



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**Tuesday 20 December 2022**  
(Held in Council Chambers)

## **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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**1. DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Shire President declared the meeting open at 4.00pm and welcomed Councillors, Staff and members of the public present.

**2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE****RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Mike Walmsley	Shire President
Cr Naomi Purcell	Deputy Shire President
Cr John Mason	Councillor
Cr Dion Pisconeri	Councillor
Cr Laurie Snell	Councillor
Cr Vince Vitale	Councillor
Mr Mark Goodlet	Chief Executive Officer
Mrs Karen Oborn	Director Infrastructure & Development Services
Mrs Kirsty Ferraro	Acting Director Corporate & Community Services
Mr Bradley Oborn	Manager Works & Waste Services
Mr Rhys Bloxsidge	Senior Infrastructure & Development Officer
Mrs Kate Pisconeri	Corporate Planning & Governance Officer

There were 5 members of the public present at the commencement of the meeting.

**APOLOGIES**

Cr Karen Odorisio	Councillor
Ms Ashleigh Nuttall	Director Corporate & Community Services
Ms Merrin Kirk	Executive Assistant

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

**APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. PETITIONS AND APPROVED DEPUTATIONS****Dick Lovegrove**

**In relation to item 11.1.6 - Amendment 42 to Local Planning Scheme No. 7 - Revision to the scheme text relating to vegetation and clearing restrictions**

Mr Lovegrove gave a deputation, opposing the above-mentioned item.

**Debra Tyler & Maree Ellis – Waroona Historical Society**  
**PO Box 71, Waroona WA 6215**  
**In relation to item 11.1.1 - Proposed Naming of Unnamed Road Reserve – Lot 731**  
**Nanga Brook Road, Waroona**

Debra Tyler gave a deputation, requesting a delay in dealings with item 11.1.1 to allow for further time to research Lander's family history.

## **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **6.1 Ordinary Council Meeting – 22 November 2022**

#### **COUNCIL RESOLUTION**

**OCM22/12/178**

**Moved: Cr Pisconeri**

**Seconded: Cr Snell**

**That the Minutes of the Ordinary Council Meeting held 22 November 2022 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

## **7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil

## **8. ANNOUNCEMENTS BY MEMBERS**

Nil

## **9. DISCLOSURES OF INTEREST**

Cr Pisconeri declared an interest affecting impartiality in item 11.2.5 as the reporting officer is a family member.

Rhys Bloxsidge declared an interest affecting impartiality in item 11.1.1 as the property owner is a family of his extended family.

(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**

10.1 Local Emergency Management Committee Minutes – Meeting held Wednesday 2 November 2022

#### **COUNCIL RESOLUTION**

**OCM22/12/179**

**Moved: Cr Snell**

**Seconded: Cr Pisconeri**

**That the Unconfirmed Minutes (Appendix 10.1) of the Local Emergency Management Committee Meeting held 2 November 2022 be received.**

**CARRIED 6/0****11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS****11.1 DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

<b>11.1.1 Proposed Naming of Unnamed Road Reserve – Lot 731 Nanga Brook Road, Waroona</b>	
<b>File Ref:</b>	SD158922
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	BE Surveys on behalf of Charles Hull
<b>Author and Title:</b>	Rhys Bloxsidge
<b>Declaration of Interest:</b>	Impartiality interest. Author is indirectly related to a property owner adjacent to the unmade road.
<b>Voting Requirements:</b>	Simple majority
<b>Appendix Number</b>	APP 11.1.1 - Deposited Plan

**COUNCIL RESOLUTION****OCM22/12/180****Moved: Cr Snell****Seconded: Cr Purcell****That Council:**

- 1. Requests the Senior Infrastructure and Development Officer to work with the Waroona Historical Society to find more information on the Landers family by 20 January 2023;**
- 2. Should additional information be found on the Landers family, delegates the authority to deal with the proposed road naming to the Senior Infrastructure and Development Officer to avoid time delays for lodgement of the Deposited Plan for the new road reserve;**
- 3. Should no additional information be found on the Landers family by 20 January 2023, endorses the name of the unnamed road reserve traversing through Lot 731 Nanga Brook Road, Waroona as Pinaster Road and advises Landgate of this endorsement; and**
- 4. Re-establish the former Shire of Waroona approved list of road names through the development of a Council Policy.**

**CARRIED 6/0****OFFICER RECOMMENDATION****That Council:**

- 1. Endorses the name of the unnamed road reserve traversing through Lot 731 Nanga Brook Road, Waroona as Pinaster Road; and**
- 2. Advises Landgate of its endorsement of the proposed road name.**

**IN BRIEF**

Council is requested to name an unnamed road reserve as Pinaster Road.

### **BACKGROUND**

In January 2020, the owner of Lot 731 Nanga Brook Road (the subject property) applied to the Western Australian Planning Commission (WAPC) to realign an unnamed road reserve that traversed through the property. The realignment marries up with the alignment of a constructed gravel road. Parts of the constructed gravel road were previously outside of the road reserve and traversed through private land. The owner is currently in the process of making improvements to the gravel road. The subject property is primarily used as an extractive industry (gravel).

A copy of the deposited plan showing the new alignment of the road reserve is at Appendix 11.1.1

### **REPORT DETAIL**

The road reserve does not presently have a name. Given that the road reserve serves a handful of properties, it is considered important that a new name is provided for emergency purposes and to enable the property owners some form of identification for their respective properties.

The owner has proposed to name the unnamed road reserve as Pinaster Road. The name 'Pinaster' has a strong history with the Shire of Waroona. *Pinus pinaster* is the scientific name of the maritime pine. The early settlers in Western Australia had a preference to work with softwoods for various purposes including construction. Most of native tree species, such as jarrah, were hardwoods. Plantations of various pine tree species were trialed in the southwest. The maritime pine (*Pinus pinaster*) was planted in the early 1900s at Hamel with some success.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

- *Land Administration Act 1997 (the Act)*
- *Policies and Standards for Geographical Naming in Western Australia*

Section 26A of the Act essentially requires a subdivider to propose a name for a new road reserve to the relevant local government. The Act then requires the local government to decide upon the proposal and notify the Minister for Lands of any endorsement.

The Geographic Names Committee assists the Minister in making a final decision using their Policies and Standards for Geographic Naming in Western Australia document.

### **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 naming of the road will ensure a name synonymous with the area is recognised. Further, the naming of the road will assist navigation for emergency services and provide identification for existing property owners who use the road for access.

*Environment – (Impact on environment’s sustainability)*

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

There is no major risk implication relating to road naming, other than a minor reputational risk should road names not be reasoned or just. The proposed road name is not expected to cause any reputational risks whatsoever given it has a strong sense of history with the area.

### **CONSULTATION**

The proposed road name was referred to the Geographic Names Committee (operating under Landgate) for advice in regard to conformance to their Policies and Standards for Geographical Naming in Western Australia document.

The Geographic Names Committee has given their in-principle support to the proposed road name.

### **RESOURCE IMPLICATIONS**

*Financial*

Nil.

*Workforce*

Administration of the road naming process is carried out in-house by Infrastructure and Development Services.

### **OPTIONS**

Council has the option of:

1. Endorsing the proposed road name as per the Officer Recommendation.
2. Endorsing an alternative road name.

### **CONCLUSION**



The proposed road name is considered acceptable and has an historical relationship with the Shire of Waroona.

<b>11.1.2 Proposed Amendment to 2022/23 Adopted Budget – Australia Fire Danger Rating Signs</b>	
<b>File Ref:</b>	1/7
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Rhys Bloxsidge, Senior Infrastructure and Development Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute majority
<b>Appendix Number</b>	N/A

**COUNCIL RESOLUTION**

OCM22/12/181

Moved: Cr Vitale

Seconded: Cr Pisconeri

That Council:

1. Approves the purchase of a new digital fire danger rating sign; and
2. Amends the 2022/23 adopted budget as follows;
  - a. Increase capital expenditure account 107640 (FC03) Infrastructure Other by \$30,000 for the purchase of a digital fire danger rating sign;
  - b. Increase capital income account 107650 Grant Income by \$15,000 to recognise Alcoa's contribution to a digital fire danger rating sign; and
  - c. Decrease operating expenditure account 177720 Business Cases (to be transferred to 107640) by \$15,000 to recognise the Shire's contribution to a digital fire danger rating sign.

**CARRIED 6/0****IN BRIEF**

Council is requested to amend the 2022/23 budget in order to fund a new digital fire danger rating sign.

**BACKGROUND**

A new fire danger rating system has been recently introduced Australia-wide. The new system has superseded the system previously used in Western Australia and therefore any existing fire danger rating signs are now obsolete. The Department of Fire and Emergency Services (DFES) has designed templates for new fire danger rating signs that accord with the new system. There are two types of signs that DFSE has designed – analogue and digital.

DFES is covering the costs of new signs for local governments across Western Australia, however it is only a like-for-like program. The Shire of Waroona previously had an analogue sign near the Waroona Dam and DFES has offered to replace this sign with another analogue sign. The Shire has not had any digital signs and therefore does not qualify to have any digital signs paid for by DFES. Analogue signs are required to be changed manually each day. This daily task is resource-intensive and is subject to human error. The Shire indicated to DFES that it did not want a new analogue and instead had a strong preference to have a digital

sign, however DFES advised that it had no funding to provide the Shire with a digital sign and therefore the Shire would need to fund a new digital sign itself.

Digital signs are changed electronically and automatically each day in accordance with the fire danger rating set by DFES. An additional message can also be displayed on the sign and changed electronically from the office. The Shire received three quotes from sign manufacturers, and it is estimated the total cost of a digital sign will lie between \$25,000 and \$30,000.

### **REPORT DETAIL**

In order to fund the project, Council is requested to transfer \$15,000 from operating expense account GL 177720 Business Cases to capital expense account 107640. This will account for approximately half the cost of the sign. Alcoa has kindly agreed to also contribute \$15,000 for the sign. Council is therefore requested to transfer funds received from Alcoa into capital income account 107650.

GL 177720 is the Shire's Business Case account. The Shire topped this account up with unbudgeted excess funds received from the Federal government's Financial Assistance Grant.

Selection of a suitable location for the signage is complicated by the fact that South Western Highway forms the boundary between the Geographe and Brockman fire risk districts (see diagram below). A sign placed on South Western Highway may be misleading if users aren't familiar with the district to which the sign refers. With this said the purpose of the sign is primarily for visitors to the Shire who are likely to be less familiar with fire danger. There will be more visitors coming down from Perth and signage will be more useful for them.

In summer the two significant visitor destinations are Preston Beach and Waroona Dam. Therefore a sign on Forest Highway south of the junction with Peppermint Grove is a preferred location as this attracts 4WD activity along the beach. Another sign on Nanga Brook Road or McDowell Street, on the way to Waroona Dam is the other preferred location. The Waroona Dam and the Scarp are the Shire's most densely vegetated and fire-prone areas. It is important that visitors understand the fire rating during their time in the Shire. It may change their behaviour for that particular day.

The final locations will be selected based on consultation with the Chief Fire Brigade Officer, DFES and Main Roads WA.



Figure 1. Geographe and Brockman Fire Districts

The installation process can be carried out by the Shire. An image of the sign is shown below.



## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
<b>Strategy</b>	1.1.6 Ensure the safety of our 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 sign will increase community awareness of the bush fire rating and enable residents and visitors alike to prepare themselves in case of a bush fire, particularly when the rating is extreme or catastrophic.

*Environment – (Impact on environment’s sustainability)*

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	The event of a bush fire can significantly disrupt core business. The sign may prevent the occurrence of a bush fire by raising community awareness on the daily fire danger rating.
<i>Consequence</i>	5 - Catastrophic
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	NA
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

Communication consultation is not required for a budget amendment.

The final sign locations will be selected based on consultation with the Chief Fire Brigade Officer, DFES and Main Roads WA.

## **RESOURCE IMPLICATIONS**

### *Financial*

Apart from the cost to manufacture and install the digital sign, there is an ongoing annual cost of up to \$800 for the sign to be connected to DFES portal so it can be updated when required. This would need to be considered in next year's budget.

### *Workforce*

The new digital fire rating sign will have minor impact on the Shire's workforce given it is electronic in nature and is updated automatically.

## **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation to authorise the proposed budget amendment;
2. Not accepting the officer recommendation to authorise the proposed budget amendment.

## **CONCLUSION**

The digital fire danger rating sign will have significant community benefit. Given that it will display accurate information, it can become a sign that the community can trust and therefore it should enhance the safety of the community through improved awareness and preparedness.

<b>11.1.3 Application for Development Approval for Telecommunications Facility – Lot 200 (No. 814) Gibbings Road, Waroona</b>	
<b>File Ref:</b>	TP2369
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Amplitel Pty Ltd on behalf of Telstra
<b>Author and Title:</b>	Rhys Bloxsidge, Senior Infrastructure and Development Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple majority
<b>Appendix Number</b>	11.1.3 - Plans

**COUNCIL RESOLUTION**

OCM22/12/182

Moved: Cr Pisconeri

Seconded: Cr Snell

That Council grants development approval for the proposed telecommunications facility at Lot 200 (No. 814) Gibbings Road, Waroona subject to the following conditions and advice notes:

1. Development shall be in accordance with the following plans, unless otherwise required to be modified as a consequence of any conditions of this approval.
  - a. Site Layout and Access Plan (DWG No. W110120, Sheet S1, 31 August 2022)
  - b. Site Setout Plan (DWG No. W110120, Sheet S1-1, 31 August 2022)
  - c. Antenna Layout Plan (DWG No. W110120, Sheet S1-2, 31 August 2022)
  - d. Antenna Layout Plan (DWG No. W110120, Sheet S1-3, 31 August 2022)
  - e. Elevation Plan (DWG No. W110120, Sheet S3, 31 August 2022)
2. Prior to commencement of works, a detailed landscaping plan shall be submitted to the local government for approval. The landscaping plan is to indicate native vegetation plantings that will effectively screen the base (first 10m) of the development from the road network once mature. Once approved, the landscaping shall be implemented to the satisfaction of the local government.
3. Prior to the telecommunications facility first being used, a sealed vehicle crossover shall be constructed to the satisfaction and specification of the local government. The crossover shall be maintained in a high state of repair at all times.
4. Fencing around the telecommunications facility shall be a maximum of 1.8m in height from pre-development ground level. Meshing shall be coated with black polyvinyl chloride (PVC) and the supporting poles and gates shall match the meshing to the satisfaction of the local government.
5. Prior to lodgement of a building permit application, a schedule of colours and materials for the equipment shelter and tower shall be submitted to the local government for approval. The development shall be finished with the approved colours and materials. Where practical, the external-facing colours shall not be whites, silvers or shiny in nature and have a solar reflective index of less than 70.
6. As part of any boring works required under Gibbings Road, any damage to the road and verge shall be made good to the satisfaction of the local government.
7. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not

**substantially commenced within the specified period, the approval shall lapse and be of no further effect.**

**Advice Notes:**

- 1. This is a development approval issued under the Shire of Waroona Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.**
- 2. This approval relates to the details shown on the approved plans and the conditions of approval requiring modifications to the approved plans. To undertake the development in a different manner to that shown on the approved plans, a fresh application for planning approval must be submitted to the Shire of Waroona.**

**CARRIED 6/0**

**IN BRIEF**

Council is requested to determine a development application for a telecommunications facility at Lot 200 (No. 814) Gibbings Road, Waroona (the subject property).

**BACKGROUND**

The proposed telecommunications facility is proposed to be constructed in the south eastern corner of the subject property, close to the junction of Gibbings Road and Dorsett Road. The telecommunications facility consists of a 60m high lattice tower, antennae, an equipment shelter, a security fence and access track with an associated crossover to Gibbings Road.

The subject property is 101 hectares in area and contains a dwelling and outbuildings. It is mostly cleared of vegetation and is used predominantly for broadacre agriculture. The property has frontage to both Gibbings Road and Dorsett Road. The property is surrounded by other broadacre agriculture farms.

The applicant (Amplitel Pty Ltd) is part of the Telstra Group and provides wireless infrastructure for Telstra across Australia. The proposed telecommunications facility has been part funded by the Federal government's Regional Connectivity Program and the State government's Regional Telecommunications Program.

The project will deliver a new Telstra 4G/5G facility to the rural area west of Waroona and Coolup. The new facility will provide improved mobile connectivity for residents and businesses in these areas and enable greater access to public safety communications in a bush fire prone areas. Presently there is 4G connectivity black spots throughout these areas and the new facility will assist in filling these black spots. Further, there is presently no 5G coverage in these areas.

The submitted plans are at Appendix 11.1.3. An aerial photograph showing the location of the subject lot is shown below.





## **REPORT DETAIL**

### *Zoning and Land Use Permissibility*

The subject property is zoned Rural 1 General Farming under the Shire of Waroona Local Planning Scheme No. 7 (the Scheme). A telecommunications facility is not listed in the Zoning Table of the Scheme. In respect on an unlisted use, a local government may:

- (a) determined that the use is consistent with the objectives of the zone and permit the use;
- (b) determine that the use may be consistent the objectives of the zone and publicly advertise the proposal before making a decision on the proposal; or
- (c) determine that the use is not consistent with the objectives of the zone and refuse the proposal.

It is considered the proposed telecommunications facility falls under part (b) above. Details of public advertising carried out are outlined under the 'Consultation' section of this report.

### *Setbacks*

In the Rural 1 General Farming Zone, the Scheme requires a 20m setback from road frontage boundaries. In this case, the security fencing surrounding the telecommunications facility is set back 11.5m from the Gibbings Road boundary and 23m from the Dorsett Road boundary.

The Scheme allows the setback requirement to be varied if the variation will not detrimentally affect the amenity of the area. The reduced setback may increase the visual prominence of the lower part of the telecommunications facility from Gibbings Road. To address this, a condition has been recommended requiring a landscaping plan to be prepared and implemented to assist in reducing any possible visual impacts of the lower part of the development from Gibbings Road.

### *State Planning Framework*

State Planning Policy 5.2 Telecommunications Infrastructure (the Policy) is the primary planning tool used to assess development applications for proposed telecommunications infrastructure. The Policy sets out a number of measures for consideration, predominantly relating to impact on the environment, cultural heritage and visual landscape values.

The primary planning issue associated with the proposed telecommunications facility relates to visual impact. In regard to environmental and cultural heritage impact, the development area is not environmentally sensitive, does not require the clearing of any native vegetation and is not considered to be a site of cultural significance.

From a visual impact perspective, the Policy provides the following relevant measures for consideration:

- Telecommunications infrastructure should be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;
- Telecommunications infrastructure should be display design features (including materials, external colours and finishes) that are sympathetic to the surrounding environment.

Whilst the lattice tower component of the proposed telecommunications facility is 60m high, the development will not be visually prominent from scenic routes, lookouts and recreation sites. There are no scenic routes, lookouts or recreation sites within the vicinity of the development site. The lattice tower will however be highly visible from the surrounding local road network. The screening of the lower section of the facility as recommended under the mentioned landscaping condition will assist in reducing visual impact.

The nearest dwelling to the development site is contained on the subject property itself. The next nearest dwelling is over 400m away. This distance is considered adequate to ensure the telecommunications facility is not visually offensive to the occupants of the dwelling.

It is considered the benefit of the improved telecommunications service to the surrounding community will outweigh the visual impact issues. The facilities must be located somewhere and usually need to be located in settled areas to be of any effect. Essential infrastructure that has a wider community benefit ought to be given some leeway in terms of visual impact, similar to that afforded by high voltage transmission lines. Further, locating the facilities amongst existing tall trees reduces the effect of the antennae, therefore they usually need to be located in areas where they have some form of visibility in any case.

The Policy also requires telecommunications facilities to be co-located with other providers where possible. In this case, the applicant has deemed that a new facility is required in the general area west of Waroona and Coolup to improve 4G and 5G coverage. Co-location options would not have the same impact on telecommunications than a new facility. The applicant indicated that other service providers other than Telstra would be permitted to add antennae to the facility to improve their respective coverage as well.

The proposed telecommunications facility is considered to meet the objectives and requirements of both the local and State planning framework.

*Electromagnetic Energy (EME)*

One of the concerns with new telecommunications facilities is the level of output of radiofrequency EME produced by the facility. The applicant has submitted a report that indicates the that the highest level of EME produced by the proposed facility will be 0.16% of the maximum level permitted. The report was prepared in accordance with the methodology adopted by the Australian Radiation Protection and Nuclear Safety Agency.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To create a diverse economy base that supports opportunity and employment
<b>Objective</b>	2.1 Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land
<b>Strategy</b>	2.1.1 Maximise the inherent economic opportunities in the Murray Waroona functional economic region

**OTHER STRATEGIC LINKS**

Nil.

**STATUTORY ENVIRONMENT**

Shire of Waroona Local Planning Scheme No. 7  
State Planning Policy 5.2 Telecommunications Infrastructure

**SUSTAINABILITY & RISK CONSIDERATIONS***Economic - (Impact on the Economy of the Shire and Region)*

Improved telecommunications connectivity for farming and other businesses within range of the facility will have a flow on effect into the local economy.

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

Improved telecommunications reliability will enhance the effectiveness of emergency services.

*Environment – (Impact on environment’s sustainability)*

The facility is not expected to have any impact on the environmental values of the development site.

*Policy Implications*

Nil.

*Risk Management Implications*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Current coverage black spots can increase risk of emergency services (eg. fire brigades) not being able to communicate effectively.
<i>Consequence</i>	4 - Major
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	Approval of proposed telecommunications facility will reduce risk of communication break downs
<i>Risk Owner</i>	Chief executive officer

**CONSULTATION**

The proposed telecommunications facility was publicly advertised in accordance with regulation 64 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This included:

- A notice being taken out in the local newspaper;
- A notice being placed on the Shire website;
- Letters sent to all landowners within a 2km radius of the development site;
- Erection of a sign in front of the development site.

No submissions were received during the 28-day consultation period.

**RESOURCE IMPLICATIONS***Financial*

The relevant development application fee has been paid by the applicant.

*Workforce*

Administration and assessment of the development application has been wholly undertaken by Infrastructure and Development Services.

**OPTIONS**

Council has the option of:

1. Granting approval of the development application with the recommended set of conditions and advice notes;
2. Granting approval of the development application with an alternative set of conditions and advice notes; or
3. Refusing to grant development approval subject to conditions.

## **CONCLUSION**

Telecommunications infrastructure is critical to ensure residents, emergency services and businesses can have access to reliable and high-speed communication networks. The proposed development will improve the network significantly in the rural areas west of Waroona. The proposal meets the local and State planning framework and is recommended for approval.

<b>11.1.4 Application for Development Approval for Extractive Industry and Application for Extractive Industry Licence – Lot 2143 Wagerup-Willowdale Road, Wagerup</b>	
<b>File Ref:</b>	TP2258
<b>Previous Items:</b>	OCM/16/11/121
<b>Applicant:</b>	B & J Catalano Pty Ltd
<b>Author and Title:</b>	Rhys Bloxside, Senior Infrastructure and Development Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple majority
<b>Appendix Number</b>	11.1.4 - 2143 Willowdale Road Wagerup_2022 Amended extractive industry application report Shire of Warrona

**COUNCIL RESOLUTION**

OCM22/12/183

Moved: Cr Pisconeri

Seconded: Cr Vitale

A. That Council grants development approval for the proposed extractive industry at Lot 2143 Wagerup-Willowdale Road, Wagerup subject to the following conditions and advice notes:

1. The extractive industry shall occur in accordance with the Environmental Management Plan (Lundstrom Environmental, Version 0.2, October 2022), unless otherwise required to be modified as a consequence of any conditions of this approval. Specifically, the Environmental Management Plan sets out management requirements in regard to:
  - Weed management;
  - Final batters of pit edges;
  - Water management;
  - Noise management;
  - Dust management;
  - Topsoil management;
  - Dieback management; and
  - Rehabilitation (revegetation) management
  
2. Within 90 days of the date of this approval, section 5.2 of the Environmental Management Plan (Lundstrom Environmental, Version 0.2, October 2022) shall be modified to:
  - require a weed contactor to inspect the property for weeds two times per year (after first major rains in April/May and at the end of spring) and treat any weeds as required to the satisfaction of the local government; and
  - ensure employees working at the site are aware of the importance of reporting weeds to management.
  
3. Within 90 days of the date of this approval, section 5.5 of the Environmental Management Plan (Lundstrom Environmental, Version 0.2, October 2022) shall be modified to ensure no stormwater or surface water is discharged into State forest or neighbouring properties and that all stormwater and surface water is managed on site.

4. **No extraction activities shall occur outside the stages of extraction as shown on Figure 3 of the Environmental Management Plan unless otherwise approved in writing by the local government.**
5. **By 30 June of each year for the duration of this approval, a report shall be provided to the local government detailing information from the preceding calendar year including, but not limited to:**
  - **The progress of extraction works (volume of material extracted and a scaled and contoured plan of the site);**
  - **The progress of rehabilitation work undertaken; and**
  - **Whether the management requirements outlined under condition 1 have been complied with.**
6. **The Deed of Agreement for Road Upgrade and Maintenance Contribution (dated March 2017) between the Shire of Waroona and B & J Catalano Pty Ltd shall continue to function in line with the duration of this development approval.**
7. **Within 90 days of the date of this approval, a revegetation bond of \$47,500 (9.5 hectares at \$5,000 per hectare of land requiring revegetation) shall be provided to the local government in the form of a bond or bank guarantee.**
8. **The revegetation of cell one of stage three shall be completed by 31 August 2023 unless otherwise agreed in writing by the local government.**
9. **The road reserve adjacent to the eastern boundary of the extraction area shall be revegetated to the same standards outlined in the Environmental Management Plan. The revegetation shall be carried out in conjunction with the revegetation of cell one of stage three and completed by 31 August 2023.**
10. **Species to be used for revegetation shall be endemic to the locality of the extractive industry.**
11. **The extractive industry shall be carried out in a manner that does not adversely impact the amenity or the environment of the area.**
12. **Any refuelling activities shall be undertaken in accordance with the Department of Water and Environment Regulation's Water Quality Protection Note 56 Toxic and Hazardous Substance Storage and Use. There shall be no storage of hydrocarbons or fuel on site and no major vehicle and machinery repairs is permitted on site.**
13. **This development approval is valid for a period of five years from the date of approval. No works are permitted to be carried out past this date unless a further development approval and extractive industry licence have been issued, with the exception to site rehabilitation works.**

#### **Advice Notes**

1. **The Department of Biodiversity, Conservation and Attractions advises that regrowth has occurred within cells two and three of stage three. Removal of this regrowth may require a clearing permit from the Department of Water and Environmental Regulation.**

- B. That Council issues an extractive industry licence for the proposed extractive industry at Lot 2143 Wagerup-Willowdale Road, Wagerup subject to the following conditions and advice notes:**
- 1. The extractive industry shall occur in accordance with the Environmental Management Plan (Lundstrom Environmental, Version 0.2, October 2022), unless otherwise required to be modified as a consequence of any conditions of this approval. Specifically, the Environmental Management Plan sets out management requirements in regard to:**
    - Weed management;
    - Final batters of pit edges;
    - Water management;
    - Noise management;
    - Dust management;
    - Topsoil management;
    - Dieback management; and
    - Rehabilitation (revegetation) management
  - 2. Within 90 days of the date of this approval, section 5.2 of the Environmental Management Plan (Lundstrom Environmental, Version 0.2, October 2022) shall be modified to:**
    - Require a weed contactor to inspect the property for weeds two times per year (after first major rains in April/May and at the end of spring) and treat any weeds as required to the satisfaction of the local government; and
    - Ensure employees working at the site are aware of the importance of reporting weeds to management.
  - 3. Within 90 days of the date of this approval, section 5.5 of the Environmental Management Plan (Lundstrom Environmental, Version 0.2, October 2022) shall be modified to ensure no stormwater or surface water is discharged into State forest or neighbouring properties and that all stormwater and surface water is managed on site.**
  - 4. No extraction activities shall occur outside the stages of extraction as shown on Figure 3 of the Environmental Management Plan (Lundstrom Environmental, Version 0.2, October 2022) unless otherwise approved in writing by the local government.**
  - 5. By 30 June of each year for the duration of this approval, a report shall be provided to the satisfaction of the local government detailing information from the preceding calendar year including, but not limited to:**
    - The progress of extraction works (volume of material extracted and a scaled and contoured plan of the site);
    - The progress of rehabilitation work undertaken; and
    - Whether the management requirements outlined under condition 1 have been complied with.
  - 6. By 30 June of each year, the operator shall pay to the local government the annual licence fee as determined by the local government.**



7. **The Deed of Agreement for Road Upgrade and Maintenance Contribution (dated March 2017) between the Shire of Waroona and B & J Catalano Pty Ltd shall continue to function in line with the duration of the extractive industry licence.**
8. **Within 90 days of the date of this approval, a revegetation bond of \$47,500 (9.5 hectares at \$5,000 per hectare of land requiring revegetation) shall be provided to the local government in the form of a bond or bank guarantee.**
9. **The revegetation of cell one within stage three as shown on Figure 3 of the Environmental Management Plan shall be completed by 31 August 2023 unless otherwise agreed in writing by the local government.**
10. **The road reserve adjacent to the eastern boundary of the extraction area shall be revegetated to the same standards outlined in the Environmental Management Plan. The revegetation shall be carried out in conjunction with the revegetation of cell one of stage three and completed by 31 August 2023.**
11. **Species to be used for revegetation shall be endemic to the locality of the extractive industry.**
12. **The extractive industry shall be carried out in a manner that does not adversely impact the amenity or the environment of the area.**
13. **Any refuelling activities shall be undertaken in accordance with the Department of Water and Environment Regulation’s Water Quality Protection Note 56 Toxic and Hazardous Substance Storage and Use. There shall be no storage of hydrocarbons or fuel on site and no major vehicle and machinery repairs is permitted on site.**
14. **This extractive industry licence is valid for a period of five years from the date of approval. No works are permitted to be carried out past this date unless a further development approval and extractive industry licence have been issued, with the exception to site rehabilitation works.**

#### **Advice Notes**

1. **The Department of Biodiversity, Conservation and Attractions advises that regrowth has occurred within cells two and three of stage three. Removal of this regrowth may require a clearing permit from the Department of Water and Environmental Regulation.**

**CARRIED 6/0**

#### **IN BRIEF**

Council is requested to determine an application for development approval and an application for an extractive industry licence at Lot 2143 Wagerup-Willowdale Road, Wagerup (the subject property).

#### **BACKGROUND**

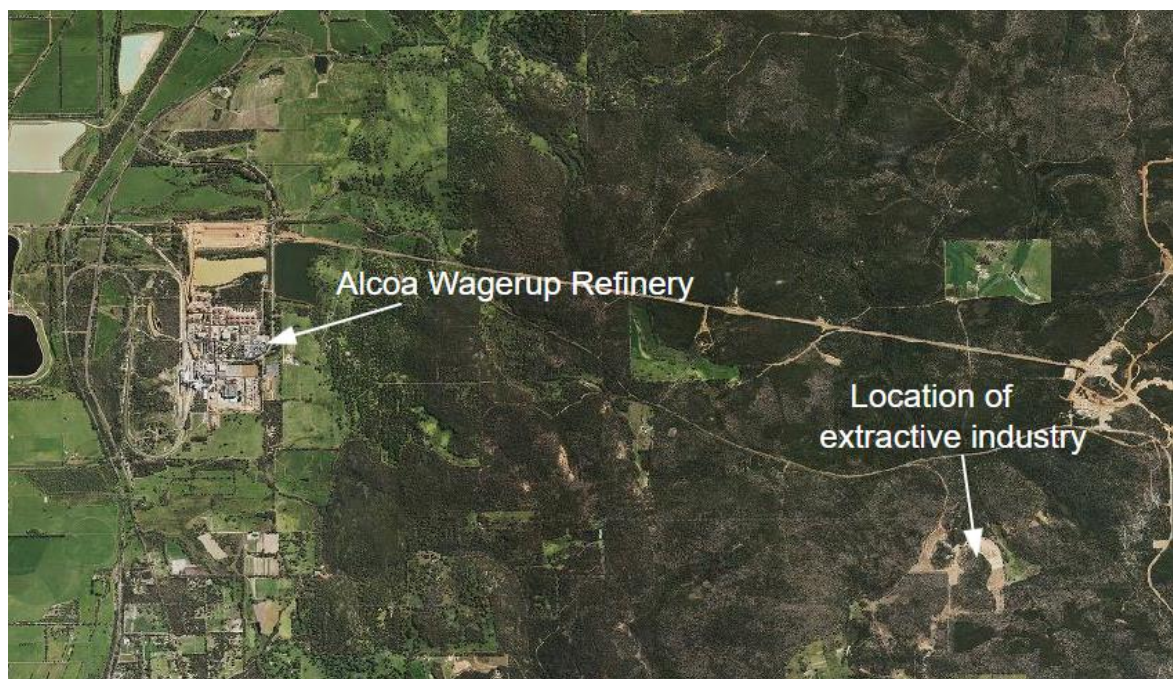
Gravel extraction has been occurring at the subject property since original approval was granted by Council in 2006. As is the nature with extractive industries, approvals are time-

limited and have an expiry date. This particular extractive industry's latest development approval expired in November 2021. An annual Extractive Industry Licence is also required to be sought from the operator. In this case, the Extractive Industry Licence has been renewed each year since the original development approval was granted. The most recent Extractive Industry Licence expired in November 2021.

The extractive industry has three stages of extraction. Stages one and two have been exhausted of gravel and have subsequently been revegetated with native species. The revegetation is growing well and is in healthy condition. Stage three is broken into three cells. Cell one and part of cell two have been exhausted of gravel. Cell one is planned to be ripped and revegetated in winter 2023. The remaining gravel lies within part of cell two and cell three. The remaining extraction area is approximately five hectares in area. It is expected that it will take a further five years to extract the remaining gravel from these cells.

The method of extraction entails ripping the ground with a dozer and blading material into a stockpile. The material is then passed through a crushing and screening plant to produce high quality gravel. Orders for gravel are picked up by truck. The gravel is loaded into trucks by an excavator.

The submitted Environmental Management Plan is at Appendix 11.1.4. An aerial photograph showing the location of the subject property is shown below.



## **REPORT DETAIL**

This section discusses the proposal against the relevant components of the local and State planning framework.

### *Shire of Waroona Local Planning Scheme No. 7 (the Scheme)*

The subject property is zoned as 'Rural 5 – Darling Range' under the Scheme. The Zoning Table of the Scheme lists extractive industry as an 'A' use in this zone. Uses listed as 'A' may be permitted provided that notice has been given in accordance with regulation 64 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations

2005. Further information regarding giving notice is addressed under the ‘Consultation’ section of this report.

*Planning and Development (Local Planning Schemes) Regulations 2005 (the Regulations)*

Regulation 67(2) of the Regulations sets out a number of matters that a local government must consider when assessing a development application. The relevant matters have been discussed below.

- Regulation 67(2)(a) - the aims and provisions of the local planning scheme

The relevant aim of the Scheme is to ensure that appropriately located mining activities are able to provide significant contributions to the district economy in a manner consistent with the protection of the district’s environment and landscape.

The extractive industry is located in an area designated as containing a significant geological supply of gravel. This gravel resource carries a high level of importance for the economy of Western Australia. As an example, gravel from the site is currently being used to construct the new Outer Bunbury Ring Road. Whilst the extractive industry has necessitated the clearing of native vegetation, the areas of the site that have been exhausted of gravel material have been progressively revegetated to ensure any net loss to the environmental value of the area is negligible.

- Regulation 67(2)(c) - any approved State planning Policy

State Planning Policy 2.4 Planning for Basic Raw Materials (SPP2.4) is applicable. SPP2.4 highlights the importance of basic raw materials (such as gravel, sand and limestone) to the economy, particularly in relation to the construction of roads and buildings and to the agricultural sector. SPP2.4 works in conjunction with mapping produced by the Department of Mines, Industry Regulation and Safety (DMIRS). DMIRS has mapped the subject property as containing a significant geological supply of gravel. SPP2.4 identifies these types of properties as the highest priority extraction areas for basic raw materials.

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) is applicable due to the subject property being within a bushfire prone area. Decision makers can apply exemptions from the requirements of SPP 3.7 where there is no intensification of land use, and/or the proposal is not increasing the bushfire threat. In this case, the extractive industry has been operating with generally the same level of land use intensity since its commencement in 2006.

Examples of when exemptions may be considered by a decision maker include, but are not limited to, a development application for an extractive industry where the extraction is undertaken in an open cleared area (for example, quarries and open cut mining) and no habitable buildings are proposed.

- Regulation 67(2)(d) - any approved environmental protection policy approved under the Environmental Protection Act 1986

Environmental Protection Authority Separation Distances between Industrial and Sensitive Land Uses recommends that an extractive industry is 1,000 metres from a sensitive land use. Not including the existing dwelling on the subject property, there are no noise-sensitive land uses within 1,000 metres of the extraction area. The existing dwelling on the subject property is between 200 metres and 750 metres from stage 3 of the extraction area. The occupants of the dwelling also own the subject property and have a commercial arrangement with the operator of the extractive industry. In this regard, it is considered acceptable to disregard the

1,000 metre buffer distance. The owners have been living in the dwelling prior to the commencement of the extractive industry in 2006 and have advised verbally that they are not bothered by any noise.

- Regulation 67(2)(fa) – any local planning strategy (LPS)

Part 14.1 of the LPS states that the extraction of gravel is supported provided that sites are not visible from the coastal plain and appropriate setbacks to sensitive land uses are maintained. The subject property is not visible from the Swan Coastal Plain. It is nestled amongst the jarrah forest. Further, separation distances to sensitive land uses it discussed immediately above.

- Regulation 67(2)(n) – the amenity of the locality including environmental impacts of the development and impact on the character of the locality

The extraction area has already been cleared of native vegetation. The operator obtained a clearing permit from the Department of Water and Environmental Regulation to do this. Stages one and two have successfully been rehabilitated with native species. The revegetation is in excellent condition. Stage three will be progressively rehabilitated following extraction activities. Whilst the loss of native vegetation is not ideal, the revegetation planned to be carried out is considered acceptable in terms of returning the landscape back to a similar condition prior to extraction commencing. The submitted Environmental Management Plan proposes that a combination of seeds and tubestock seedlings will be used with a target of 4,500 live native plants per hectare after the first year of planting. A condition requiring a revegetation bond or bank guarantee has been recommended to be added as a contingency measure.

Rain events can cause turbid and sediment-heavy stormwater to enter surrounding waterways. The Environmental Management Plan indicates that stormwater generated within the disturbed extraction area will be directed to detention ponds so that stormwater can settle and any excess sediment can be prevented from entering nearby waterways. The operator has achieved this successfully to date.

Dust and noise are common emissions of extractive industries, however the isolation of the subject property reduces the potential for dust and noise to impact any sensitive land uses other than the occupants of the existing dwelling on the property. Regardless, the submitted Environmental Management Plan sets out commitment to manage these issues. The Shire's contracted environmental health officers have indicated that these management commitments are acceptable.

Dieback management has been adequately addressed in the submitted Environmental Management Plan.

Fuel and oil spills can impact the environment. In regard to refuelling and greasing machines on site, there is no designated fuel tank, rather a service truck visits the site and refuels machines as required. Modern service trucks entail lock on nozzles that significantly reduce any risk of spills. Further, modern machines are fitted with automatic greasing systems. The operator has a Hydrocarbon Spill Response procedure for employees which aims to minimise the impact of spills.

In regard to impact on the character of the landscape of the locality, the open extraction area is not noticeable from neighbouring properties or other public vantage points.

- Regulation 67(2)(o) – the likely effect of the development on water resources and any means that are proposed to protect the water resource

It is not expected that extraction activities will have an impact on the health of the groundwater system. The gravel only occupies the top two metres of the soil profile. The groundwater along the Darling Range is well below ground level and there should be significant separation between the bottom of the excavation pit and the highest groundwater point.

- Regulation 67(2)(r) – the suitability of the land for the development taking into account the possible risk to human safety

The subject property is surrounded by dense forest. Bushfire is a significant risk that could impact any machine operators or truck drivers working from the site. A condition requiring an emergency evacuation plan could reasonably be imposed in this regard under the Regulations, however it is considered that the duty of care responsibilities under the *Work Health and Safety Act 2022* are more appropriate in this instance and the matter ought to be addressed by the employer of any machine operators and truck drivers.

- Regulation 67(2)(s) – the adequacy of the proposed means of access to and egress from the site

Access to and egress from the site is via Wagerup-Willowdale Road. Trucks carting gravel from the site use this road to access South Western Highway and disperse from there. Wagerup-Willowdale Road is in good condition and is suitable to carry heavy haulage. Notwithstanding this, the operator entered into a deed of agreement with the Shire in 2017 whereby contributions are required to be made to the Shire in order to maintain the local road network that is used by heavy haulage using the site. The operator has paid all annual contributions to the Shire in a timely fashion. The deed did not expressly expire in line with the previous development approval and therefore a new deed does not need to be executed. In other words, the deed will continue to function should the current proposal be approved.

- Regulation 67(2)(y) – any submissions received from the public

This has been discussed under the ‘Consultation’ section of this report.

- Regulation 67(2)(za) – any submissions received from an authority

This has been discussed under the ‘Consultation’ section of this report.

*Shire of Waroona Extractive Industries Local Law 2021 (Local Law)*

The Local Law deals with licences for extractive industries. The Local Law stipulates that an extractive industry cannot be carried out without a current licence. A licence can be issued for up to five years. The Local Law sets out the types of conditions that can be placed on an extractive industry licence. These matters are similar in nature to those covered by the Regulations and there is no need to provide additional comment.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To create a diverse economy base that supports opportunity and employment
<b>Objective</b>	2.1 Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land
<b>Strategy</b>	2.1.1 Maximise the inherent economic opportunities in the Murray Waroona functional economic region

## **OTHER STRATEGIC LINKS**

Shire of Waroona Local Planning Strategy 2009

## **STATUTORY ENVIRONMENT**

Planning and Development (Local Planning Schemes) Regulations 2015  
 Shire of Waroona Local Planning Scheme No. 7  
 State Planning Policy 2.4 Planning for Basic Raw Materials  
 Shire of Waroona Extractive Industries Local Law 2021

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

High grade gravel is an important resource for the local and regional economy, particularly in regard to the construction industry.

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

The proposal is not expected to adversely impact the quality of life the community or nearby landowners.

*Environment – (Impact on environment’s sustainability)*

Provided rehabilitation of the site is undertaken to a high level, there is no reason to expect the proposal will have an adverse impact on the environment.

*Policy Implications*

Nil

*Risk Management Implications*

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	There is a risk that the land could be left without rehabilitation, but given the operator has successfully rehabilitated previous areas of extraction, the level of risk is considered low.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	1 - Rare
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Enforcement of conditions of approval will address the risk adequately.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

Notification of the proposed extractive industry was undertaken in accordance with regulation 64 and 66 of the Regulations whereby notification was given to the owner of a neighbouring property in the Shire of Harvey and the advice of a number of State government departments was sought. Comments from Alcoa were also sought.

The neighbouring property and Alcoa owner did not provide any comments. The comments from the State government departments are summarised below.

*Department of Health*

No objection subject to dust control measures being undertaken as required.

*Department of Mines, Industry Regulation and Safety*

The proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy and basic raw materials.

*Department of Primary Industries and Regional Development*

No objection. There is no weed management plan included in the submitted Environmental Management Plan. The management of weeds is briefly discussed but it is recommended a weed management plan is developed.

Officer comment: Following a phone conversation with the relevant officer from DPIRD, a condition has been recommended requiring the section of the Environmental Management Plan regarding weed management to be modified to require a weed contractor to inspect the site twice per year instead of once and also ensure their employees on site have an obligation to report weeds to management.

*Department of Biodiversity, Conservation and Attractions*

The clearing permits for the site have expired. Vegetation regrowth can be seen on aerial photography with cells two and three of stage three. The proponent should seek advice from the Department of Water and Environmental Regulation in relation to clearing permit requirements.

The subject property adjoins Dwellingup State Forest. The extractive industry should protect the State Forest from operational impacts such as the spread of dieback. The application refers to the diversion of surface water runoff away from mining areas into State Forest via cut-off drains. Given the unknown hygiene status of the extractive industry, drainage poses a risk that dieback may spread into the adjacent State Forest. There should be no direct or indirect impacts on State forest and drainage should be contained and managed within the subject property.

Officer comment: A condition has been recommended requiring the section of the Environmental Management Plan regarding stormwater management to be amended to address the water management issues raised by the Department of Biodiversity, Conservation and Attractions.

*Department of Planning, Lands and Heritage (DPLH)*

The property is within a mapped Bushfire Prone Area. Section 2.6 of the Planning in Bushfire Prone Area Guidelines allows decision makers to apply exemptions from the requirements of SPP3.7. Examples of when exemptions may be considered by a decision maker include extractive industries where the extraction is undertaken in an open cleared area and no habitable buildings are proposed.

The proposal is consistent with the purposes of zoning under the Peel Region Scheme, therefore WAPC determination of the application is not required.

Officer comment: It is considered appropriate to exempt the proposed extractive industry from the requirements of SPP3.7 because the proposal does not entail any intensification of land use than what has previously been carried out since the extractive industry was first

commenced. Further, no habitable buildings associated with the extractive industry exist on site, nor are any proposed.

*Department of Water and Environmental Regulation*

No objection. The screening component of the extractive industry is subject to an existing Works Approval. This approval expires in 2034. The proposal is consistent with this approval. The extractive industry will need to meet the *Environmental Protection (Noise) Regulations 1997*.

**RESOURCE IMPLICATIONS**

*Financial*

The relevant development application and licence application have been paid by the applicant.

*Workforce*

Administration and assessment of the development application has been wholly undertaken by Infrastructure and Development Services.

**OPTIONS**

Council has the option of:

1. Granting approval of the development application and licence application with the recommended set of conditions and advice notes;
2. Granting approval of the development application and licence application with an alternative set of conditions and advice notes; or
3. Refusing to grant approval of the development application and licence application.

**CONCLUSION**

The proposed extractive industry is considered to meet the local and State planning framework. The addition of conditions that require amendments to the submitted Environmental Management Plan will ensure the extractive industry operates to a high standard. The proposal is recommended for approval.



<b>11.1.5 Application for development approval - existing workforce accommodation – Lot 58 (No. 142) McClure Road, Hamel</b>	
<b>File Ref:</b>	TP2314
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	Frank Panaia C/O FGP Designs on behalf of Francesco Capogreco and Domenica Capogreco
<b>Author and Title:</b>	Craig Zanotti, Coordinator Regulatory & Development Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.1.5 A– Location plan 11.1.5 B – Photos of development 11.1.5 C – Development plans

**COUNCIL RESOLUTION**

OCM OCM22/12/184

Moved: Cr Pisconeri

Seconded: Cr Snell

That Council, pursuant to Schedule 2, Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approves the application for development approval for the existing workforce accommodation at Lot 58 (No. 142) McClure Road, Hamel, subject to the following conditions:

1. Development shall be in accordance with the following plans and documents:
  - a. DRW 1 of 3, Overall Property Plan, REV 0, Dated 02/06/2022;
  - b. DRW 2 of 3, Proposed Elevations, REV 0, Dated 02/06/2022; and
  - c. DRW 3 of 3, Proposed Site Plan REV 0, Dated 02/06/2022
2. This approval relates only to the proposed “development”, as indicated on the approved plans and any minor modification approved in writing by the Shire. It does not relate to any other development on this lot.
3. Use of the development is restricted to ‘workforce accommodation’ as defined by the Planning and Development (Local Planning Schemes) Regulations 2015.
4. The workforce accommodation and incidental facilities (the development) shall be for the sole use of agricultural workers associated with Capogreco Farms. The development shall not be made available to other organisations, businesses, parties or persons, including but not limited to:
  - a. The general public;
  - b. The mining or resources sector; and
  - c. Other agricultural enterprises.
5. The existing vegetation to the north and west of the development shall be protected and maintained to provide screening, to the satisfaction of the Shire.

**Advice Notes:**

- A. This is a development approval issued under the Shire of Waroona Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.

- B. Should the applicant be aggrieved by this decision or any associated conditions, they may request the Shire of Waroona to reconsider the decision. The right to request reconsideration is separate and does not impinge upon any right of appeal under the Planning and Development Act 2005.**
- C. This approval relates to the details provided in the application only. In order to undertake the development in a different manner to that stated in the application, a fresh application for planning approval or an application to amend the development approval must be submitted to the Shire of Waroona and approved.**
- D. With regard to Condition 3, the model scheme text defines ‘workforce accommodation’ as:**
- “premises, which may include modular or relocatable buildings, used –**  
**(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and**  
**(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.”**
- E. The applicant is advised that the development must comply with the Health (Public Building) Regulations 1992. The applicant and owner should liaise with the Shire’s Health Services in this regard.**
- F. The applicant is advised that the development must comply with the Food Act 2008, the Food Safety Standards and Chapter 3 of the Australian New Zealand Food Standards Code (Australia only). The applicant and owner should liaise with the Shire’s Health Services and Department of Health in this regard. Further details are available at: [https://ww2.health.wa.gov.au/Articles/S\\_T/Starting-a-food-business-in-WA](https://ww2.health.wa.gov.au/Articles/S_T/Starting-a-food-business-in-WA)**
- G. A Building Approval Certificate is required to be submitted under the *Building Act 2011*. An application shall be accompanied by a Certificate of Building Compliance from a private building surveyor.**

**CARRIED 6/0**

### **IN BRIEF**

The purpose of this report is for Council to consider determination of an unauthorised workforce accommodation development at Capogreco Farms.

### **BACKGROUND**

Workforce accommodation has been developed at Lot 58 (No. 142) McClure Road, Hamel (the Subject Site) to accommodate agricultural workers employed by Capogreco Farms (see Attachment 1 – Location Plan). The development consist of:

- 26 accommodation units, consisting of six transportable buildings;
- 8 bathroom cubicles, consisting of 2 transportable buildings;
- A clothes drying area, within an existing shed; and
- Coolroom, kitchen and meals building, within an existing shed.

The majority of the development is located within existing agricultural sheds, on the southern portion of the property. This development was constructed around 2011. Photos of the development are contained within Attachment 2 – Photos of development.

## **REPORT DETAIL**

The Applicant seeks retrospective development approval for workforce accommodation to accommodate agricultural workers employed by Capogreco Farms. The development consists of:

- 26 accommodation units, consisting of six transportable buildings.  
Four of the transportable buildings are located within existing rural sheds and are screened from view from other properties and the road.  
  
Two transportable buildings are located to the north of the existing rural sheds and are screened from view by these sheds and existing vegetation.
- 8 bathroom cubicles, consisting of 2 transportable buildings.  
These transportable buildings are located within an existing rural shed and are screened from view from other properties and the road.
- A clothes drying area, within an existing shed.  
This is located within an existing rural shed and are screened from view from other properties and the road.
- Coolroom, kitchen and meals building, within an existing shed.  
This is located within an existing rural shed and are screened from view from other properties and the road.

Development plans are contained within Attachment 3 - Development Plans. Assessment against the Local Planning Framework is contained below.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Built Assets
<b>Aspiration</b>	To create a diverse economy base that supports opportunity and employment
<b>Objective</b>	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
<b>Strategy</b>	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes
<b>Action</b>	Approval of this application will ensure that workforce accommodation, appropriate for its location, supports primary producers.

## **OTHER STRATEGIC LINKS**

Nil.

## **STATUTORY ENVIRONMENT**

- Planning and Development Act 2005  
This development requires development approval to be issued.
- Planning and Development (Local Planning Schemes) Regulations 2015  
Deemed Provisions - Clause 67(2)(m) - Compatibility of the development with its setting

The setting in which the proposed development is located can reasonably be described as a low-intensity rural setting with a focus on agriculture and primary production. The surrounding areas are predominantly cleared, with scattered vegetation located around dwellings, farm sheds and the like to provide screening and shade.

The development is considered to be compatible with its setting for the following reasons:

- The development site is surrounded by agricultural uses on all sides and the vegetated drain to the north.
- The use is compatible with the operational intensive agriculture in which it is located as it provides on site accommodation for farm employees.

The development is most appropriately defined as ‘workforce accommodation’ under the Regulations. Where there is a use not listed, the Regulations outline that development shall be in accordance with the objectives of the zoning and provisions of the Local Planning Scheme, in order to be considered for approval.

- Shire of Waroona Local Planning Scheme No. 7 (LPS7)

The property is zoned ‘Rural 2 - Irrigated Agriculture’. The proposal is considered to fall under the definition of ‘Workforce Accommodation’ as defined under the Planning and Development (Local Planning Schemes) Regulations 2015. This is defined as:

*“premises, which may include modular or relocatable buildings, used –  
(a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and  
(b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.”*

The development is a use not listed under zoning and development table. Given that workforce accommodation is a land use that cannot be reasonably classified under the zoning table of LPS7, its suitability within the Rural 2 – Irrigated Agriculture zone must be considered against the zone objective in accordance with clause 3.3(4) of the Scheme.

Within all Rural zones, it is Council’s objective to:

*“preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally”.*

The proposed land use is intrinsically linked to the local rural economy. A substantial number of workers are required to ensure the ongoing operation of Capogreco’s farming operations. On this basis there is no doubt that the proposal will contribute materially to the local economy.

The key consideration is therefore whether the development is delivered in a manner that suitably respects and preserves the rural character and amenity of the locality. These matters are considered in the context of clause 67 of the Deemed Provisions in the below section.

#### Setbacks

The Scheme requires development in rural zones to be set back 10 metres from rear and side boundaries and 20 metres from the front. The development is setback in excess of 100 metres from the nearest boundary.

#### Car Parking

Clause 4.16.2 of the Scheme provides that where land is to be used for purposes not mentioned in the Scheme, the local government shall determine the number of spaces to be provided. There are 26 accommodation rooms, and it is considered that a ratio of one car bay per one unit should be provided as agricultural workers typically consist of backpackers who travel by car by their own means. There is sufficient space for 26 car bays within immediate proximity to the development.

#### Appearance of Buildings

Clause 4.25 of the Scheme requires buildings, structures and site works to maintain harmony with existing buildings and the landscape of the locality. The development consists of transportable buildings, however is located within existing agricultural sheds and is fully screened from view from all perspectives.

The bulk and scale of the development is consistent with the established and desired landscape of the rural zone/area.

#### Amenity

The development is setback in excess of 400 metres to the nearest dwelling. The farm manager/owner lives in a dwelling adjacent to the workforce accommodation. This provides adequate supervision and in the case that noise or other emissions may occur, will allow for a timely response to address any potential issues.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

The workforce accommodation will facilitate the ongoing Capogreco Farms operations and their contribution to the local economy.

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

The Site has been used for a number of years for workforce accommodation, with no recordable or obvious impacts to the community.

#### *Environment – (Impact on environment's sustainability)*

The protection and valuing of the environment, amenity and the rural space will continue to be undisturbed.

## *Policy Implications*

### LPP 5 Sea/shipping containers & transportable buildings

The purpose of this Policy is to ensure that transportable buildings contain a high level of architectural design to compliment the amenity of the area. The architectural design is to be commensurate to the level of visibility from public and private places.

#### Design treatments

Under this Policy, Scenario 7 is to be applied. This requires a number of design treatments to be incorporated such as additional doors, windows, verandahs, new wall cladding, screening of the sub floor void, etc. Given the existing level of screening that the development enjoys, through mature vegetation and location within sheds, it is considered appropriate that discretion can be applied to the design treatments. In applying discretion, the Objectives of the Policy shall be considered. These are to:

1. *Ensure that a transportable structure/building does not detract from the amenity, character and established streetscape of an area; and*
2. *Fulfil the intended objectives of design guidelines, the Residential Design Codes and the Shire's local planning framework of achieving good quality-built form and design outcomes.*

The development is considered to fully comply with the objectives with the following comments made, respective to each objective.

1. The development is fully screened from public and private places by existing agricultural sheds and mature vegetation. There is a high degree of certainty that this development will continue to be screened.
2. The development is ancillary and incidental to an existing agricultural use. It is considered appropriate for the rural setting and is consistent with:
  - a. Local Planning Scheme No. 7; and
  - b. Draft Local Planning Policy 14 – Workforce Accommodation.

### Draft LPP 14 Workforce Accommodation

Due regard shall be applied to this Policy, which is out for public consultation. This Policy does not support/permit workforce accommodation outside of the Waroona townsite boundaries, however discretion may be applied given the proposal is consistent with Objective 7 and Provision 6.4. These state:

*Objective 7. "Facilitate small, low-scale workforce accommodation for existing agricultural producers on-site where it can be demonstrated that it will not compromise the local planning framework or Strategic Community Plan."*

#### 6.4 Location and land use permissibility

*6.4.3 "The Shire may vary the above land use permissibility where small, low-scale workforce accommodation is proposed for existing agricultural producers and where it is satisfied that the local planning framework and Strategic Community Plan are satisfied."*

The development is associated with housing agricultural workers associated with Capogreco Farms. It has been operating for many years without any identified issues such as emissions

e.g. noise, dust, odours. The Shire has no record of conflict with neighbours and it is considered to be complimentary to the rural nature of the area.

The scale and nature of it is considered to be low-scale.

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Being seen to fetter private business.
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Work with all parties to reach a suitable outcome.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

*External Agencies*

The proposal was not advertised to any State Government agencies as it is considered low scale operations and no foreseeable issues or concerns.

*Community and Stakeholders*

As 'workforce accommodation' is a land use that cannot be reasonably classified within the zoning table of LPS7, it is considered to be a complex land use under the Planning Regulations. The proposal was publicly advertised accordingly. Advertising commenced on 13 June 2022 and ran until 8 July 2022. No submissions were received.

## **RESOURCE IMPLICATIONS**

*Financial*

Nil.

*Workforce*

Nil.

## **OPTIONS**

Council has the option of:

1. Adopting the officer's recommendation;
2. Amending the officer's recommendation; or
3. Not adopting the officer's recommendation.

## **CONCLUSION**

The development of workforce accommodation in this location is considered appropriate in its context, given the following considerations:

- It is for an existing bona fide agricultural use (Capogreco Farms);
- It is incidental to the predominant use - occupies 0.2 Hectares, out of 160 Hectares;
- Is fully screened from other properties and the road by existing sheds and mature vegetation;

- Is located adjacent to the farm manager/owner's house, which allows adequate monitoring and response to potential emissions outside of working hours;
- Is setback in excess of 100 metres from the nearest boundary (McClure Road) and 400 metres from the nearest house.

Officers are confident that the local planning framework will continue to be met and recommend conditional approval.



<b>11.1.6 Amendment 42 to Local Planning Scheme No. 7 - Revision to the scheme text relating to vegetation and clearing restrictions</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Craig Zanotti, Coordinator Regulatory & Development Services
<b>Declaration of Interest:</b>	The author and authorising officer declare that they do not have any conflicts of interest in relation to this item.
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.1.6 – Scheme Amendment Report

### **COUNCIL RESOLUTION**

**OCM22/12/185**

**Moved: Cr Snell**

**Seconded: Cr Vitale**

**That Council, pursuant to Part 5, Division 1, r.35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:**

- 1. Prepare an amendment to Local Planning Scheme No. 7 as outlined in Attachment 1;**
- 2. Specify that the proposed amendment is a Standard Amendment as the proposed changes are consistent with the objectives of the scheme and the local planning strategy and does not result in any significant environmental impact; and**
- 3. Authorises Shire officers, and any representative of the Shire, to undertake the process outlined in Part 5, Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, 'Advertisement of standard amendment'.**

**CARRIED 6/0**

### **IN BRIEF**

The purpose of this report is for Council to consider initiating an amendment to Local Planning Scheme No. 7 (LPS7). The amendment (Amendment No.42) seeks to delete, amend and add wording in various clauses of the scheme text. The intent of the amendment is to ensure consistency in the clauses relating to the protection of all significant trees and other significant vegetation (at present the Scheme only applies to indigenous vegetation).

### **BACKGROUND**

This amendment reflects the Shire's intention to provide clarity and to better focus on environmental objectives. Which intend to protect trees and vegetation where they provide an environmental and ecological benefit to the Shire and its community. Trees provide shade, remove carbon and other greenhouse gases from the atmosphere and maintain healthy soil biomes. They also support pollinators and other important fauna.

The current Scheme text wording specifically nominates indigenous vegetation, and this restricts the capability of the Shire to control removal and associated clearing of trees on rural and non-rural properties. Where some or all the removed species may not be classified as indigenous but nevertheless hold ecological and community benefits.

The Shire's current LPS7 is being reviewed by a planning consultant (Land Insights) and this is likely to consider provisions which protect vegetation where there is a benefit for society, the economy, and the environment. The review of and preparation of a new Scheme has only just commenced and will take over 12 months to be adopted and so this amendment is necessary to update present controls for a more immediate effect.

Once completed the amendment would require there be a formal planning application submitted for the assessment of proposals which involved the clearing of significant trees. This will aid in the protection of all significant vegetation within the Shire.

## **REPORT DETAIL**

The Shire's current LPS7 is currently under review by Land Insights and a new Local Planning Strategy is also being developed for the Shire whereby there will be a renewed environmental focus. One which may protect and enhance the current natural and rural landscape virtues of the Shire and its districts.

Whilst the new scheme will progress greater scope for protecting the natural environment, its preparation and adoption will take some time and therefore it is necessary in the interim for this amendment to aid in the protection of all significant trees and vegetation not just indigenous vegetation within the Shire with a more immediate effect. The following is a summary of the proposed changes to the Scheme Text:

### **Part 1 of proposed Amendment – Amend and Remove Scheme Text**

It is proposed to change/delete or amend the wording so that all vegetation not just indigenous vegetation will be protected within the zone.

### **Part 2 of proposed Amendment – Addition of Scheme Text in relation to Clearing Restrictions**

The following changes relates to the addition of a clause relating to clearing in the following zones

- 3.9 Urban 6 – Rural Living Zone
- 3.10 Urban 7 – Industrial Zone
- 3.13 Rural Zones – All
- 3.14 Rural 3A & 3B – Coastal & Coastal Highway Zones

The addition of the clause below into the scheme text of LPS7, in the above zones, will allow for the protection of non-native trees and vegetation. The addition is as follows:

*“The approval of Council is required to be obtained prior to the clearing of trees or other vegetation, except for the clearing of vegetation which is exempt by clause 61(m) of Schedule A.”*

### **Part 3 of proposed Amendment – Amendment to Schedule A of LPS7**

The following describes the proposed changes that will take place to Schedule A of LPS7

Replacement of:

*“(m) the clearing of vegetation subject that is:*

*(i) dead, diseased, or dangerous;...” with:*

*“(m) the clearing of vegetation subject that is:*

*(i) exempt by the written opinion of the Local Government, in accordance with the Department of Water and Environmental Regulations guidelines, policy and regulations pertaining to clearing vegetation;...”*

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Environment
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	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
<b>Strategy</b>	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes
<b>Action</b>	Initiation of this proposed Scheme Amendment will achieve the aspirations of the Strategic Community Plan to ensure protection of valued trees and other vegetation in the area that aren't necessarily afforded the level of protection under the <i>Environment Protection Act 1986</i> .

### **OTHER STRATEGIC LINKS**

#### Strategic Community Plan

The outcomes of the community survey included that non-native vegetation is valued in the community and contributes to a unique sense of place.

#### Local Planning Strategy

Vegetation contributes to the amenity of areas such as the Darling Scarp and rural residential areas. The Strategy seeks to protect and enhance the amenity.

### **STATUTORY ENVIRONMENT**

#### Planning and Development (Local Planning Schemes) Regulations 2015

##### Part 5, Division 1, r.35

- (1) outlines that a resolution of local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.
- (2) outlines that a resolution must:
  - (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
  - (b) include an explanation of the reason for the local government forming that opinion.
- (3) an amendment to a local planning scheme must be accompanied by all documents necessary to convey the intent and reasons for the amendment.

##### Part 5, Division 3 – Process for standard amendments to local planning scheme

Outlines the process associated with standard amendments and includes but is not limited to:

- Advertisements
- Submissions
- Consideration of submissions
- Proposed modifications to the amendment
- Incorporation of environmental conditions
- Information to the Commission

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Greater canopy cover is credited in keeping places cooler, which in turn reduces cooling costs in summer months and making places more affordable to live.

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

The community has conveyed that they value non-native vegetation and expressed a desire to see it afforded a greater level of protection.

### *Environment – (Impact on environment’s sustainability)*

The protection and valuing of vegetation, which contributes to the amenity, will be beneficial to the local environment.

### *Policy Implications*

The proposal is consistent with LPP 11 Building Envelopes, which seeks to place a greater value on existing vegetation.

### *Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	Being seen to fetter private land.
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Work with all parties to reach a suitable outcome.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

If Council resolves to initiate the proposed amendment as a ‘Standard Amendment’, it will be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 5, Division 3 – Process for standard amendments to local planning scheme.

## **RESOURCE IMPLICATIONS**

### *Financial*

Nil.

### *Workforce*

Within the scope of the workforce budget.

## **OPTIONS**

Council has the option of:

1. Adopting the officer's recommendation;
2. Amending the officer's recommendation; or
3. Not adopting the officer's recommendation.

## **CONCLUSION**

These proposed amendments to the scheme text of LPS7 provide for consistency and improved control of the removal and achieve a greater protection to non-native trees and vegetation within the Shire. The scope of the proposed amendment meets the standard amendment procedure criteria and so the corresponding process for initiation and adoption shall apply. This measure to update the Scheme under review will introduce controls and apply for the interim period until the Shire's new Local Planning Scheme (LPS8) and Local Planning Strategy are developed and approved. It is likely equivalent clauses to these would be included as part of draft Scheme (LPS8).

Council is requested to receive and note the proposed Amendment No.42 to Local Planning Scheme 7 and accept the proposed amendment for initiation.

<b>11.1.7 Proposed Amendments to 2022/23 Adopted Budget – 12M Grader Engine</b>	
<b>File Ref:</b>	1/7
<b>Previous Items:</b>	Vehicle Replacement Schedule - SCM 22/08/101
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Karen Oborn – Director of Infrastructure & Development Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION****OCM22/12/186****Moved: Cr Purcell****Seconded: Cr Snell****That Council:**

- 1. Approves the purchase of a replacement ‘12M Grader Engine’; and**
- 2. Amends the 2022/23 adopted budget as follows:**
  - a. Increase transfer of funds from Plant Reserve (135850) by \$65,000 for the purchase of a 12M Grader Engine; and**
  - b. Increase capital expenditure account 135540 by \$65,000 for the purchase of the 12M Grader Engine.**

**CARRIED 6/0****IN BRIEF**

The 12M grader, equipment #P0324 has blown the engine head gasket whilst working on the roads program and is now unusable. This may now seriously impact and delay the Capital roads program. To resolve this an extra draw down from plant reserves is required to get the grader operational again.

**BACKGROUND**

The 2022/23 Shire of Waroona Adopted Budget was adopted at an Ordinary Council Meeting held on 9 August 2022, as per the following resolution:

**COUNCIL RESOLUTION OCM 22/08/101 (Plant Purchases 5.1.1 E)****Moved: Cr Odorisio****Seconded: Cr Snell**

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

**REPORT DETAIL**

The 12M grader, equipment #P0324 has blown the engine head gasket whilst working on the roads program and is now unusable. Seriously impacting and delaying the Capital roads program. To resolve this an extra draw down from plant reserves is required to get the grader operational again.

There are two options:

- 1) Strip down existing motor and repair it. However, this comes with a risk of further failure. In addition, it is estimated that to procure parts and undertake the required machining etc. is likely to be 3 months and will cost approx. \$25,000. In the interim we will need to hire a final trim capable grader, for the 3-month period. The cost of this is estimated at \$800.00/day, if one is available, given seasonal demand, as it is the middle of road construction season at present. At this rate over 90 day the cost could be up to \$72,000. Option one is likely to cost \$97,000 and provide the grader with a repaired engine, which has a risk of further failures.
- 2) Purchase a complete engine and air freight it in from the manufacturer. The approximate time frame is 25 days from receipt of order. It will cost approximately \$65,000 to have the new engine supplied and fitted. Looking at the long-term weather forecast, the Shire will need to hire a grader, but it may not need to have final trim capability. From a roads programme delivery perspective, this is the best option. Option two is likely to cost \$65,000 and provide the grader with a new engine.

Option two is the preferred option. However, this transaction will require additional funding of \$65,000 capital funding from the plant replacement reserve.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	4.2 Manage assets in a consistent and sustainable manner
<b>Strategy</b>	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets
<b>Action</b>	

### **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)*

- Negative impact on the regions transport network

*Social - (Quality of life to community and/or affected landowners)* Nil*Environment – (Impact on environment’s sustainability)* Nil*Policy Implications* Nil**FP010 – Cash Reserves****Statement**

Reserves are accounts established and held within the municipal fund to hold cash retained by the Shire for the purpose of:

- Reducing business risk;
- Improved financial management;
- Improved strategic capacity;
- **Meeting asset renewal needs;** or
- Meeting statutory obligations and other external requirements.

The balance of cash held in reserve accounts are restricted to the defined purpose for which the reserve account was established. Changes to the purpose for which money is held in a cash reserve can be achieved in accordance with the requirements as set out in the Local Government Act 1995

*Risk Management Implications**(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
<i>Description</i>	Rejecting the recommendation to replace the 12M grader mower, could see inconvenient and costly delays, impacting the Capital roads program. Heightened resident complaints if there are delays in grading schedule or a lack of final trim capability.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Detail any measures in place / to be put in place to manage risk.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

Chief Executive Officer  
 Director Infrastructure & Development Services  
 Director Corporate & Community Services  
 Manager Works and Waste Services  
 Manager Corporate Services  
 Community Consultation not required.



## **RESOURCE IMPLICATIONS**

### *Financial*

This amendment will result in the following changes to the transfer from Plant Reserve for the 2022/23 financial year:

<b>Opening balance Plant reserve</b>	<b>\$262,557</b>
Original budget	\$ 33,800
Budget amendment (Mower Nov OCM)	\$ 13,800
Proposed amendment (Dec OCM)	\$ 65,000
<b>Budgeted closing balance</b>	<b>\$149,957</b>

### *Workforce*

Current capital program will be delayed if there is a lack of final trim capability.

## **OPTIONS**

Council has the option of:

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

## **CONCLUSION**

Approval of the budget amendment is being requested to allow the 12M Grader to be fitted with a replacement engine and the road program to proceed as planned. Whilst mitigating breakdowns and lost time.

## 11.2 DIRECTOR CORPORATE &amp; COMMUNITY SERVICES

<b>11.2.1 Listing of Payments for the Month of November 2022</b>	
<b>File Ref:</b>	1/3 – Creditors
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kathy Simpson, Senior Finance Officer
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	11.2.1 - Monthly Creditor Reports - November 2022

**COUNCIL RESOLUTION**

OCM22/12/187

Moved: Cr Mason

Seconded: Cr Vitale

That Council receives the following payments made throughout the month of November 2022;

<b>Municipal</b>	<b>Cheque</b>	<b>10036 - 10053</b>	<b>\$20,279.52</b>
	<b>EFT</b>	<b>37414-37593</b>	<b>\$612,435.22</b>
<b>Direct wages</b>	<b>01/11/22 – 30/11/22 inclusive</b>		<b>\$231,640.04</b>
<b>Direct Debit</b>	<b>01/11/22 – 30/11/22</b>		<b>\$215,779.20</b>
<b>Trust</b>	<b>Cheque – Nil</b>		<b>\$ -</b>
	<b>EFT – Nil</b>		<b>\$ -</b>
<b>GRAND TOTAL</b>			<b>\$1,080,133.98</b>

as per Appendix 11.2.1.

CARRIED 6/0

**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 November 2022.

**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 prescribed information.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

**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**(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Control measures are in place whereby payments are checked and verified by two authorising officers.
<i>Review Frequency</i>	Monthly
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS*****Financial***

Nil

***Workforce***

Nil

**OPTIONS**

Council has the option of:

1. Receiving the listing of payments presented for the month of November 2022; or
2. Not receiving the listing of payments presented for the month of November 2022.

**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 November 2022. All expenditure is accordance with the 2021/22 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

<b>11.2.2 Monthly Statement of Financial Activity for the period ending 30 November 2022</b>	
<b>File Ref:</b>	1/1 – Annual Statements
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	11.2.2 - Monthly Agenda Report 22-23 November

**COUNCIL RESOLUTION****OCM22/12/188****Moved: Cr Pisconeri****Seconded: Cr Mason**

**That Council receives the Monthly Statement of Financial Activity for the period ending 30 November 2022, as per Appendix 11.2.2.**

**CARRIED 6/0****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

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

### **OTHER STRATEGIC LINKS**

Shire of Waroona 2022/23 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**(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Monthly scheduled review of statements.
<i>Review Frequency</i>	Monthly
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS*****Financial***

Nil

***Workforce***

Nil

**OPTIONS**

Council has the option of:

1. Receiving the monthly financial statements; or
2. Not receiving the monthly financial statements.

**CONCLUSION**

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



<b>11.2.3 Rates Debt Collection – Sale of Land 3 Years Unpaid</b>	
<b>File Ref:</b>	134/1
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION**

OCM22/12/189

Moved: Cr Purcell

Seconded: Cr Mason

That pursuant to Sections 6.56, 6.64 (1)(b) and 6.68 (1) of the *Local Government Act 1995*, Council:

1. approves to sell Lot 2 on Strata Plan 49890, Thatcher Street, Waroona (A3255), to recover rates, charges and expenses occurred for rates outstanding for 3 years or more; and
2. agrees that the sale will not proceed should the rates be paid prior to the point at which the sale is committed to occur.

**CARRIED 6/0****IN BRIEF**

Council is requested to consider, pursuant to Section 6.64 (1)(b) of the *Local Government Act 1995*, utilisation of AMPAC Debt Recovery to apply in the form and manner prescribed to offer Assessment A3093, Lot 2 (Strata Plan 49890) Thatcher Street, Waroona, for sale by public auction at a time and place appointed by the local government to recover outstanding rates and expenses incurred.

**BACKGROUND**

Lot 2 (Strata Plan 49890) Thatcher Street, Waroona, is a residential property located in the townsite of Waroona and is rated by its Gross Rental Value. With a GRV of \$13,520, annual rates, inclusive of ESL and services charges are currently \$1,832.03. As at the 5<sup>th</sup> December 2022, the outstanding rates on the property were \$20,843.68.

Non-payment of rates, following exhaustive internal debt collection procedures and contact attempts, resulted in referral of the property to the Shire's Debt Collection Agency AMPAC. Debt collection procedures for recovery of rates on this property have occurred on multiple occasions since March 2009. The last time an amount was received towards payment of rates on this property was 6<sup>th</sup> January 2017. Rates on this property have not been paid in full since the 2012/2013 financial year.

**REPORT DETAIL**

Multiple debt collection attempts by the Shire of Waroona and several debt collection agencies over the past 13 years for the full recovery of rates on this property have been futile. Outstanding rates are now significantly overdue and in excess of three full years unpaid. Section 6.64 (1) (b) of the *Local Government Act 1995* provides that, if any rates or service

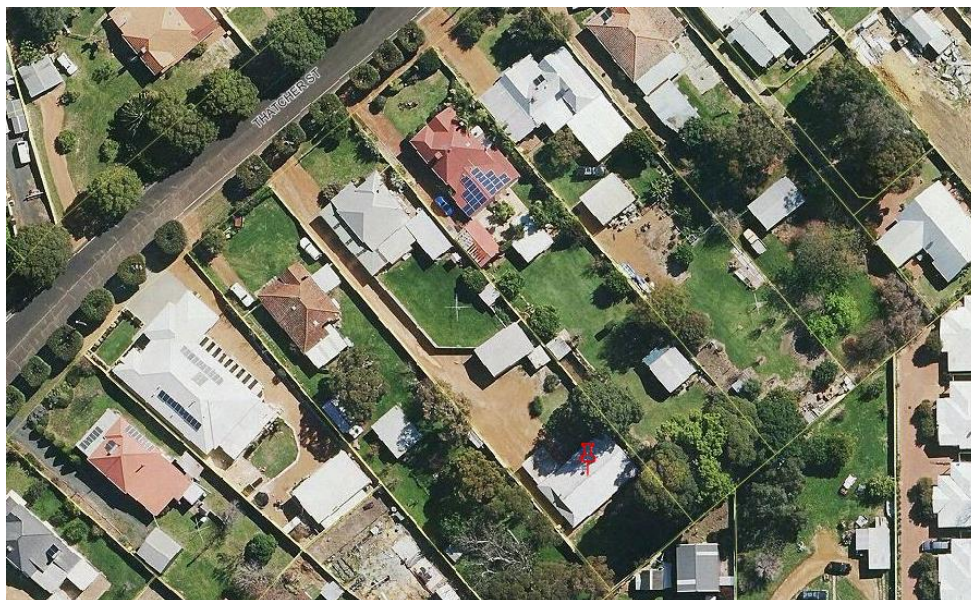
charges due to a Local Government have been unpaid for at least three (3) years, the local government may take possession of the land and proceed to sell the land.

If the matter takes this course, and the property is sold by public auction, under Clause 5 of Schedule 6.3 of the Local Government Act 1995, the outstanding rates, any legal expenses and the cost of sale or incidental to the sale of the property can be recovered by the Shire. Any residual amount from the sale of the property is to be held by the Shire in the event of the owners or associated parties making a claim. If after 12 months the amount has not been claimed, the residual funds are to be paid to the Supreme Court under Section 99 of the Trustees Act.

Given the amount of outstanding rates, it is recommended that Council exercise its power to sell the land to recover outstanding rates and charges, which have been in arrears for a period in excess of three years.

Please note that failure to sell the property via auction will result in the property being transferred to the local government or transferred to the Crown.

Assessment A3093 is detailed by the pin point on the map below.



**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
<b>Strategy</b>	5.1.2 Maintain long term financial sustainability

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

Section 6.56 “Rates or service charges recoverable in court” of the *Local Government Act* states:

- (1) *If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*
- (2) *Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process.*

Section 6.64 “Actions to be taken” of the *Local Government Act 1995* states:

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and-*
  - (a) *from time to time lease the land;*
  - (b) *sell the land;*
  - (c) *cause the land to be transferred to the Crown; or*
  - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, any may withdraw caveats lodged by it.*

Section 6.68 “Exercise of power to sell land” of the *Local Government Act 1995* states:

- (1) *Subject to subsection (2), a local government is not to exercise its power under section 6.64(1)(b) (in this subdivision and schedule 6.3 referred to as the power of sale) in relation to any land unless, within the period of 3 years prior to the exercise of the power of sale, the local government has at least once attempted under section 6.56 to recover money due to it.*
- (2) *A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government-*
  - (a) *has a reasonable belief that the cost of the proceedings under that section will equal or exceed the value of the land; or*
  - (b) *having made reasonable efforts to locate the owner of the property is unable to do so.*
- (3A) *A local government is to ensure that a decision to exercise a power of sale without having, within the period of 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made.*

(3) *Schedule 6.3 has effect in relation to the exercise of the power of sale.*

### **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*

As per Policy FP015 – Recovery of Rates.

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

Nil.

### **RESOURCE IMPLICATIONS**

*Financial*

While initially there will be negative financial implications to Council in debt recovery fees, all outstanding rates and service charges will be recoverable from the proceeds of sale together with any additional costs of further legal action plus the incidental costs associated with sale of the property.

*Workforce*

Nil.

### **OPTIONS**

Council has the option of:

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

### **CONCLUSION**

The sale of any property to recover unpaid rates and service charges is not the preferred course of action normally pursued as other legal proceedings have generally proven to be successful. However, all other legal options have been exhausted and this remains Council's only option to recover rates.

<b>11.2.4 Policy Amendment AP003 – Records Management</b>	
<b>File Ref:</b>	128/1
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.2.4 - REVISED DRAFT - AP003 - Records Management

**COUNCIL RESOLUTION**

OCM22/12/190

Moved: Cr Snell

Seconded: Cr Purcell

**That Council endorses the amended policy AP003 – Records Management as per Appendix 11.2.4.**

**CARRIED 6/0****IN BRIEF**

To seek Council's endorsement to amend policy AP003 – Records Management as per Appendix 11.2.4, recognising changes to the Shire of Waroona Record Keeping Plan following the 2022 review.

**BACKGROUND**

The Shire of Waroona is required to review its Recordkeeping Plan every five years as per Section 28 (5) of the State Records Act 2000. The plan was last adopted by Council and approved by the State Records Commission WA in 2017.

To ensure compliance with the State Records Act 2000, a review of the Shire of Waroona Recordkeeping Plan commenced in early 2022 with a draft of the updated plan currently with the State Records Commission WA pending approval.

**REPORT DETAIL**

The State Records Commission Standard 1 (Government Recordkeeping) requires that government organisations ensure that records are created, managed and maintained over time and disposed of in accordance with principles and standards issued by the State Records Commission.

The purpose of the Recordkeeping Plan is to set out the matters about which records are to be created and kept by the Shire of Waroona. The Recordkeeping Plan is to provide an accurate reflection of the recordkeeping program within the organisation, including information regarding the organisations recordkeeping system(s), disposal arrangements, policies, practices and processes. The Recordkeeping Plan is the primary means of providing evidence of compliance with the Act and the implementation of best practice recordkeeping within the organisation.

The objectives of the Shire of Waroona Recordkeeping Plan are to ensure:

- Compliance with Section 28 of the State Records Act 2000;
- Recordkeeping within the industry is moving towards compliance with State Records Commission Standards and Records Management Standard AS ISO 15489;
- Processes are in place to facilitate the complete and accurate record of business transactions and decisions;
- Recorded information can be retrieved quickly, accurately and cheaply when required; and the
- Protection and preservation of the Local Government's records.

In accordance with Section 17 of the Act, the Shire of Waroona and all of its employees are legally required to comply with the contents of this plan.

The Recordkeeping Plan applies to all:

- Shire of Waroona employees;
- Organisations performing outsourced services on behalf of the Shire of Waroona;
- Shire of Waroona Contractors; and
- Shire of Waroona Elected Members.

Changes to the 2022-27 Shire of Waroona Recordkeeping Plan reflect the organisations commitment to the environment through the implementation of digital recordkeeping practices and as a result is required to recognise such through the amendment of Council Policy AP003 – Records Management.

Council's endorsement of Policy AP003 – Records Management, to include references to digital records and the Shire of Waroona's Electronic Recordkeeping system will ensure policy compliance with the amended Shire of Waroona Recordkeeping Plan.

The finalised Shire of Waroona Recordkeeping Plan 2022-2027 will be presented to Council on approval from the State Records Commission WA.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
<b>Strategy</b>	5.1.3 Consider future technological requirements for the delivery of services and corporate functions

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

*State Records Act 2000 Section 28*

*28. Review of plans*

*(1) A government organization may review its record keeping plan at any time.*

(2) A government organization must review its record keeping plan whenever there is any significant change to the organization's functions. State Records Act 2000 Part 3 Record keeping plans for government organizations Division 4 Reviews of and periodic reports about plans s. 29 page 20 Version 01-f0-02 As at 21 Jan 2017 Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)

(3) The Commission may require a government organization, other than a Schedule 3 organization, to review its record keeping plan.

(4) The relevant Minister may require a Schedule 3 organization to review its record keeping plan.

(5) Not more than 5 years is to elapse between the approval of a government organization's record keeping plan and a review of it or between one review and another.

(6) When a government organization, other than the Commission or a Schedule 3 organization, has reviewed its record keeping plan it must submit a report of the review to the Commission.

(7) When a Schedule 3 organization has reviewed its record keeping plan it must submit a report of the review to its relevant Minister.

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

It is envisaged that progression of Shire of Waroona Recordkeeping practices to a digital format where appropriate will provide significant savings in printing expenses, officer time and eventually minimise storage requirements.

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

Nil.

*Environment – (Impact on environment's sustainability)*

Implementing a digital recordkeeping system will assist reducing the Shire of Waroona's carbon footprint and contribute to being environmentally sustainable.

*Policy Implications*

Details on the policy have been included in this amendment.

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
<i>Description</i>	Not reviewing and correctly amending Council policy results in poor governance, non-compliance with legislative requirements and unclear direction to staff on Council's direction.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)



<i>Controls / Review</i>	Reviewed in conjunction with the Shire of Waroona Recordkeeping Plan review to ensure currency and compliance.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

Consultation regarding the proposed amendments has taken place with the State Records Commission WA. No direct public consultation is required during the preparation of documentation, however, all updated policies will be available on the Council's website.

### **RESOURCE IMPLICATIONS**

*Financial*  
Nil

*Workforce*  
Nil

### **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation; or
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.

Rhys Bloxsidge left the room, the time being 4.37pm.

Cr Pisconeri declared an interest affecting impartiality in item 11.2.5 as the reporting officer is a family member.

<b>11.2.5 2023 Register of Delegations Annual Review and Amendments</b>	
<b>File Ref:</b>	52/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not applicable
<b>Author and Title:</b>	Kate Pisconeri, Corporate Planning & Governance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	11.2.5 - Register of Delegations - PDF with amendments

### **COUNCIL RESOLUTION**

**OCM22/12/191**

**Moved: Cr Pisconeri**

**Seconded: Cr Mason**

**That Council:**

- 1. Revokes the existing Register of Delegations; and**
- 2. Endorses the revised and amended Register of Delegations as per Appendix 11.2.5.**

**CARRIED 6/0**

### **IN BRIEF**

In accordance with s.5.46(2) of the *Local Government Act 1995*, an annual review of the existing Register of Delegations is required by the delegator. Numerous amendments to the register are recommended.

### **BACKGROUND**

The aim and purpose of delegated authority is to assist with the efficiency of the Local Government's 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 (CEO) to assist with efficient and timely decision making. The CEO may then sub delegate functions, duties and powers to other staff. The sub-delegated functions will be reviewed by the CEO as a separate process at the conclusion of this annual review. Delegations are a proven effective organisational tool that enhances productivity and supports effective customer service and timely decision making.

### **REPORT DETAIL**

In accordance with s.5.46(2) of the *Local Government Act 1995*, the Register of Delegations to the Chief Executive Officer (CEO) and employees is to be reviewed at least once every financial year by the delegator. After an initial review by the CEO and the executive team, several amendments are recommended.

Changes have been made to the Delegation Register document within the background section, beginning on page 7. Information relating to the administrative processes is covered under sections; Administration, Record Keeping, Review of Delegations, and New Delegations. These sections are considered unnecessary as they repeat what is stated in the *Local Government Act 1995* and subsidiary legislation and have therefore been removed from the document. In addition, a section has been added to address powers and duties (including delegations) of a temporarily appointed CEO.

Delegation 1.1.1 to the Audit and Risk Committee has been removed. This committee does not exist. There is, however, the Finance and Audit Committee which currently consists of all Elected members and is responsible for reviewing the annual compliance return and adopting any audit improvement plans that are required by legislation. Please note that this committee does not currently hold delegated powers.

The Shire of Waroona Extractive Industries Local Law 2021 has also been added under Other Legislation on page 10 following its gazettal in 2021. Subsequently, delegation 2.13.4 has been updated to reflect updated Local Law title and clause number changes.

Delegation 2.2.12 Prosecution of Offences has been amended to add Manager Governance (currently a shared resource with Shire of Murray) as a delegate under the *Bush Fires Act 1954 – s.59(3)* Delegation of prosecution of offences.

The following delegations sit under s.118 (2), (3) & (4) - Functions of enforcement agencies and delegation, of the *Food Act 2008* and have been amended to remove Development Officer as a delegate and replace with Environmental Health Officer, a part-time resource currently shared with Shire of Murray:

- 2.5.2 Prohibition Orders, as per s.65(1) Prohibition orders, s.66 Certificate of clearance to be given in certain circumstances, and s.67(4) Request for re-inspection, of the *Food Act 2008*
- 2.5.3 Food Business Registrations, as per s.110(1) & (5) Registration of food business, and s.112 Variation of conditions or cancellation of registration of food businesses of the *Food Act 2008*.
- 2.5.5 Debt Recovery and Prosecutions, as per s.54 Cost of destruction or disposal of forfeited item, and s.125 Institution of proceedings of the *Food Act 2008*
- 2.5.7 Food Business List – Public Access, as per r.51 Enforcement agency may make a list of food businesses publicly available, of the *Food Regulations 2009*.

Delegation 2.8.5 Declare Vehicle is Abandoned Vehicle Wreck, under the *Local Government Act 1995*, has been amended to correct the delegated authority number stated in Conditions - 2.9.6 has been changed to 2.8.6.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

## **OTHER STRATEGIC LINKS**

Nil.

## **STATUTORY ENVIRONMENT**

### **Local Government Act 1995**

#### **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.

**Other Legislation**

In addition to the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*, the duties and powers referenced in this report are delegated in accordance with the following legislation;

- Shire of Waroona Extractive Industries Local Law 2021
- *Bush Fires Act 1954*
- *Food Act 2008*
- *Food Regulations 2009*

### **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*  
(Please refer to the Shire of Waroona Risk Framework when reviewing this section)

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Failing to endorse the amendments would result in non-compliance with legislation and potential consequences from the relevant State Government department.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

Nil.

### **RESOURCE IMPLICATIONS**

*Financial*

Nil.

*Workforce*

Delegated powers to the Chief Executive Officer and other officers will improve efficiency in decision-making.

### **OPTIONS**

Council has the option of:

1. Accepting the officer's recommendation.
2. Amending or rejecting the officer's recommendation.

### **CONCLUSION**

In accordance with s.5.46(2) of the *Local Government Act 1995*, an annual review of the existing Register of Delegations is required by the delegator. Numerous amendments to the Register of Delegations are recommended following a review by the Chief Executive Officer (CEO) and executive team.

## 11.3 CHIEF EXECUTIVE OFFICER

<b>11.3.1 Western Australian Local Government Association Governance Structure</b>	
<b>File Ref:</b>	N/A
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Mark Goodlet, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.3.1 A – Request for Feedback from WA Local Government Association 11.3.1 B – WALGA Governance Review Background Paper 11.3.1 C - WALGA Consultation Paper Model Options 11.3.1 D - WALGA Constitution

**COUNCIL RESOLUTION**

OCM22/12/192

Moved: Cr Mason

Seconded: Cr Purcell

**That Council:**

1. **Supports the Option 1, two tier model with existing zones, described in Appendix 11.3.1 C WALGA Consultation Paper Model Options;**
2. **Supports election of the Western Australian Local Government Association (WALGA) President by the WALGA Zones;**
3. **Requests the CEO to advise WALGA of its position; and**
4. **Requests the CEO to advise the WALGA Peel Zone of its position, seeking its support for its preferred model and a Zones elected president.**

**CARRIED 6/0****IN BRIEF**

- WALGA is undertaking a review of its governance structure with the aim of becoming more representative, responsive and results oriented.
- WALGA has requested a response from its member Councils on a preferred model or other improvements (refer to App.11.3.1 A - Request for Feedback from WALGA)
- Following briefing session consultation this report recommends Option 1, though with a preference for a zone elected President.

**BACKGROUND**

WALGA has provided the following information on the background to its governance review. The full statement is in App. 11.3.1 B – WALGA Governance Background Review Paper.

*Western Australian Local Government Association developed its Corporate Strategy 2020 25 and in doing so identified a key strategic priority, to undertake a Best Practice Governance*



*Review The objective of the review is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members.*

*Other drivers for the review included:*

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

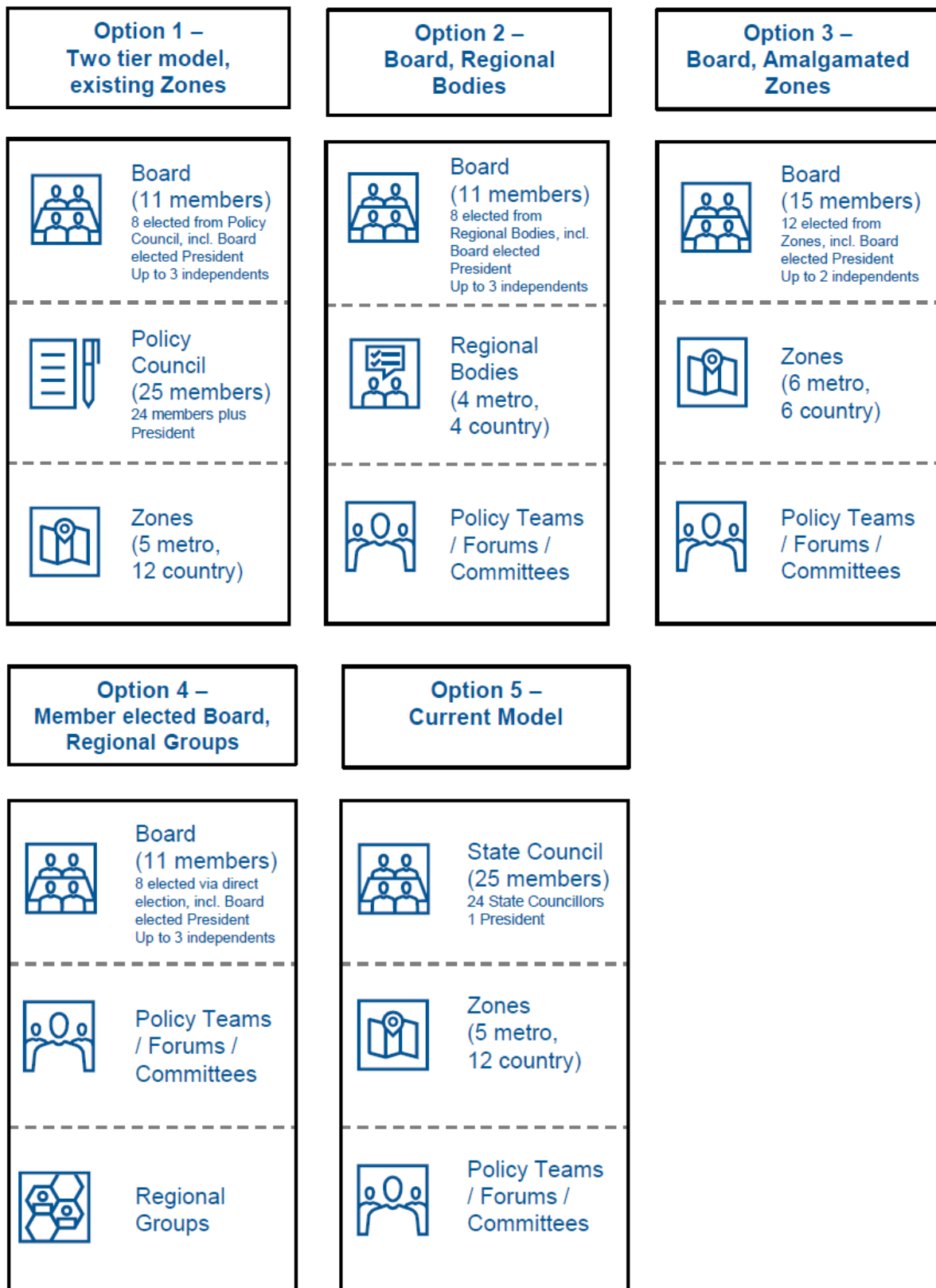
*In March 2022 State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. The BPGR Steering Committee had its first meeting on 5 May 2022 There was wide ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change At the meeting, five comparator organisations were identified to be used in a governance model comparative analysis Steering Committee meetings 2 to 5 had a focus on the development of governance model principles.*

## **REPORT DETAIL**

### Model Options

Five governance model options are presented with best practice comparison to other similar organisations, and with an examination of the alignment with the governance principles. The full document is in App. 11.3.1 C – WALGA Consultation Paper Model Options.

A summary of the five options is extracted from the paper.



Constitutional Change Process

WALGA’s constitution is provided in App. 11.3.1 D WALGA Constitution. Amendment of the Constitution is done as a two-phase process.

**29. AMENDMENT TO THE CONSTITUTION**

*The Constitution of the Association may be altered, added to or repealed by:*

- (1) A **resolution at any meeting of the State Council** on the receipt of a special majority of not less than 75% of representatives or by their deputy representatives; and
- (2) A **resolution at an Annual General Meeting or Special General Meeting** passed by a majority of not less than 75% of delegates or duly authorise a proxy vote to be exercised on their behalf, provided that:
  - (a) 75% of Ordinary Members who are eligible to vote are present or represented; and
  - (b) the Chief Executive Officer has given not less than sixty (60) days notice of any proposal to alter, add or repeal the Constitution to all Ordinary Members.

Given this process requires a State Council resolution it is recommended that Council's position be put to the Peel Zone for adoption.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

WALGA is presently constituted under the Local Government Act 1995 (the Act). The present reform of the Act proposes to remove WALGA from the Act and it will need to constitute itself under another appropriate piece of legislation.

#### **Local Government Act 1995**

##### **Section 9.58 Constitution of associations of local government**

- (1) *The Western Australian Local Government Association ("WALGA") is constituted as a body corporate with perpetual succession and a common seal.*
- (2) *Proceedings may be taken by or against WALGA in its corporate name.*
- (3) *WALGA has the objects and functions set out in its constitution.*
- (4) *Subject to subsection (5), WALGA may, at any time, amend its constitution and, whenever it does, it is to forthwith —*
  - (a) *give to the Minister; and*
  - (b) *lodge with the Commissioner as defined in the Fair Trading Act 2010 section 6, a copy of the amendment to the constitution.*
- (5) *WALGA is not to change the objects for which it is constituted without the approval of the Minister.*
- (6) *Without limiting the generality of subsection (3), WALGA may —*
  - (a) *of its own motion, make representations and submissions to the Minister on any matter or thing relating to or affecting its members; and*
  - (b) *with the approval of the affected members, arrange contracts of insurance on behalf of all or any of its members for any purpose.*
- (7) *WALGA may do all things necessary or convenient to be done to enable it to achieve its objects and perform its functions.*

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Council's position is best served by a WALGA governance model that provides the best representation, responsiveness, and results for the Shire of Waroona and its businesses.

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

Council's position is best served by a WALGA governance model that provides the best representation, responsiveness, and results for the Shire of Waroona and its community.

*Environment – (Impact on environment's sustainability)*

Council's position is best served by a WALGA governance model that provides the best representation, responsiveness and results for the Shire of Waroona and its environment.

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<b>Theme</b>	Reputation - Public perception, poor customer service, sub standard work, corruption
<b>Description</b>	It is in Council's interest as a WALGA member, to have a strong and competent association representing it.
<b>Consequence</b>	3 - Moderate
<b>Likelihood</b>	2 - Unlikely
<b>Rating</b>	Moderate (4-9)
<b>Controls / Review</b>	Council's participation in the feedback provides guidance to WALGA on the preferred governance arrangement.
<b>Review Frequency</b>	One off
<b>Risk Owner</b>	Council
<b>Acceptance</b>	Accept - Risk is not able to be mitigated by Council, given the matter is for all Councils to determine through constitutional change.

**CONSULTATION**

A briefing session was held with Councillors on 22 November 2022, at which the WALGA background paper and options were presented and discussed.

The model closest to that preferred for WALGA was Option 1, consisting of an 11 member board, a 25 member policy Council and a Zone structure with 5 metropolitan zones and 12 country zones.

Discussion noted that all the options provided a board elected President. There was a preference expressed, however, for a Zone elected president.

**RESOURCE IMPLICATIONS***Financial*

Attendance and participation in WALGA is provided for in budgets and is not expected to alter significantly, whichever model is selected.

*Workforce*

Attendance and participation in WALGA is provided for in the Council and organisation and is not expected to alter significantly, whichever model is selected.

**OPTIONS**

Council has the option of accepting, modifying rejecting any or all of the models proposed. In the interest of reaching a consensus selecting a preferred model and providing feedback on other preferences will hopefully at least secure Council's option preference.

### **CONCLUSION**

The Shire of Waroona is a member of WALGA and its vote on governance changes will require changes to WALGA's constitution. Participation in this feedback provides Council with the opportunity to help shape the future of WALGA.

## 11.4 ITEMS FOR INFORMATION

<b>11.4.1 Report on 2022 National Local Roads and Transport Conference</b>	
<b>File Ref:</b>	-
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	n/a
<b>Author and Title:</b>	Karen Oborn, Director Infrastructure & Development Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION**

OCM22/12/193

Moved: Cr Snell

Seconded: Cr Pisconeri

**Council notes the information on the 2022 National Local Roads and Transport Conference Wrest Point Tasmania, 2-3 November 2022.**

**CARRIED 6/0****IN BRIEF**

Shire of Waroona officers with infrastructure portfolios, attended the 2022 National Local Roads and Transport Conference whilst at Wrest Point Tasmania, on the 2<sup>nd</sup> and 3<sup>rd</sup> of November 2022. The officers were on leave in Tasmania at the time, presenting an opportunity for the Shire to be represented at the national level conference.

**BACKGROUND**

The 2022 National Local Roads and Transport Conference was held at Wrest Point Tasmania, 2-3 November. This event was hosted by the Australian Local Government Association. Below is a summary of some of the conference highlights:

**REPORT DETAIL**

1. *Speaker: Sen. C Brown, Assistant Minister Infrastructure and Transport- National safety and freight strategy*

Senator Brown encouraged Local government to include national safety and freight strategy goals in their road programs and local planning scheme. The discussion included Climate mitigation actions for road assets and considering Climate targets locally. The concerns around the East Coast Energy supply issues were discussed. Along with the new design rules around these issues that will be based on current European best practice and introduced here from November 2024. This will form a part of the federal Powering Australia plan. Along with a national push towards electrical vehicles as well as a goal for the national power grid to use renewables. The funding for these initiatives is \$3 billion up to the middle of 2025, and road safe funding for priority projects in the Safe Roads strategy of \$36m. Senator Brown also announced there will be two new Federal grant programs of \$1 billion, to grow the regions and fund open competitive grants rounds. Including the Regional precincts and programs grants for larger projects and, another \$80m for heavy vehicles rest areas, on top of the current

\$60m. The ALGA will be included in the consultation process and invited to attend Federal meetings, including Council Cabinet, as the government is seeking to form National conventions and have all 3 tiers of Government work in collaboration.

Take Away: Idea – Ensure we are in the conversation around funding opportunities at a Federal as well as State level for major Road projects. Consider engaging with advocates skilled at securing funding in this space. Under the banner of securing funding for a safe and efficient RAV network. Including consideration of federal funding for a HV rest area/ track assembly point in the Johnston Rd project.

2. *Keynote Speaker: Steve Verity IPWEA- State of the Assets*

This presentation was delivered by Steve Verity of ipwea, on research findings, asset reforms around the nation, plus significant skill shortages impacting the sector. In essence the sector is dealing with aging infrastructure and increasing community demands. Across Australia 3/4 of the road network is in Local Government care, which is Asset intensive. As a result, there is a need to optimize financial sustainability, to meet the need maintain capital levels needed for in assets. Along with the need to have Infrastructure plans that are up to and accurate. As well-maintained civil infrastructure assets are foundational to the nation's economic and social wellbeing. With Roads being the major asset in local government sector care. Currently the funding needed is ~\$21k per person, to replace this road network. Noting that the depreciation costs on balance sheets are not the actual replacement cost of the roads, which is \$533bn to replace. Whereas the depreciated cost is \$342b.

Take Away: Idea – With asset decision making there is a need to develop collaboratively, a balanced scenario between service levels, costs and risk. How can this information be best used to access road funding opportunities?



3. *National Road Safety Strategy Panel – All three levels in collaboration*

This presentation was essentially consisted of advocates explain why they believed the National Road Safety Strategy, could be achieved if all three levels of government worked in collaboration, with a Q&A

Take Away: Consider how, do we best account for human error and unsafe behaviors on our roads? (Maybe driverless vehicles really the only answer).

4. *Dr Dianne Spencer- Women in Road Safety*

This presentation was an overview of the research Dr Spenser is conducting for the college of road safety and the challenges she has encountered to date, trying to find out: what opportunities there are for Women careerwise in the Road Safety space; what are the obstacles: and how many Women are willing to engage and why.

Take Away: Once complete the report findings will be made public.

5. *Shadow Ministers address: Hon Bridget McKenzie, Minister for Infrastructure Transport and Regional Development*

This presentation was political and commented on the funding changes. Also, mentioned how the current government declared spending on 9 million Australians in regional areas was waste, which was quite concerning. Hon Bridget McKenzie, disputes this, as regions need the networks and infrastructure to create the wealth that feeds the metro areas. Also calling for funding to be diverted from Federally funded social programs that don't work and put into infrastructure the nation needs.

Take Away: Very encouraged to here Federal (shadow) minister so proactive about regional development. Will need to investigate current government stance on regional development further.

6. *Keynote speaker: Marion Terrill, transport and Cities Programs - From Megaprojects to Maintenance*

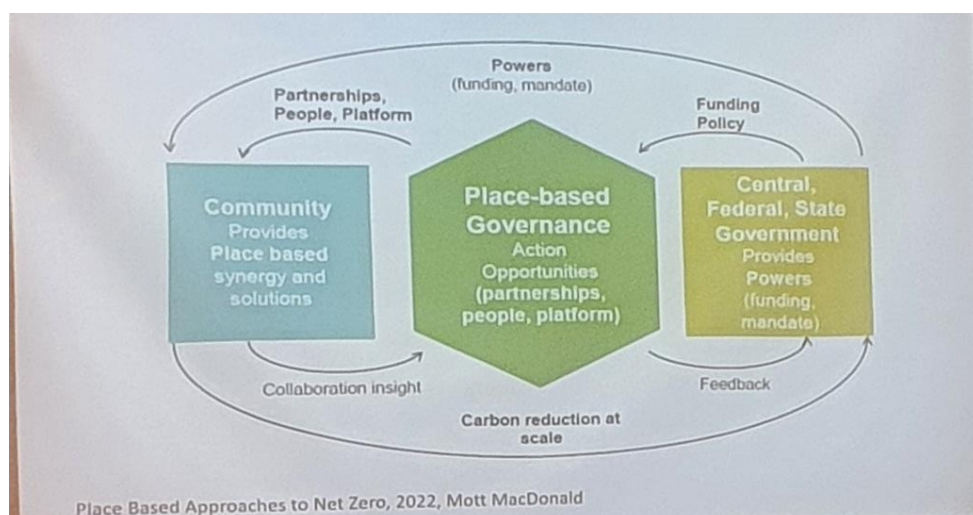
This presentation was a report on whether statistically federal funding had shifted away from needed maintenance to fund megaprojects. Which demonstrated it has and the issues around this.

Take Away: Difficult to access the resources needed to maintain roads at a high level. Hence why renewal capital projects often result.

7. *Concurrent Session – Infrastructure Sustainability for Councils in the Age of Climate Change*

This presentation was primarily about the infrastructure project accreditation scheme run by the Infrastructure Sustainability Council (NFP). Required to qualify for a range of funding options primarily in the Eastern States.

Take Away: Source materials for green infrastructure and technologies are not included in substantify criteria. Freely acknowledged there will be tradeoffs and environment likely to be least favorably considered.

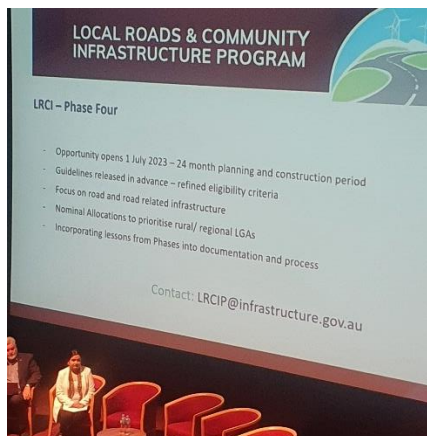


8. *Department of Infrastructure Transport and Regional Development, Communications and the Arts Council Update.*



This was an update on LCRIP funding as well as R2R process and application requirements.

Take Away: Potentially there will be significant changes to LRCIP funding with a preference for Road projects. No real change to R2R.



## Manager of Works and Waste Services: B. Oborn –

### 9. Concurrent Session – Sustainability – Council Case study. Keynote speakers NOTES -

#### **Presentation by Dr James Grenfell.**

#### **Recycled Crushed Glass** (sourced from AARB website)

ARRB is working with an innovative Victorian Council, monitoring an important project which will potentially open the way for more recycled glass to be used in roads. Brimbank Council in Melbourne's west is working with ARRB on the Australian-first project to trial finely crushed recycled glass in asphalt on two residential streets in Deer Park. Brimbank is the first local government area to lay this much glass in the road surface on its roads. It includes up to 10 per cent recycled glass and 25 per cent recycled asphalt. Brimbank Mayor Cr Jasmine Nguyen said this innovative road project was paving the way towards 100 per cent recycled roads, with reduced costs and waste for all local governments. "By testing and monitoring the innovative asphalt over the next two years, Brimbank can assist in the development of a new standard surface that incorporates more recycled materials, to be implemented in all future local government roads," Cr Nguyen said. The trial is broken up into six sections. This is across 800 metres of road in Newbury Street and Gould Street in Deer Park. Council is working closely with the ARRB to continue to test and monitor the performance of the road surface over the next two years. If the results of the trial are successful, it will significantly reduce the amount of waste going to landfill. ARRB Sustainability Principal Professional, Dr James Grenfell, said the trial included multiple suppliers of recycled glass materials, and involved control sections without recycled glass, for comparison. "It's expected the recycled crushed glass mixes will perform just as well as the control mixtures. That will give us confidence moving forward that we can utilise recycled crushed glass in the road surface for local government both in rehabilitation and for re-sheeting purposes," he said. Brimbank Council will also advocate to the Victorian Department of Transport to create new technical standards for the use of increased recycled materials in road pavements in all local government areas. This would outdate the current VicRoads standards which allow for up to five per cent recycled crushed glass in roads. Brimbank City Council, Sustainability Victoria, ARRB and Department

*of Transport co-funded the innovative road project. Brimbank City Council has partnered with ARRB, Fulton Hogan, Alex Fraser and Downer to develop the commercialisation of the new asphalt product.*

**Presentation by Associate Professor Filippo Giustozzi.  
Recycled Rubber- Crumbed (Website – source)**

*Over the past years, he has developed the only fully-equipped university-based laboratory in asphalt and bituminous materials in Australia capable of running a variety of tests. This laboratory also encompasses chemistry, chemical engineering, environmental engineering and materials science with a specific focus on sustainability of transport infrastructure. Their research outcomes have fostered several new field applications where real roads have been built using innovative and sustainable products. Within his team, they also have expertise in life cycle assessment and carbon foot printing of materials with a clear focus on the decarbonisation of transport infrastructure. Study into use/effect of Crumbed Recycled rubber. This study is focused on the effect of crumb rubber (CR) particle size on the physical, chemo-rheological, UV ageing resistance and storage stability of high-content rubberised bitumen. Two CR gradations, #30 (coarser) and #50 (finer), were selected for this study. The blends were prepared by mixing 22.5% CR (by weight of base bitumen) into 50/70 pen grade bitumen for 60 min at  $177 \pm 10$  °C with a shear mixing speed of 700 rpm. Blends prepared with #30 CR were found to improve the elastic response and storage stability compared to #50 CR modified binder. The presence of a greater number of coarser CR particles – which mostly remained in the swollen-form at the end of the blending process – as compared to finer particles – which instead were depolymerized and released the absorbed oils back into the binder phase – proved to increase the flexibility of the binder and improve its rheological performance.*

**Presentation by Simon Buxton- Manager State Growth – Heavy Vehicle Network Access Boosting National productivity by expanding Tasmania’s HVAMS.**

HVAMS network utilized in Tasmania is Web based, driver interactive. The example used was an oversize crane (SPV- Special Purpose Vehicle), moving from worksite to worksite. The crane information is loaded into the website (<https://hvams.stategrowth.tas.gov.au>) by the driver/operator. The website will calculate approved route including roads, bridges, detours also any required permits or escort pilots can be applied for and approved online. The website is for Heavy Vehicle permits with an initial cost of \$ 4.6m, plus yearly subscriptions and site maintenance of \$150k. Along with \$75m to \$140m of projected revenue and savings over 5 years – includes: reduced Project delays, reduced Road and Infrastructure repairs, Increased competition in transport market, higher frequency haulage of high value products e.g. Salmon products.

**Networking:**

Unfortunately, both of us become unwell, so did not have the opportunity to attend the social events.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Built Assets
<b>Aspiration</b>	To build and effectively manage our assets to continually improve our standard of living
<b>Objective</b>	4.2 Manage assets in a consistent and sustainable manner
<b>Strategy</b>	4.3.2 Develop and promote an efficient, safe and connected local and regional transport network

**CONSULTATION**

Mark Goodlet, Chief Executive Officer

**RESOURCE IMPLICATIONS***Financial*

Officers time is covered by salary package.

*Workforce*

Officers were already on Annual Leave.

**OPTIONS**

**For Council noting only.**

**12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING**

Nil

**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING**

Councillor Snell intends to propose a local law declaring White Weeping Broom as a pest plant.

**PROPOSED RECOMMENDATION**

**Council requests the CEO to provide a report and draft a local law on the White Weeping Broom as a Pest Plant for the Shire of Waroona District.**

**15. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**

Nil

**16. CLOSURE OF MEETING**

There being no further business, the Presiding Member closed the meeting, the time being 4.49pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2023 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE