Tavern Owner
Author and Title:	Ashleigh Nuttall, Director Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	16.1

See confidential report and recommendation provided under separate cover.

16.4 Confidential Minutes - CEO Resource Sharing Committee – Meeting held 23 November 2020 – Note: these will be tabled at the Council meeting.

RECOMMENDATION

That the CEO Resource Sharing Committee meeting held on 23 November 2020 be received and noted.

17. CLOSURE OF MEETING

