



MINUTES

ORDINARY COUNCIL MEETING

Tuesday 28 March 2023
(Held at the Preston Beach Community Centre)

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 Karen Odorisio	Councillor
Cr Dion Pisconeri	Councillor
Cr Vince Vitale	Councillor
Mr Mark Goodlet	Chief Executive Officer
Mrs Karen Oborn	Director Infrastructure & Development Services
Ms Ashleigh Nuttall	Director Corporate & Community Services
Mrs Kirsty Ferraro	Manager Corporate Services
Mr Bradley Oborn	Manager Works & Waste Services
Mr Craig Zanotti	Coordinator Regulatory & Development Services

There were 7 members of the public present at the commencement of the meeting.

APOLOGIES

Cr Laurie Snell Councillor

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Laurie Snell for the period 28 March – 9 April 2023, inclusive.

APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Member of the public Andrew Cayzer asked a question regarding signage in Preston Beach.

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**6.1 Ordinary Council Meeting – 28 February 2023****COUNCIL RESOLUTION**

OCM23/03/025

Moved: Cr Pisconeri

Seconded: Cr Odorisio

That the Minutes of the Ordinary Council Meeting held 28 February 2023 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

8. ANNOUNCEMENTS BY MEMBERS

Nil

9. ANNOUNCEMENTS BY MEMBERS

Nil

9. DISCLOSURES OF INTEREST

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

Cr Walmsley declared an interest affecting impartiality in item 16.1 as he is a Local Government Representative for WALGA on the Local Government Grants Committee for Bush Fire Brigades.

Cr Walmsley declared a financial interest in item 11.3.1 as he occasionally undertakes contract work for Alcoa.

Cr Purcell declared a financial interest in item 11.3.1 as she is an employee of Alcoa.

Cr Odorisio declared a financial interest in item 11.3.1 as a family member is an employee of Alcoa.

Cr Pisconeri declared an interest affecting impartiality in item 11.2.8 as a family member is the reporting officer.

Cr Pisconeri declared a financial interest in item 11.3.1 as is an employee of Alcoa.

Cr Vitale declared an interest affecting impartiality in item 10.2 as a family member is on the Alcoa Waroona Sustainability Advisory Committee.

Cr Vitale declared a financial interest in item 11.3.1 as he is an employee of Alcoa.

10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES

10.1 Waroona Visitor Centre Advisory Working Group – Meeting held Tuesday 27 September 2022

COUNCIL RESOLUTION

OCM23/03/026

Moved: Cr Purcell
Seconded: Cr Mason

That the Unconfirmed Minutes (Appendix 10.1) of the Waroona Visitor Centre Advisory Working Group held Tuesday 27 September 2022 be received.

CARRIED 6/0

Cr Vitale declared an interest affecting impartiality in item 10.2 as a family member is on the Alcoa Waroona Sustainability Advisory Committee.

10.2 Alcoa Waroona Sustainability Fund Advisory Committee – Meeting held 3 March 2023

COUNCIL RESOLUTION

OCM23/03/027

Moved: Cr Odorisio
Seconded: Cr Mason

That Council:

- 1. receives the Minutes of the Alcoa Waroona Sustainability Fund Advisory Committee Meeting held 3 March 2023 as appended; and**
- 2. approves the recommendation of the Committee to appoint Brad Vitale as a third Community Representative on the Advisory Committee until the current position is vacated on 1 December 2023.**

CARRIED 6/0

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

11.1.1 Drakesbrook (Waroona) Cemetery Expansion	
File Ref:	CP.3 – Drakesbrook Cemetery
Previous Items:	OCM 22/02/004, OCM 20/10/177, OCM 20/08/134, OCM 20/07/124
Applicant:	Shire of Waroona
Author(s) and Title:	Rikki Pulfer, Senior Technical and Waste Officer, and Karen Oborn, Director Infrastructure and Development Services.
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	N/A

COUNCIL RESOLUTION**OCM23/03/028****Moved: Cr Vitale****Seconded: Cr Pisconeri****That Council endorses:**

- 1. the lodgement of Native Vegetation Clearing Permit with the Department of Water and Environmental Regulation for the areas shown to be Completely Degraded and Degraded, as shown in the commercial in confidence, “Detailed and Targeted Flora and Vegetation Survey, Drakesbrook Public Cemetery, Mitchell Avenue, Waroona Western Australia”, report, sent under separate correspondence to all Shire of Waroona Councillors;**
- 2. the liaison with community members by Shire officers, for the purposes of creating a voluntary working group, focused on providing input for the development of a targeted clearing and expansion plans, for Drakesbrook Cemetery;**
- 3. a further report being provided to Council on items one (1) and two (2), prior to commencement of any works or clearing being undertaken in the cemetery;**
- 4. a budget submission for the allocation of funds from Reserve account 148440, for the purpose of renewal of the Drakesbrook (Waroona) Cemetery carpark area, as Council Resolution OCM20/10/177; and**
- 5. the liaison with other government agents by Shire officers, to investigate the options for re-classification of surrounding reserves being R42587 Hawksley Park and R50143 for the purpose of expansion of the Drakesbrook (Waroona) Cemetery within surrounding reserves.**

CARRIED 5/1

**For the motion: Crs Walmsley, Mason, Pisconeri, Odorisio and Vitale
Against the motion: Cr Purcell**

IN BRIEF

Council has requested the Cemetery Carpark be renewed, using the funds in reserve set aside for this purpose. In addition, the Shire is working on a proposal to develop the Drakesbrook (Waroona) Cemetery, by exploring the potential to extend the Cemetery, within the current site. The extension proposals required a Flora and Fauna assessment to be undertaken, which was conducted in Spring 2022. The resultant report is now completed and has been forwarded to Councillors. Shire officers are also exploring possible alternative cemetery sites.

BACKGROUND

There is a need to expand the capacity of the Drakesbrook (Waroona) Cemetery. In response, the Shire has been working on a proposal to develop the site. Council has considered and endorsed the expansion of the Drakesbrook (Waroona) Cemetery:

COUNCIL RESOLUTION OCM22/02/004

That Council endorses:

- 1. Liaison with landowners, real estate agents and other government agents to investigate options to facilitate the expansion project; and*
- 2. Undertaking the flora survey of the Cemetery site (Appendix 11.1.2).*

CARRIED 7/0

As per item 2 of the Council resolution officers scheduled a Floral and Fauna survey for Spring 2022, which has now been completed and reviewed. The commercial in confidence, report, “*Detailed and Targeted Flora and Vegetation Survey, Drakesbrook Public Cemetery, Mitchell Avenue, Waroona Western Australia*”, has been sent under separate correspondence to all Shire of Waroona Councillors.

COUNCIL RESOLUTION OCM20/10/177

That Council:

- 1. Accepts the ‘Offer to Purchase’ for the amount of \$85,000 (ex GST) by James Thomas Beinke for Lot 5 (11) Mitchell Avenue, Waroona;*
- 2. Authorises the Chief Executive Officer to sign the relevant documents pertaining to the sale of Lot 5 (11) Mitchell Avenue, Waroona; and*
- 3. Authorise the establishment of a new Reserve account for the purpose of Drakesbrook Cemetery capital upgrades and maintenance.*
- 4. Amend the 2020/2021 budget as follows:*
 - a) Income account 105150 increase by \$85,000 to account for sale of land;*
 - b) Allocate all conveyancing costs and associated expenditure to account 101520; and*
 - c) Increase account 148440 to transfer the net income to the new Drakesbrook Cemetery Reserve.*

CARRIED BY ABSOLUTE MAJORITY 8/0

REPORT DETAIL

Currently, there are 326 vacant plots, however 200 are in uncleared areas. Resulting in the need to develop the Drakesbrook (Waroona) Cemetery exploring the potential to extend the Cemetery, within the current site, as well as explore alternative sites. In addition, there is a range of community and environmental values to be considered at the site.

Drakesbrook Public Cemetery Statistics as at 9th March 2023						
Section	Occupied	Vacant	Reserved	Unavailable	Uncleared	Total
Catholic	296	35	70	17	106	524
Niche Gazebo	28	119	40	0	0	187
Memorial Garden	8	20	1	0	0	29
Unknown	1	0	0	0	0	1
Niche Wall	144	72	0	0	0	216
Presbyterian	65	26	9	34	94	228
Anglican	325	37	36	9	0	407
Methodist	129	17	20	3	0	169
Total	996	326	176	63	200	1761

Table 1 – plot numbers

The only available plots in the Catholic and Presbyterian Sections in particular (see figure 1 below), are in the uncleared area (see figure 2 below). With this area having very good and good vegetation attributes, as shown in figure 3 below. This is also the case for some already reserved plots. The areas shown to have degraded and very degraded vegetation are in the Northern and Western boundaries (see figure 4 below). As such, an alternative layout for the uncleared areas is needed.



Figure 1: Current Drakesbrook Cemetery Sections

Figure 2a: Current Drakesbrook Cemetery Plot Usage

KEY: Roman Catholic – Outlined section in red is uncleared.
Blue – Occupied
Green – Vacant
Yellow – Reserved
Black – Unavailable



Figure 2b: Current Drakesbrook Cemetery Plot Usage

KEY: Presbyterian – Outlined section in red is uncleared.
Blue – Occupied
Green – Vacant
Yellow – Reserved
Black - Unavailable

Presbyterian – Outlined section in red is uncleared.



Methodist

Figure 2c: Current Drakesbrook Cemetery Plot Usage

KEY: Blue – Occupied
Green – Vacant
Yellow – Reserved
Black - Unavailable



Anglican

Figure 2d: Current Drakesbrook Cemetery Plot Usage

KEY: Blue – Occupied
 Green – Vacant
 Yellow – Reserved
 Black - Unavailable

The Scheduled Flora and Fauna Survey was completed in September 2022. With the report being received in January 2023 and forwarded to all Shire of Waroona Councilors, in February 2023. The survey and report were undertaken in accordance with the Environmental Protection Authority (EPA) Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment (EPA 2016) and meet requirements of other relevant State, and Commonwealth guidelines for threatened species and communities, such as approved conservation advice for *Environment Protection Act 1999* (EPBC Act 1999) threatened species and communities. The detailed and targeted surveys were completed by trained officers with Flora Permits in accordance the Department of Biosecurity Conservation Authority guidelines.

A summary of the results is detailed below:

Flora Survey Summary

- 110 vascular flora taxa species were identified within the survey area, of which 35 (32%) were non-native species.
- No Threatened or Priority taxa, or species otherwise of conservation significance were found.
- *Watsonia Meriana* was the only Declared pest plant, found during the survey.

- Of the approximately 2.5ha of native vegetation within the survey area two-thirds (about 1.69ha) was in Degraded or better condition. A map showing the condition of the survey area is provided below;

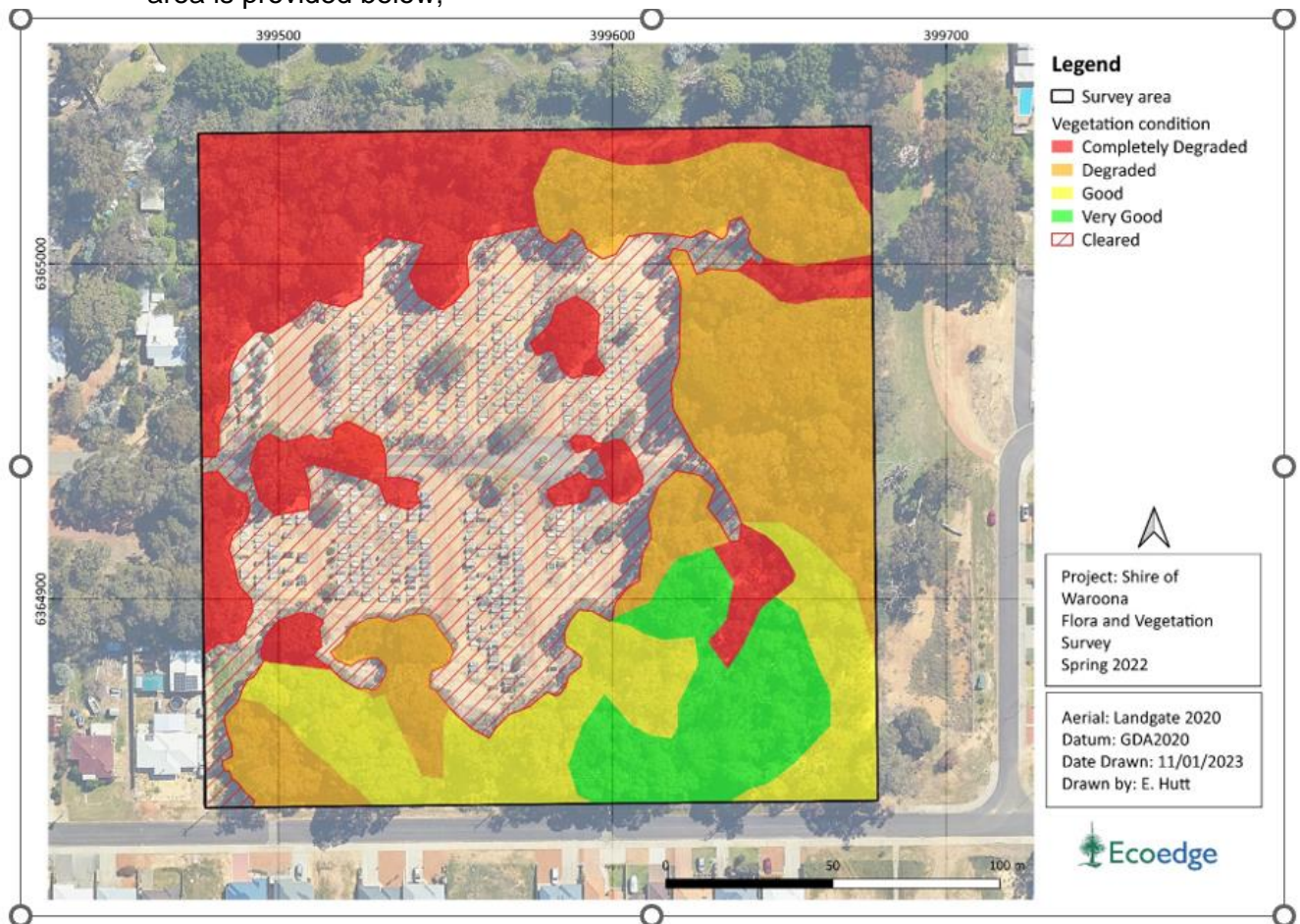


Figure 3: Flora Survey Condition Results

Fauna Survey Summary

- 14 Fauna species (mainly common bird species) were observed, or secondary evidence of their presence recorded during the field survey.
- Evidence of the forest red-tailed black cockatoo and Carnaby’s black cockatoo was detected during the day survey in the form of chewed marri and jarrah fruits.
- No evidence of any other fauna species of conservation significance was observed.
- 13 trees contained apparent or obvious hollows, all of which were assessed as being unlikely to be suitable for black cockatoos to currently use for nesting purposes, due to the hollows apparent small size, unsuitable orientation and/ or low height above ground level.
- 6 trees appeared to contain at least one hollow considered potentially suitable for black cockatoos to use for nesting purposes. None of the hollows showed any conclusive evidence of actual use by nesting black cockatoos. Shown in figure 4 below;

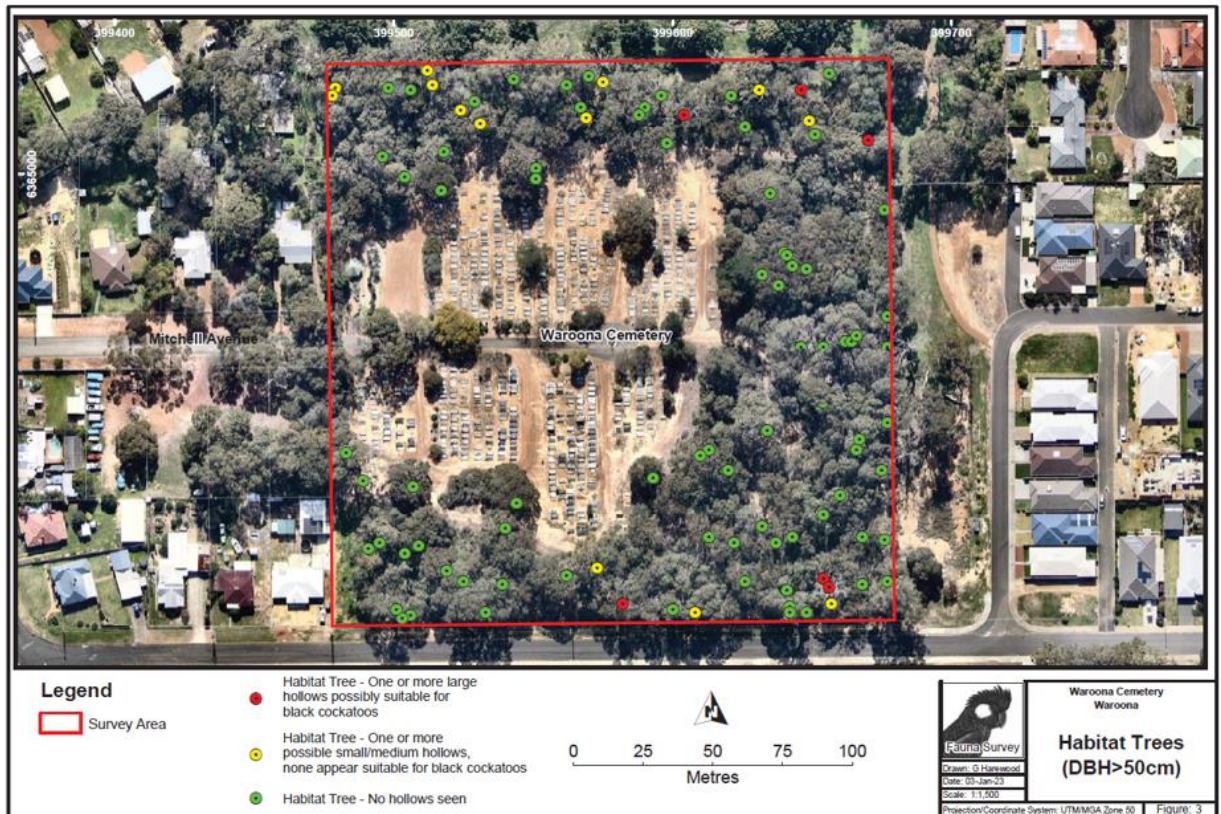


Figure 4: Fauna Survey Results

The results of the Flora and Fauna survey are encouraging and potentially allow the expansion of the Drakesbrook (Waroona) Cemetery within the site itself.

Although officers will have to apply to Department of Water and Environmental Regulation for a Native Vegetation Clearing Permit, prior to any expansion plans being finalized and endorsed by Council.

Officers believe the clearing of the Completely Degraded and Degraded vegetation shown in **figure 3 above**, has the potential of opening 1.69ha of space. Although it is highly likely that a requirement for clearing will include revegetation within a proximity of the site, a potential site will be investigated.

Officers have also been reviewing options for the renewal of the carpark area. The carpark will be funded by the proceeds of the sale of Lot 5 (11) Mitchell Avenue, Waroona in accordance with Council Resolution OCM 20/10/177. It is proposed the funding available is utilised to:

1. Grade a delineated vehicle track through the carpark area to control traffic flow and carparking. Without the removal of significant tree.
2. General tidy and weed the site.
3. Install 3 or 4 sealed universal parking bays and footpath, next to the cemetery for ease of access for less mobile community members.
4. Improve the boundary fencing and amenity of the site. Incorporating hedge plantings and verge treatments that do not require ongoing watering and only need minimal maintenance.

A concept plan is outlined in figure 5 below.

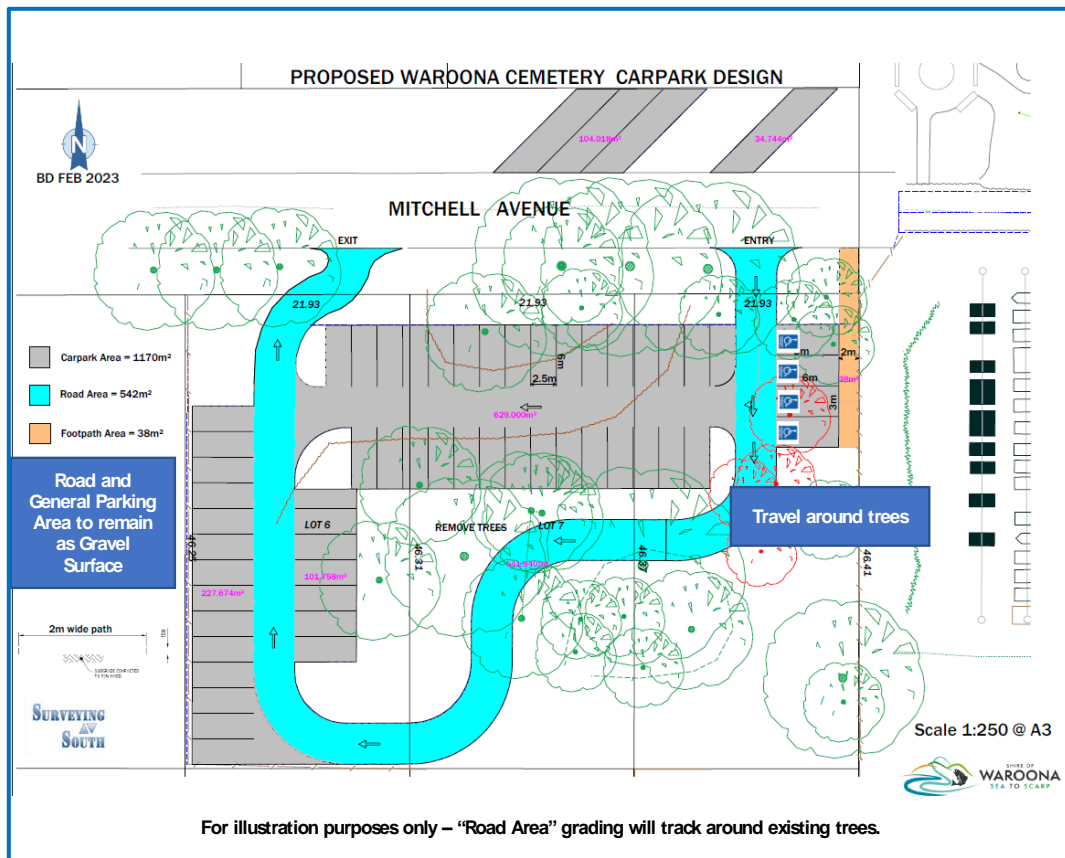


Figure 5: Drakesbrook Cemetery Carpark Conceptual Layout

Following on from the Flora and Fauna Survey and Carpark Conceptual Planning, officers are proposing to explore and action the following options:

- Lodgment of Native Vegetation Clearing Permit for the Completely Degraded and Degraded areas as per **figure 3 above**, (*Please note permits can take 90 business days to process*). Subject to the final clearing and expansion plans, being endorsed by Council, prior to commencement of any works being undertaken;
- Liaising with community members by Shire officers, for the purposes of creating a voluntary working group, focused on providing input for the development of a targeted clearing and expansion plans, for Drakesbrook Cemetery;
- Undertake project costing on the renewing of the Drakesbrook (Waroona) Cemetery Carpark area for the use of funds from Reserve account 148440, for the purpose of renewal of the Drakesbrook (Waroona) Cemetery carpark area, as Council Resolution OCM20/10/177; and
- Investigate the surrounding reserves being R42587 Hawksley Park and R50143 for possible expansion of the site.

The timeframe of the above-mentioned actions will vary and are likely to be impacted by external governing bodies and budget implications.

Currently, consideration of alternative sites is not proving to viable in the short to medium term, due to cost and availability. Especially when considering distances from the townsite and ability for less mobile community members to access the Cemetery.

However, securing funds and purchasing or acquiring a location for a future Cemetery site, will need to be considered in the Shire of Waroona's longer term financial planning for 10 to 20 years' time.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Built Assets
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	4.1 Public spaces and infrastructure that are accessible and appropriate for our community, and meet the purpose and needs of multiple users
Strategy	4.1.1 Plan community facilities for current and future generations

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Shire of Waroona Local Planning Scheme No 7(LPS7)

SUSTAINABILITY & RISK CONSIDERATIONS

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

Works undertaken to renew the carpark area will be funded by the proceeds of the sale of Lot 5 (11) Mitchell Avenue, Waroona in accordance with Council Resolution OCM 20/10/177

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

Plan to support public spaces and infrastructure that are accessible and appropriate for our community and meet the purpose and needs of multiple users.

Environment – (Impact on environment's sustainability)

Clearing of native vegetation which has been mitigated by reducing the clearing impact to vegetation classified as Completely Degraded and Degraded.

Policy Implications

Nil

Risk Management Implications

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

<i>Theme</i>	Project - Delays to start or completion, variations to scope or budget, insufficient funds
<i>Description</i>	A need to expand the current Drakesbrook (Waroona) Cemetery site to ensure the community gets best outcome currently possible.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council endorsement of the recommendation of this report
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director

<i>Acceptance</i>	Monitor - Risk acceptable with adequate control
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CONSULTATION

- Mark Goodlet, Chief Executive Officer
- Brad Oborn, Manager of Works and Waste Services
- Karen Oborn, Director Infrastructure and Development Services
- Debbie Brace, Director, Principal Environmental Consultant
- Ben Dobbe, Engineering Surveyor, Surveying South
- Community consultation is proposed for the development of Cemetery expansion plans

RESOURCE IMPLICATIONS

Financial

- Funds for the development of the new Drakesbrook (Waroona) Cemetery will be allocated from the new Drakesbrook Cemetery Reserve account 148440.
- Funds for the Native Vegetation Clearing Permit will be sourced from the design and consultant GL 132920 and will cost \$4,600
- Funds for clearing of Native Vegetation (pending granted permit) will be budgeted for as part of the 2023/24 financial year.

Workforce

- Works undertaken to renew the carpark area will be carried out as an operational activity, utilising Shire staff and technical expertise when required.

OPTIONS

Council has the option of:

1. accepting the officer recommendations to endorse the proposed actions;
2. modifying the officer recommendations to endorse the proposed actions; or
3. rejecting the officer recommendations to endorse the proposed actions.

CONCLUSION

Given the need to expand the current site, by exploring the options outlined within the report, officers will be ensuring that any expansion within the site is completed in accordance with all related Acts and Regulations. The expansion within the site has the maxim potential of achieving community goals and will be the best value for money, especially considering the cost and social impacts of selling land and purchasing adequate land suitable for a new Cemetery.

11.1.2 Adoption of Local Planning Policy (LPP) 14 Workforce Accommodation & 15 – Social Impact Assessment	
File Ref:	CM.7 – Policy Reviews
Previous Items:	OCM22/10/143
Applicant:	Shire of Waroona
Author and Title:	Craig Zanotti, Coordinator Regulatory & Development Services
Declaration of Interest:	The author and authorising officer declare that they do not have any conflicts of interest in relation to this item.
Voting Requirements:	Simple Majority
Appendix Number	11.1.2 A – LPP 14 Workforce Accommodation 11.1.2 B – LPP 15 Social Impact Assessment

COUNCIL RESOLUTION

OCM23/03/029

Moved: Cr Mason

Seconded: Cr Odorisio

That Council:

1. adopts Local Planning Policy (LPP) 14 *Workforce Accommodation* with modifications, as presented in Appendix 11.1.2 A of this report;
2. adopts LPP 15 *Social Impact Assessment*, as presented in Appendix 11.1.2 B of this report; and
3. advertises the adopted LPP 14 *Workforce Accommodation* and LPP 15 *Social Impact Assessment*, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 6/0

IN BRIEF

The purpose of this report is for Council to consider adoption of two local planning policies that were initiated and advertised late last year. These are:

- LPP 14 – *Workforce Accommodation*; and
- LPP 15 – *Social Impact Assessment*.

BACKGROUND

At the Ordinary Council Meeting (OCM) on 25 October 2022 (item 11.1.2), Council resolved to:

- Initiate Local Planning Policies (LPPs) 14 Workforce Accommodation & 15 Social Impact Assessment;
- Advertise these LPPs; and
- Consider these two proposed LPPs at a briefing session once the advertising period has closed.

Both of these LPP were advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. The matter was also discussed at the 14 February 2023 briefing session. The matter was then presented to Council at it's the Ordinary Council Meeting (OCM) in February 2023. However, this item was deferred until the Ordinary Council

Meeting (OCM) in March 2023. Due to a request from Council for consideration of some amendments at the Ordinary Council Meeting (OCM) in February 2023.

REPORT DETAIL

Both policies were initiated pursuant to Clause 4 and 5, Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations* (Regulations). They were developed in response to changing and emerging trends and as part of ongoing reviews into the Shire's local planning framework.

The Shire is anticipating several major projects being developed in the coming years. This is based on a substantial increase in mining tenements and other major projects that have been applied for or publicly announced by companies. These include but are not limited to:

- Rio Tinto's exploration licences over 9,000 Hectares of State Forest;
- Industrial Minerals exploration licence over 20,000 Hectares of land to the west of the Waroona townsite;
- Skyborn Renewables Myalup windfarm project off the coast of Preston Beach - 1.9 Gigawatts; and
- Frontier Energy Bristol Springs hydrogen facility and a 114-Megawatt solar farm + potential future 438 Megawatts renewable energy facility.

It is anticipated that should these projects come to fruition, a considerable amount of workforce accommodation will be required.

The Shire of Harvey has recently received two planning applications for workforce accommodation, with proposals to house 500 people at Binningup and 850 at Australind for a resource company. The Shire of Harvey's local planning framework does not address this type of development, and this has created difficulties in ensuring orderly and proper planning. The Shire of Waroona is in a similar situation, from a local planning framework perspective. It lacks direction as to appropriate locations and design expectations.

LPP 14 Workforce Accommodation was prepared to provide some clarity and certainty to the public, developers and the state government around expectations from the Council in terms of appropriate locations and design.

LPP 15 Social Impact Assessment was prepared to identify and assess potential social impacts from a proposal and formulate ways to create benefits for the community.

LPP 14 Workforce Accommodation key points

Identifies three types of workforce accommodation:

- Short-term workforce accommodation
- Intermittent workforce accommodation
- Long-term workforce accommodation

There are different design standards, depending on what type of workforce accommodation is proposed. Short-term and intermittent workforce accommodation is characterised by the relatively urgent nature of the accommodation being needed, to support the commencement of projects. The Shire has quantified this to a three-year period. The Shire does not expect a workforce associated with, for example, a single construction project to stay within the area beyond completion of a particular project. Given the short nature that this accommodation is needed and designed for, a set of 'Basic Design Standards' are outlined. The basic design standards apply to the following proposals:

- Short-term workforce accommodation; or
- Intermittent workforce accommodation proposals.

Where workforce accommodation is designed to house a workforce for three years or greater, generally associated with an operational workforce, the Shire expects a higher standard of design. The 'High Design Standards' applies to:

- Long-term accommodation;
- Where provisions of clause 6.4, Location and land use permissibility are not satisfied;
- Where third party developments/operators are proposed;
- Hybrid accommodation models that incorporate Short-term, Intermittent and/or Long-term workforces.

The Policy does not support workforce accommodation outside of the Waroona town site boundaries. The only exceptions may be where small, low-scale workforce accommodation is proposed for existing agricultural producers and where the Shire is satisfied that the local planning framework and Strategic Community Plan are satisfied. For example, workforce accommodation that was approved at the December 2022 OCM for 26 units on McClure Road, Hamel.

Proposed modifications

In accordance with the Regulations, LPP 14 has been reviewed, having regard to Councillor feedback. The comments made have planning merit and were well considered, providing the Shire with valuable information to propose refinement. The modifications to LPP 14 have been summarised below:

- Amend Part 6.4 Location and land use permissibility;
 - Include parts of the Waroona North Structure Plan, to the north of the Waroona townsite, as a location which the Shire may consider approval of workforce accommodation.
 - Parts being the 'Long term: Townsite Expansion Area' or 'Highway Area 1'
 - Include an excerpt from the Waroona North Structure Plan as Figure 2.

Inclusion of this land has many benefits such as:

- The land is already planned for intensification;
- It is a logical extension to the townsite;
- Larger lots allow for ease of development;
- Workforce accommodation development could prove the catalyst for further townsite expansion; and
- The proximity to town will allow for economic benefits whilst reducing potential conflict.

Benefits of this Policy

The intent of this policy is to bring additional residents to town and encourage integration. This can provide significant opportunities to the local economy and community and stimulate population growth. Additional residents with disposable income will increase patronage at stores, cafes and venues which will support local business. Meanwhile, a well-integrated population will likely result in participation in the community. Benefits can include volunteering with emergency services and community organisations, joining local sporting groups and increasing patronage at Shire run events and the recreation centre.

The alternative, having workforce accommodation far removed from town and self-sufficient/functioning as a quasi-town (a traditional workforce camp), will result in Waroona missing out on these benefits.

LPP 15 Social Impact Assessment key points

LPP15 seeks to:

- Identify negative social impacts from a proposal;
- Mitigate these adverse effects; and
- Maximise positive social and economic outcomes for the community.

This Policy seeks to delve into operational matters associated with a major project to capture benefits for the community and economy. This Policy can assist with scenarios such as: *A mining company wishes to establish a new mine in the hills to the east of Waroona, extracting rare earths. Vehicle access for exporting the material to the South West Highway is via Shire managed rural roads. The mine will employ 200 people and will need to house most employees in the region. This is proposed through a traditional self-sufficient workforce accommodation camp, located just outside the Waroona townsite boundaries. The camp is proposed to be run by a third-party operator, based in Perth with supply chain networks directly with distributors.*

This matter would be dealt with under the *Mining Act 1978* and the Council does not have authority to approve or refuse. This is determined by the Minister for Mines on recommendation from the Mining Warden. However, the Minister for Mines must have due regard to the Shire's local planning framework. Having this LPP in place puts the Shire in an advantageous position to request a Social Impact Assessment and Management Plan.

A Social Impact Assessment and Management Plan may identify potential issues as:

- Increased wear and tear on Shire managed roads with substantial maintenance cost burden.
- Lack of local community benefits from the camp.
- Lack of integration with the community.

Benefits of this Policy

These potential issues are quite common and play out frequently in the Pilbara. Having a LPP that requires a Social Impact Assessment and Management Plan allows local government to lobby for conditions to be imposed on a Mining Approval. This can lead to improved outcomes for the community and economy. Common opportunities/actions that have benefitted Pilbara local governments with the above issues have included:

- The mining company upgrading local roads and intersections and payment of a levy for maintenance.
- Shop local, buy local requirements. The camp is required to spend a minimum amount for goods at local stores such as IGA and Mitre 10.
- A quarter of the camp (generally the operational workforce) is located to an existing townsite, and permanent housing is constructed. The remainder of the camp is supplied with a regular and frequent bus services into town.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Built Assets
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning

Objective	1.3 A planning framework that is visionary, supports connectivity and enables participation that ensures quality, diverse and innovative planning outcomes that meets community aspirations
Strategy	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes
Action	Adoption of these proposed policies will assist in achieving the aspirations, objectives and Strategies of the Strategic Community Plan.

OTHER STRATEGIC LINKS

- Shire of Waroona Strategic Community Plan.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015; and
- Shire of Waroona Local Planning Scheme No. 7.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Innovation and resilience of the built form are encouraged, assessed and implemented.

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

Regular opportunities for the broad community to have input into the Shire's plans and programs are provided for transparency, accountability and two-way interaction.

Environment – (Impact on environment's sustainability)

The protection and valuing of the environment, amenity and the rural space is enhanced through community engagement.

Policy Implications

The adoption of these policies will allow control and influence in planning and mining decisions that will benefit the Shire from an economic and social perspective.

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>	There is a reputational risk associated which may arise from the adoption of the local planning policies, given an applicant has the option to apply to the State Administrative Tribunal for a review of any decision made using this policy.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Although this risk will remain with the adoption of the officer's recommendation, the reputation risk would be greater if no amendment to the policy was adopted.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director

<i>Acceptance</i>	Accept - Risk acceptable with adequate controls
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CONSULTATION

External Agencies

No agencies were advertised to as the policies are consistent with State Legislation and Policies.

Community and Stakeholders

Both LPPs were advertised in the local newspaper, on Facebook and on the Shire's website for a period of 32 days. This exceeds the mandatory advertising requirements of 21 days. The advertising by Facebook is also above and beyond what is required. No submissions were received.

In accordance with cl 4, regulation 4, Schedule 2 of the Regulations, should Council adopt LPP 14 and LPP 15, the Shire will publish a notice of the new policies in the local newspaper. A copy of both adopted policies will also be made available at the Administration Building and on the Shire's website.

RESOURCE IMPLICATIONS

Financial & Workforce

Officer time associated with the preparation, review and possible adoption of the Policy, which is within the Shire's existing operating expenditure.

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 two LPPs are designed to capture some of the economic and community benefits that major projects bring to the region. If the local planning framework does not address these issues, Council's position to lobby for conditions and improved outcomes will be severely limited. These LPPs have been tried and tested in the Pilbara and are adjusted to ensure a higher degree of design standards and consider local agricultural needs.

It is recommended that both proposed LPPs are adopted without change.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the months of February 2023	
File Ref:	FM.3 – Financial Management
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kathy Simpson, Senior Finance Officer
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	11.2.1 - Monthly Creditor Reports – February 2023

COUNCIL RESOLUTION**OCM23/03/030****Moved: Cr Pisconeri****Seconded: Cr Vitale**

That Council receives the following payments made throughout the month of February 2023;

Municipal	Cheque	10083 - 10092	\$22,572.81
	EFT	37968 - 38149	\$701,928.93
Direct wages	01/02.2023 – 28/02/2023 inclusive		\$203,857.60
Direct Debit	01/02.2023 – 28/02/2023		\$163,388.53
Trust	Cheque – Nil		\$ -
	EFT – Nil		\$ -
GRAND TOTAL			\$1,091,747.87

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 February 2023.

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

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

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 February 2023; or
2. not receiving the listing of payments presented for the month of February 2023.

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 February 2023. All expenditure is accordance with the 2022/23 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

11.2.2 Monthly Statement of Financial Activity for the period ending 28 February 2023	
File Ref:	FM.1 – Financial Management
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	11.2.2 – Monthly Agenda Report 22-23 February 2023

COUNCIL RESOLUTION

OCM23/03/031

Moved: Cr Mason

Seconded: Cr Purcell

That Council receives the Monthly Statement of Financial Activity for the period ending 28 February 2023, 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

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

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.

11.2.3 Local Government Compliance Audit Return – 1 January 2022 to 31 December 2022	
File Ref:	CM.13 - Corporate Management Reporting - Statutory Returns
Previous Items:	OCM22/03/30
Applicant:	Nil
Author and Title:	Ashleigh Nuttall – Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.3 – 2022 Compliance Audit Return

COUNCIL RESOLUTION**OCM23/03/032****Moved: Cr Odorisio****Seconded: Cr Pisconeri**

That Council adopts the Compliance Return for the period 1 January 2022 to 31 December 2022.

CARRIED 6/0**IN BRIEF**

Council is requested to adopt the Compliance Audit return for the twelve-month period 1st January 2022 to 31st December 2022.

BACKGROUND

The Compliance Audit is a self-assessment tool that allows Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act 1995 and its regulations.

This return is completed online through the Department of Local Government, Sport and Cultural Industries portal and then submitted once accepted by Council.

The Department assesses these returns to examine each Local Government's compliance and identify any areas of improvement in relation to regulatory compliance.

REPORT DETAIL

Each year officers complete the annual compliance return which is then submitted to the Finance and Audit committee for endorsement. Once endorsed by the Finance and Audit Committee the return is tabled for Council's consideration. Where there are any areas of non-compliance officer will make a recommendation on improvements to mitigate these non-compliance issues.

During the 2022 calendar year, there were two (2) instances of non-compliance with the legislation. On one occasion an elected member failed to submit their completed annual return by the due date, and an officer with delegated authority also failed to submit their annual return by the due date. On both occasions, these returns were submitted and completed correctly, however, missed the statutory deadline. These have been detailed in the return.

Officers have assessed the process for requesting and collating annual returns and have concluded that the initial request and number of reminders performed is a sufficient process.

On investigation, Officers concluded that one instance was a once-off occurrence and one instance involved extenuating circumstances. This process will be closely monitored during the 2023 return period to ensure that the process continues to be sufficient.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

7.13. Regulations as to audits

- (1) Regulations may make provision as follows —
 - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
 - (i) of a financial nature or not; or
 - (ii) under this Act or another written law.

Local Government (Audit) Regulations 1996

13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

Table can be found within the Local Government (Audit) Regulation at section 7.13

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and

- (c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit,
- is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation —
- certified** in relation to a compliance audit return means signed by —
- (a) the mayor or president; and
 - (b) the CEO.

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

The compliance return related to adherence to several Council Policies.

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>	There is a risk surrounding the annual compliance return. Officers have put in place good governance procedures to ensure that all legislative requirements are complied with. The annual return is a good instrument to review these procedures to ensure continued compliance.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Each process is given practices that highlight the relevant legislation. Elected Members and Officers are expected to be familiar with the legislation that covers each procedure.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Internal consultation with a number of officers.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Administrative resources were utilised to complete the compliance return and establish the report. Resources will be utilised to finalise the return once submitted to the Finance & Audit Committee and Council.

OPTIONS

Council has the option of:

1. adopting the Compliance Return for the period 1 January 2022 to 31 December 2022; or
2. not adopting the Compliance Return for the period 1 January 2022 to 31 December 2022.

CONCLUSION

In conclusion, it is the officer's recommendation that the 2022 compliance return be adopted by Council and submitted to the Department of Local Government, Sport and Cultural Industries.

11.2.4 Budget Review for the period 1st July 2022 to 28th February 2023	
File Ref:	FM.6 – Financial Management
Previous Items:	SCM22/08/101 – Adoption of Council's Annual Budget for the 2022/23 Financial Year
Applicant:	N/A
Author and Title:	Ashleigh Nuttall, Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	11.2.4 – Budget Review Financial Statements

COUNCIL RESOLUTION**OCM23/03/033****Moved: Cr Mason****Seconded: Cr Pisconeri****That Council:**

- 1. receives the 2022/23 budget review as per Appendix 11.2.4 for the period 1 July 2022 to 28th February 2023; and**
- 2. adopts the amendments proposed in Appendix 11.2.4 to the 2022/2023 budget accordingly.**

CARRIED 6/0**IN BRIEF**

- Between 1 January and 31 March in each financial year, a Local Government is to review its annual budget for that year.
- The review must consider the financial performance of the review period, the financial position at the review date and the forecasted position at year-end.
- A copy of the review is to be submitted to the Department of Local Government, Sport and Cultural Industries within 30 days of being adopted by Council.

BACKGROUND

Between 1 January and 31 March of each year, a local government is to review its annual budget for that year. The review is to be submitted to Council within 30 days of the review date.

The review of an annual budget for a financial year must –

- 1) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year;
- 2) Consider the local government's financial position as at the date of the review; and
- 3) Review the outcomes for the end of that financial year that are forecast in the budget.

Within 30 days after a council has made a determination, a copy of the review is to be submitted to the Department of Local Government, Sport and Cultural Industries.

Included with the agenda at Appendix 11.2.4 is a detailed financial report (including predicted financial position as of 30th June 2023) pertaining to the 2022/2023 budget. The report covers the 8 months period to 28th February 2023 by which this review is based.

REPORT DETAIL

General Purpose funding

Collection costs are predicted to come in under budget predictions, however, as this cost is fully recoverable from the property assessment there is zero cash flow implications to Council.

Council has budgeted for a UV valuation update for this financial year, applicable from 1 July 2023. Expenses in relation to the revaluation are expected in June 2023. The previous UV revaluation conducted in 2021/22 cost Council approximately \$12,400.

Interim rating income is currently sitting at \$2,200 this does not include additional rates from the change in predominate land usage currently being assessed by the Minister. The increase in rating income predicted from the change from UV to GRV is predicted to be approximately \$3,000 dating back to 1st January 2023.

Federal assistance grants have been confirmed and additional income to be received has been allocated through previous budget amendments.

Councillors training and conferences budget is currently under spent at the review date.

Law Order & Public Safety

Due to the reduction of contract salaries needed through health services, funding is proposed to be allocated to emergency services to assist with the coordination of the Volunteer Bush Fire brigade including the establishment of the new Local Law orders and administrative practices.

A budget amendment in relation to CCTV is being proposed due to weather damage to infrastructure, hardware upgrades and new devices. Allocation will be spent on upgrading the infrastructure at the Visitor Centre, new equipment at Buller Road Refuse Site and account for insurance excess in relation to damaged equipment.

Grant funding for mitigation works is proposed to be reduced due to not receiving the budgeted level of income. Expenditure will reflect the amount received.

Health

There is a proposed budget amendment from contract wages from the health services to wages under emergency services, specifically for the administration and management of the volunteer bushfire brigades.

Community Amenities - Sanitation

It is estimated that tipping income will be under budget for the 2022/23 financial year. This will be offset by the predicted under-budgeted expenditure in relation to the Refuse Site maintenance. Officers will monitor this program for the remainder of the financial year and propose a budget amendment closer to 30 June if appropriate.

Tipping fees are predicted to be less than budgeted, this will be offset by under expenditure of tip maintenance.

Expenditure relating to the Local Planning Strategy will span financial years. It is proposed that the unspent funds for this year are to be reallocated to the Pontoon mitigate works that have been completed.

Development application income is predicted to be less than budgeted, this will be monitored throughout the rest of the financial year and assessed closer to year end.

Budgeted expenditure in relation to the Preston Beach, Beach car park ablation will be higher than budgeted for the financial year. It is proposed that funding be reallocated to cover the additional expenditure.

Drakesbrook cemetery maintenance expenditure is predicted to be over budget by year-end. These expenditures will be monitored closely throughout the rest of the financial year. A budget amendment will be brought to Council if there is a material difference closer to the end of the financial year. Cemetery fees and charges income is currently over budget, explaining and offsetting the above expenditure. This will be taken into consideration for any year-end adjustments.

Recreation & Culture

A budget amendment is proposed to allocate parks and garden maintenance expenditure that was previously under contracts to salaries and wages.

The building maintenance sub-budget overall is predicted to be on track for the financial year. Further analyses will be conducted and if reallocation from accounts needs to be conducted a further budget amendment will be brought to Council.

Mitigation works in relation to the weir wall will require a budget amendment, several income and expenditure increases/decreases are proposed to allow these works to be conducted.

Grant income and correspondence expenditure account to be increased to reflect the successful grant submission to the National Australia Day Council for the 2023 Australia Day event.

The Recreation Centre's overall expenditure is predicted to reach budget allocations by year-end, if not slightly under. Successful funding in relation to internships/apprenticeships has allowed for a number of members of the public to be trained as lifeguards increasing the number of officers that can be placed on the Lifeguard roster. Upskilling and training our community members to be job ready is essential for the ongoing sustainability of our community and organisation.

Recreation Centre income from fees and charges is predicted to be higher than budgeted. The successful fitness challenge has seen a number of new members sign up and utilise the gym facilities.

Transport

Predictions in relation to the overall construction program are that it will be completed on time and under budget.

Economic Development

It is proposed to allocate funding to the Landcare centre that was missed during budget deliberations. This funding has been ongoing for the group and is subject to negotiations once the groups are settled in the new Environmental Centre building.

A budget amendment is proposed to reallocate funding from the Business Case Initiatives account to the Tourism Website expenditure account. Additional funds are required to complete this project by year end.

It is proposed to reduce the income and corresponding expenditure in relation to the production of the Tourism Strategy which will be completed in-house by Shire Officers.

Capital

Capital expenditure in relation to the Drakesbrook Cemetery was missed through the draft budget preparation. This expenditure was to be funded through the Cemetery reserve account. A budget amendment is proposed to account for this work.

Capital refurbishment expenditure in relation to the Pontoon project was higher than budgeted, as this infrastructure item is widely used by the community and needed to have risk mitigation works completed this project was prioritised.

The capital upgrade work that is budgeted for the Refuse Site plant items will be lower than budgeted due to a delay in parts arriving from overseas. The overall expenditure will carry over into 2023/2024 financial year. This requires an amendment to the expenditure account as well as the transfer in from the Reserve account.

The current phase of the Waste Transfer Station construction will be higher than budgeted, it is proposed to transfer \$40,000 from the Waste Reserve to cover the additional expenditure of the current phase of this project.

It is proposed to reallocate capital expenditure from light fleet vehicles to the Ranger vehicle upgrade. This trade has increased due to the addition of new animal safety and protection canopy. This custom-built addition will then be transferrable to future vehicles.

There have been savings made in relation to volunteer functions and community development which presents an opportunity to reallocate those saving to community safety. Funding is to be allocated to the replacement of the CCTV camera at the Visitor Centre.

Progress with the implementation of the 2022/23 Road construction program is continuing and is predicted to be completed and within budget.

An overview of the Capital projects and their status as of 28th February 2023 is below;

COA	Details	Asset Type	Budget Amount	Actual as at 28.02.2023	Comments
0544	Admin Building - Disability Access & Front Counter Renovations	Plant & Equipment	\$ 167,670	\$ 2,250.00	In Progress - Final drawings and cost estimates being sought
0554	Purchase Altus Module for Payroll	Furniture & Equipment	\$ 48,600	\$ 9,050.00	In Progress - Completed by April
0574	Vehicle Changeover P0016 (102WR)	Plant & Equipment	\$ 39,000	\$ 39,138.18	Project Complete
0774	Preston Beach Bushfire Brigade Shed Upgrade	Buildings	\$ 183,173	\$ 5,000.00	Out for Tender - To be completed by June 2024
0924	Vehicle Changeover (Rangers) 107WR	Plant & Equipment	\$ 50,000	\$ -	Outstanding Order - Scheduled to be delivered by June
0924	Vehicle Changeover P74 (Volunteer Rangers)	Plant & Equipment	\$ 20,000	\$ -	Not being completed this financial year

1414	Senior Citizen Centre - Fascia and Gutter Repairs	Buildings	\$ 16,000	\$ -	LRCI Funded
1524	Refuse Site - Upgrade to CAT loader P022	Plant & Equipment	\$ 200,000	\$ -	In Progress - Purchase Order Issued
1524	Refuse Site - Upgrade to CAT compactor P163	Plant & Equipment	\$ 200,000	\$ -	In Progress - Purchase Order Issued
1544	Transfer Station Construction	Infrastructure Other	\$ 80,000	\$ 1,880.75	In Progress - RFQ sent out
1954	Closure of Sullage Ponds	Infrastructure Other	\$ 25,000	\$ 17,540.00	In Progress
2394	Preston Beach Carpark Ablutions - Plumbing Upgrade	Buildings	\$ 19,200	\$ -	Scope to be developed then out for RFQ
2394	Drakesbrook Weir Ablutions - Repairs	Buildings	\$ 4,500	\$ -	In Progress - Purchase Order Issued
2014	Pitt Street - Install Kerbing (US05)	Infrastructure Other	\$ 20,000	\$ 20,504.00	Project Complete
2014	Ocean View Road - Improve Drainage / Install Kerb (US14)	Infrastructure Other	\$ 50,000	\$ 49,807.53	Project Complete
2124	Environmental Centre - Seed Funding and Concept Planning	Infrastructure Other	\$ 30,000	\$ 24,353.41	In Progress
3624	Centennial Park - Replace Failed Leach Drains	Infrastructure Other	\$ 8,000	\$ -	In the progress of preparing RFQ
3624	Installation of Flag Poles at Admin Centre	Infrastructure Other	\$ 6,500	\$ 3,655.40	Received flag poles. Installation to be scheduled.
3634	Drakesbrook Weir Pontoon - Refurbish Pontoon (PK09)	Infrastructure Other	\$ 30,000	\$ 37,547.59	Project Complete
3634	Playground Equipment Refurbishment (PK01)	Infrastructure Other	\$ 3,000	\$ -	To be completed by May
3634	Drakesbrook Weir Trails Project (PK07)	Infrastructure Other	\$ 748,394	\$ 203,425.77	In Progress
3634	Preston Beach Boardwalk (PK08)	Infrastructure Other	\$ 100,000	\$ -	Consultation with PB Progress Association regarding project scope
3714	Waroona Bowling Club - Remedial Works	Infrastructure Other	\$ 28,000	\$ -	Bowling club waiting on Sport and Rec Funding. Partial funded by LRCI.
7104	Waroona Recreation & Aquatic Centre - External Roof Repairs	Buildings	\$ 8,200	\$ 1,878.00	In Progress
7104	Waroona Recreation & Aquatic Centre - Repair Water Leaks	Buildings	\$ 7,500	\$ -	Waiting on internal works to be completed before work commences
7104	Waroona Recreation & Aquatic Centre - Concourse Improvements	Buildings	\$ 22,000	\$ 17,500.00	Project Complete
7104	Waroona Recreation & Aquatic Centre - Roof Repairs (Court 2 & 3)	Buildings	\$ 20,000	\$ 10,890.00	Majority of Project Complete
3184	Roads to Recovery	Infrastructure Roads	\$ 362,903	\$ 152,564.62	In Progress
3204	Road Works Total Construction	Infrastructure Roads	\$ 2,506,700	\$ 839,846.33	In Progress
3274	Hill Street Path - Replace Sections of Path (R093)	Infrastructure Other	\$ 40,000	\$ -	In Progress - Purchase Order Issued
3514	Fuel Bowser - Decommission and Remove	Infrastructure Other	\$ 25,000	\$ -	In Progress - RFQ sent out
3524	Replace Minor Plant	Plant & Equipment	\$ 24,000	\$ 4,459.00	In Progress
3534	Vehicle Changeover P0056 (104WR)	Plant & Equipment	\$ 44,000	\$ -	Purchase order to be issued March - Replacement Vehicle September
3554	Changeover JCB Backhoe	Plant & Equipment	\$ 170,000	\$ -	In Progress - Purchase Order Issued

3554	Changeover Groundmaster 360 Mower	Plant & Equipment	\$ 50,000	\$ -	In Progress - Purchase Order Issued
3554	Changeover Holden Colorado Tray Back (105WR)	Plant & Equipment	\$ 40,000	\$ 36,430.91	Project Complete
3554	Changeover Holden Colorado Single Cab (WR150)	Plant & Equipment	\$ 40,000	\$ -	Purchase order to be issued March - Replacement Vehicle September
3554	Changeover Ford Ranger Single Cab (WR106)	Plant & Equipment	\$ 40,000	\$ -	On Hold - Budget Amendment to 107WR
3904	Waroona Visitor Centre - Storage Shed	Buildings	\$ 12,500	\$ 12,053.26	Project Complete
7714	Waroona Community Precinct	Infrastructure Other	\$ 4,007,566	\$ 278,713.64	In Progress
		TOTAL	\$ 9,497,406	\$ 1,768,488	

COA	PROJECT	ASSET TYPE	BUDGET AMENDMENT	ACTUAL 31.01.2023	COMMENTS
7754	Capital Improvements to 26 & 28 Fouracre Street	Buildings	\$ 50,000	\$30,814.84	In Progress
3274	Hill Street Path - Replace Sections of Path	Infrastructure Other	\$ 27,527		In Progress - Purchase Order Issued
3554	Changeover Ground Master Mower	Plant & Equipment	\$ 13,800		In Progress - Purchase Order Issued
3554	Purchase Grader Engine	Plant & Equipment	\$ 65,000		
0764	Digital Fire Rating Sign	Infrastructure Other	\$ 30,000		In Progress - Purchase Order Issued
	Sub Total		\$ 186,327	\$30,814.84	
	TOTAL		\$ 9,683,733	\$1,799,303.23	

Cash position as of 28th February 2023

- Municipal funds \$5,021,540 (of which \$3,835,934 is invested)
- Reserve Account \$2,417,977 (fully invested)

Included in the attachment is a summary of proposed amendments to the 2022/23 adopted budget, these amendments seek to ensure a balanced budget. Other amendments are proposed to ensure that clear guidance is given to operational staff to ensure that the adopted budget set by Council is implemented.

This report contains information and recommendations to amend the budget where the structure of accounts is impacted and/or funds have been reallocated between operational and capital accounts.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies

Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities
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OTHER STRATEGIC LINKS

Shire of Waroona Corporate Business Plan
 Shire of Waroona Long Term Financial Plan
 Shire of Waroona 2022/23 Adopted Annual Budget

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
 *Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

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>	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
<i>Description</i>	Failure to manage Councils ongoing expenditure and income against budget estimates would increase the risk of a negative impact on the year end position. Compliance with legislation is essential to ensure an unqualified audit.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Mid-year budget review is conducted in line with legislation. Further budget reviews are conducted at regular intervals following the mid-year review to ensure compliance with predicted income and expenditure levels by year end. Additional budget amendments may need to be conducted in May/June.
<i>Review Frequency</i>	Quarterly
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Consultation with all Shire Officers that are responsible for budget monitoring. The Executive Management Team gathered at the end of this project to discuss various projects, needs and requirements.

RESOURCE IMPLICATIONS

Financial

Budget reviews assist in maintaining financial sustainability by ensuring that any budget to actual variances are documented and assessed for any potential end-of-year impact.

Notwithstanding the above, all amendments proposed for endorsement result in the budget remaining “balanced” as detailed.

Workforce

Nil

OPTIONS

Council has the option of:

1. adopting the budget review in full as presented; or
2. amending the budget review as presented.

CONCLUSION

When considering this review staff are not aware of any circumstances at this time which would likely create an adverse financial position at year end.

As with most budget reviews the timing of capital expenditure and the progress of large projects can impact not only the end of year position but also the subsequent financial year.

In addition to the recommendations within this report, a further review will be carried out at regular intervals up to the end of the financial year.

11.2.5 Financial Management Systems Review	
File Ref:	FM.9 – Financial Management
Previous Items:	Previous review OCM20/02/021
Applicant:	N/A
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.5 - 2022 FMSR Report

COUNCIL RESOLUTION**OCM23/03/034****Moved: Cr Mason****Seconded: Cr Odorisio**

That Council accepts the report on the review of the appropriate and effectiveness of the 2022 Financial Management Systems Review Audit of the Shire of Waroona in accordance with Section 5(2)(c) of the Local Government (Financial Management) Regulation 1996.

CARRIED 6/0**IN BRIEF**

The Chief Executive Officer is to regularly undertake a review of the appropriateness and effectiveness of Council's financial management systems and procedures and report to the Local Government the results of that review.

Council is requested to accept the report prepared by AMD Chartered Accountants reviewing the appropriateness and effectiveness of Council's Financial Management systems and procedures.

BACKGROUND

Following receipt of the report on the review of the Financial Management Systems Review Audit of the Shire of Waroona, the Chief Executive Officer is required to present the results to Council. The review was carried out by Audit Firm AMD Chartered Accountants. A copy of the scope of the review and auditor findings are attached within the appendices (appendix 11.2.5).

REPORT DETAIL

In accordance with Part 2, Section 5 (2)(c) of the Local Government Financial Management Regulations, the Chief Executive Officer is to undertake a review (not less than every four (4) years), of the appropriateness and effectiveness of the Financial Management systems and procedures of the Local Government.

As of the 26th of June 2018, the Local Government (Financial Management) Regulation 1996 Part 2, Section 5 (2)(c) was amended, requiring this review to be conducted every three (3) years. AMD Chartered Accountants completed this review in December 2022. The last review, which was completed in July 2019, was presented to Council in February 2020 (OCM20/02/021).

As per the attached report, there were no significant (extreme or high risk) findings. Actions in regard to the remaining findings have already been implemented or solutions currently being investigated with an estimated resolution expected by June 2023.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.2 Develop a skilled, safe and compliant organisation
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulation 1996 – Part 2 Section 5 (2)(c)

(2) The Chief Executive Officer is to –

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once every three years) and report to the local government the results of those reviews.

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 Local Government (Financial Management) Regulation 1996.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Formal three-year review and ongoing internal monitoring.

<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

AMD Chartered Accountants were contracted to complete this review.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the report prepared by AMD Chartered Accountants on the appropriateness and effectiveness of Council's Financial Management systems and procedures; or
2. not accepting the report prepared by AMD Chartered Accountants on the appropriateness and effectiveness of Council's Financial Management systems and procedures

CONCLUSION

The officer recommends that this report be accepted by Council and that the findings detailed in the report are assessed and solutions implemented where appropriate.

11.2.6 Review of Risk Management, Internal Controls and Legislative Compliance	
File Ref:	FM.9 – Financial Management
Previous Items:	
Applicant:	Nil
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.6 - Shire of Waroona - Regulation 17 - Audit Report 2022

COUNCIL RESOLUTION**OCM23/03/035****Moved: Cr Odorisio****Seconded: Cr Pisconeri**

That Council receives the Shire of Waroona 2022 Regulation 17 Review Audit Report 2022 (Appendix 11.2.6) under the Local Government (Audit) Regulations 1996, prepared in-house in relation to the appropriateness and effectiveness of Council's systems and procedures in relation to:

- a. Risk Management;**
- b. Internal Controls; and**
- c. Legislative Compliance.**

CARRIED 6/0**IN BRIEF**

Completed in-house by key finance management Officers, the 2022 Regulation 17 Review Audit was conducted in December 2022 to assess the appropriateness and effectiveness of the systems and procedures in relation to risk management, internal controls and legislative compliance.

The Council is requested to accept the report prepared by Shire of Waroona Financial Management employees, reviewing the appropriateness and effectiveness of Council systems and procedures.

BACKGROUND

It is a requirement of the Local Government (Audit) Regulations 1996, regulation 17, that the Chief Executive Officer review certain systems and procedures. As per the regulation amendment gazetted on 26th June 2018, this review is to take place not less than every three (3) years. The previous regulation stated the review was to be conducted every two (2) years.

REPORT DETAIL

As per Regulation 17 of the Local Government (Audit) Regulations 1996, key Shire of Waroona Financial Management employees completed an in-house review of Council systems and procedures with relation to risk management, internal control and legislative compliance.

The review found that the Shire's overall internal control environment, policies, procedures and processes in place are appropriate and have been operating effectively at the time of the review. A number of recommendations have been made to further improve Council's systems

and procedures and the tabled findings in the attached report are based on Local Government best practice.

Officers will implement the recommendations where appropriate within the 2022/23 financial year.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.2 Develop a skilled, safe and compliant organisation
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government (Audit) Regulations 1996, Regulation 17;

17. Chief Executive Officer to review certain systems and procedures;

- (1) The CEO is reviewing the appropriateness and effectiveness of a local government's systems and procedures in relation to-
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.

- (2) The review may relate to any or all of the matters referred to in sub regulation (1) (a),(b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.

- (3) The CEO is to report to the audit committee the results of that review.

SUSTAINABILITY & RISK CONSIDERATIONS

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

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 Local Government (Audit) Regulations 1996, Regulation 17.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Formal three-year review and ongoing internal monitoring.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

As this audit was conducted in-house. Key Financial Management employees sought information from Office of the Auditor General Better Practice Guidance, Position Papers and Information Sheets to identify key areas of focus.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the report on the appropriateness and effectiveness of the local government systems and procedures with relation to risk management, internal controls and legislative compliance; or
2. not accepting the report on the appropriateness and effectiveness of the local government systems and procedures with relation to risk management, internal controls and legislative compliance.

CONCLUSION

It is the Officer's recommendation that this report be accepted by Council and the Financial and Audit Committee and that the recommendations tabled in the report are implemented where appropriate.

11.2.7 Review of Council Committees and Advisory Working Groups	
File Ref:	
Previous Items:	OCM21/10/154, OCM21/10/155, OCM21/10/156, OCM21/10/157, OCM21/10/158 & OCM22/04/44
Applicant:	Nil
Author and Title:	Ashleigh Nuttall, Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	Appendix 11.2.7 A - Proposed Council Committees & Advisory Working Groups Appendix 11.2.7 B - Terms of Reference - Recreation Advisory Working Group

COUNCIL RESOLUTION

OCM23/03/036

Moved: Cr Vitale

Seconded: Cr Pisconeri

That Council:

1. **accepts the recommendation to amend the structure of Council’s Committees and Advisory Working Groups as per “Appendix A - Proposed Council Committees & Advisory Working Groups” and detailed below:**
 - **Committees**
 - i. **Finance & Audit Committee;**
 - ii. **Alcoa Waroona Sustainability Fund Committee;**
 - iii. **Bushfire Advisory Committee; and**
 - iv. **Local Emergency Management Committee;**
 - **Advisory Working Group**
 - i. **Recreation Advisory Working Group;**
 - ii. **Waroona Visitor Centre Advisory Working Group; and**
 - iii. **Awards Committee Advisory Working Group; and**
2. **adopts the proposed Terms of Reference for the Recreation Advisory Working Group as per “Appendix B - Terms of Reference - Recreation Advisory Working Group”.**

CARRIED 6/0**IN BRIEF**

- Council was provided with a briefing in 2022 on the current structure of its committees and advisory working groups.
- Officers agreed to review the structure and recommend a revised arrangement that would enable the committees and working groups to function more effectively and efficiently.
- A recommendation has been proposed for Council’s consideration in preparation for the October 2023 Council elections.
- Officers are also recommending a review and clarification of external groups.

BACKGROUND

Committees

The Local Government Act 1995 enables Councils to establish committees (by absolute majority) of three (3) or more persons to assist with the delivery of its functions. The function of a Committee is dependent upon its establishment purpose and can only deliberate upon matters within its mandate. They can operate with or without delegated decision-making powers or in an advisory capacity.

Committees are formed and are required to operate in accordance with the Local Government Act, Local Government (Administration Regulations) 1996 (Regulations) and the Shire of Waroona Meeting Procedures Local Law 2020. Committee members must be appointed by the Local Government by absolute majority.

In accordance with section 5.23 of the Local Government Act, all meetings of any committee, to which a power or duty has been delegated must be open to the public and have all meeting agendas and minutes published in accordance with legislation. Currently, there is no requirement to open committee meetings to the public, where the committee has no delegated authority. Council has not delegated powers to any Committees; therefore, no committee meetings of Council are open to the public.

The only committee that is required of Council as per legislation is the Audit Committee, which is established in accordance with the Local Government Act, Part 7, section 7.1A. The functions of an audit committee established under the Act is prescribed within the Local Government (Audit) Regulations 1996 (the Regulations).

Advisory Working Groups

The role of an Advisory Working Group is to act in an advisory and consultative capacity, providing the Shire's Administration and Council with its views and/or proposals relevant to the objectives for which the group was established.

It should be noted that advisory groups are not intended to be, or are established as, Committees of Council and the requirements of the Local Government Act 1995 do not apply to these groups. Council Policy 'CPG024 – *Advisory and Working Groups*' provides guidance for the establishment and operations of the Shire's Advisory Working Groups.

Advisory working groups where members are drawn from both Council and the community give the community a significant opportunity to provide input into the council's decision-making meeting process.

A review of Council's committees and advisory working groups commenced in September 2022. A briefing session was held with Council that highlighted the current structure of the committees and working groups. Officers were then requested to assess this structure and come back with a recommendation that better reflects the work that is conducted by each group.

REPORT DETAIL

The following is a listing of how the current committees and advisory working groups are structured:

COMMITTEE	MEMBERSHIP
Finance & Audit Committee	All Councillors
Recreation Advisory Committee	Cr Odorisio, Cr Vitale, Cr Purcell & Cr Pisconeri
Awards Committee	Cr Purcell, Cr Odorisio, Cr Vitale, Vacant
Alcoa Waroona Sustainability Fund	Cr Walmsley & Cr Purcell
Bushfire Advisory Committee	Cr Walmsley
Local Emergency Management	Cr Walmsley & EMC

ADVISORY WORKING GROUP	MEMBERSHIP
Waroona Visitor Centre	Cr Purcell, Cr Snell & Cr Pisconeri

Item to consider in relation to a **Council Committee**:

- 1) Appointments of members are to be made by an absolute majority of Council,
- 2) Must operate under Meeting Procedures Local Law,
- 3) Tenure in line with Act,
- 4) Election of Presiding Member,
- 5) Election of Deputy Presiding Member,
- 6) Delegation of some powers and duties,
- 7) Quorum for meetings,
- 8) Decisions to be made by simple majority,
- 9) Voting formalities,
- 10) Minutes to be kept and presented to the next OCM and signed,
- 11) If delegation is approved – open to the public,
- 12) Regulations provide further guidance.

Items to consider in relation to a **Council Advisory Working Group**

- 1) Governed by Council Policy CGP024 - Advisory and Working Groups,
- 2) Terms of reference (ToR) are to be established and approved by Council,
- 3) No delegated powers,
- 4) Act in an advisory and consultative capacity,
- 5) Will only consider matters referred to it by Council unless ToR provide otherwise,
- 6) Meetings will be conducted in a less formal manner,
- 7) Quorum will be by simple majority plus one,
- 8) A Shire Officer will be assigned to provide administrative support.

After a review of Council's Committee's and Advisory Working Groups, it is recommended that the following structure be approved and implemented:

COMMITTEE	MEMBERSHIP
Finance & Audit Committee	All Councillors
Alcoa Waroona Sustainability Fund Committee	Cr Walmsley & Cr Purcell. CEO to attend and preside, though not vote.
Bushfire Advisory Committee	Cr Walmsley
Local Emergency Management Committee	Cr Walmsley & EMC

ADVISORY WORKING GROUP	MEMBERSHIP
Recreation Advisory Working Group	Cr Odorisio, Cr Vitale, Cr Purcell & Cr Piscoeneri
Waroona Visitor Centre Advisory Working Group	Cr Purcell, Cr Snell & Cr Piscoeneri
Awards Advisory Working Group	Cr Purcell, Cr Odorisio, Cr Vitale, Vacant

These arrangements are detailed in Appendix 11.2.6 A.

In anticipation of Council's approval of the above committee and advisory working groups restructuring, the terms of reference for the Recreation Advisory Working Group have been assessed and Officers are recommending that the attached Term of Reference are approved.

As this group (currently a committee) has not met since 2019, the function of this group has been examined to ensure that its purpose is suited to the needs of Council. As a proposed advisory working group established to provide Council and Administration with strategic advice and support it is recommended that this group's membership is expanded to include additional community members and the scope is broadened to encapsulate strategic advice in relation to the Sport & Recreation Master plan and all Shire of Waroona Sports and Recreational facilities.

Attached in Appendix 11.2.6 B is the proposed Shire of Waroona Recreation Advisory Working Group Terms of Reference.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Various Objectives details in the Shire of Waroona's Corporate Business Plan.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 5, Administration, Division 2, Section 5.8 to 5.26 details committees and their meetings.

Local Government Act 1995, Part 7, section 7 – audit item 7.1A.

Local Government (Administration) Regulation 1996, Part 2, sections 4 to 14E details Council and Committee meeting regulations.

Local Government (Audit) Regulation 1996, section 16

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

CGP024 – Advisory and Working Groups

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>	To ensure that Council committees and advisory working groups are established in accordance with legislation and that their functions and purpose are clear and appropriate.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council committees and advisory working groups should be reviewed at least biennially in preparation Council election to ensure they are effective in their functioning.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Councillors in Briefing Session/s, Executive Staff and other relevant staff.

RESOURCE IMPLICATIONS*Financial*

Nil

Workforce

Council Committees and Advisory Working Groups will operate within current workforce resource.

OPTIONS

Council has the option of:

1. accepting the Officers' recommendation of the proposed structure of Council Committee and Advisory Working Groups.
2. not accepting the Officers' recommendation of the proposed structure of Council Committee and Advisory Working Groups.

CONCLUSION

Officers are recommending to Council that the Committees and Advisory Working Groups restructure be approved and implemented to enable these groups to function more effectively and efficiently.

Cr Pisconeri declared an interest affecting impartiality because the reporting officer is a family member.

11.2.8 Shire of Waroona Pest Plant Local Law 2023	
File Ref:	LE.2 – Laws and Enforcement
Previous Items:	OCM February 2023 Item 13.
Applicant:	Not Applicable
Author and Title:	Kate Pisconeri, Corporate Planning & Governance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.8 – Proposed Shire of Waroona Pest Plant Local Law 2023

COUNCIL RESOLUTION

OCM23/03/037

Moved: Cr Purcell

Seconded: Cr Odorisio

That Council:

- 1. approves the making of the proposed Shire of Waroona Pest Plant Local Law 2023 (Pest Plant Local Law), as detailed at Appendix 11.2.8, in accordance with section 193 of the *Biosecurity and Agriculture Management Act 2007*;**
- 2. requests the Presiding Member to give notice to this meeting in accordance with section 3.12(2) of the *Local Government Act 1995* of the purpose and effect of the proposed Pest Plant Local Law, that being:

 - a. The purpose of the proposed Shire of Waroona Pest Plant Local Law 2023 is to allow Council to determine pest plants by absolute majority, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land;**
 - b. The effect of the proposed Shire of Waroona Pest Plant Local Law 2023 is that owners and occupiers of land within the district are to comply with the provisions of this local law; and****
- 3. in accordance with section 3.12(3) of the Local Government Act 1995, approves for the Chief Executive Officer to –

 - a. undertake local advertising, and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks;**
 - b. make copies of the proposed local law available to the general public;**
 - c. forward a copy of the proposed local law to the Minister for Local Government, and prepare National Competition Policy documentation after the close of the submission period; and**
 - d. prepare a further report on the proposed local law for Council consideration after the closing date for submissions.****

CARRIED 6/0

IN BRIEF

- Council resolved on 28 February 2023 to request the CEO to provide a report and draft local law on 'White Weeping Broom' as a pest plant for the Shire of Waroona.
- A Pest Plant Local Law has been drafted, which will allow for management of White Weeping Broom and other future-determined pest plants.
- The proposed local law makes provisions for Council to determine pest plants by absolute majority, provide a framework for effective pest plant control, and enforce removal of pest plants from Shire and private land;
- The intended result is that that owners and occupiers of land within the district are to comply with the provisions of this local law.

BACKGROUND

At the Ordinary Council Meeting held 28 February 2023, Council resolved the following to progress the development of a Pest Plant Local Law:

COUNCIL RESOLUTION

OCM23/02/023

Moved: Cr Snell

Seconded: Cr Odorisio

That 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.

SIMPLE MAJORITY REQUIRED

CARRIED 7/0

At its ordinary council, 20 December 2022, Councillor Snell proposed a notice of motion to consider the making of a Pest Plant Local Law 2023. Cr Snell noted, 'White Weeping Broom, an escaped garden shrub, has become established on vacant land, verges, and other areas around Preston Beach. This local law, if passed by Council, will provide the framework to control this weed. It will give the Shire of Waroona the means to enforce removal of the weed from Shire and private land.'

Council approval is now required to continue the progression of making this local law.

REPORT DETAIL

The proposed Shire of Waroona Pest Plant Local Law 2023 (Pest Plant Local Law) is modelled from the City of Stirling and City of Mandurah pest plant local laws, whilst allowing built-in flexibility for council to simply determine pest plants outside of the Local Law as the need arises.

The imposition of a pest plant local law gives the shire the authority to prohibit and require removal of a pest plant within its district. This is particularly useful where State and/or Federal mechanisms have not listed a particular plant as a pest.

In addition to enabling the Shire of Waroona to specify pest plants, the proposed Pest Plant Local Law:

- a) creates an offence where a person fails to comply with a notice in respect to control of a pest plant;

- b) provides for the local government to issue an infringement in lieu of prosecuting a person;
- c) allows the local government to determine pest plants by absolute majority without needing to change the local law. This approximates changes to the Dog Act 1974, which now provide for a local government to specify off lead areas for example without having to amend a Schedule in the local law, which is a lengthy and administratively burdensome process. This makes the addition of other pest plants a far simpler process, should the need arise.

As the proposed Pest Plant Local Law is a new local law, it will be necessary to commence the local law-making process required by the Local Government Act 1995.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities
Action	5.1.1.2 Review all local laws

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Providing Public Notice

s.1.7. Local Public Notice (Local Government Act 1995)

Where under this Act local public notice of a matter is required to be given, notice of the matter must be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

r.3A Requirements for local public notice (Act s. 1.7) (Local Government (Administration) Regulations 1996)

1. For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
 - (a) the period specified in or under the Act in relation to the notice; or
 - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
2. For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —

- a. publication in a newspaper circulating generally in the State;
- b. publication in a newspaper circulating generally in the district;
- c. publication in 1 or more newsletters circulating generally in the district;
- (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for -
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

Procedure for Making Local Laws

Section 3.12 of the *Local Government Act 1995* refers to the procedure for making local laws.

Council may make local laws in accordance with Part 3 of the *Act* and in so doing, all local laws are then to be reviewed within eight years of their commencement date, in accordance with s.3.16 of the *Act*.

The process of adopting or amending a local law is set out in section 3.12 of the *Act* and is summarised in Table 1 below with further information provided following the table.

Table 1 - Timeline for making local law.

Task	LGA Section	Effective Date
Report to Council for approval to advertise proposed new Local Laws. <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i>	3.12(2)	Tuesday, 28 March 2023
Give local public notice and make copies available to the general public.	3.12(3)(a)	<u>Harvey Waroona Reporter</u> – Tuesday, 4 April 2023
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 9 June 2023 (55 days)

Task	LGA Section	Effective Date
Give copy of the proposed local law and the notice to the Minister for Local Government and prepare National Competition Policy review after advertising.	3.12(3)(b)	Tuesday, 19 April 2023
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 7 June 2023
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government	3.12(5)	Tuesday, 4 July 2023
Give local public notice advising that the new laws have been made, the title, and make copies available to the general public.	3.12(6)	Tuesday, 12 July 2023
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Tuesday, 12 July 2023

s.3.12 Procedure for making local laws (Act)

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give local public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

* *Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —

making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

s.3.13 Procedure where significant change in proposal (Act)

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

r.3 – Prescribed manner of giving notice of purpose and effect of proposed local law (Local Government (Functions and General) Regulations 1996)

For the purpose of section 3.12 of the Act, the person presiding at a Council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the Council include the purpose and effect of the proposed local law.

The following fulfils the requirement defined in Regulation 3, above:

- The purpose of the proposed Shire of Waroona Pest Plant Local Law 2023 is to allow Council to determine pest plants by absolute majority, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land;
- The effect of the proposed Shire of Waroona Pest Plant Local Law 2023 is that owners and occupiers of land within the district are to comply with the provisions of this local law; and

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)

The proposed Pest Plant Local Law intends to provide for the management of determined pest plants within Shire of Waroona, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land thereby protecting natural vegetation and enabling natural native plant succession throughout the shire.

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 local law review 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>	Scheduled review of all local laws within the 8 years statutory requirement.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

- The Shire will undertake local advertising and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks.
- Submissions received during this period will be considered in preparation of the next council report regarding this item.
- Department of Local Government, Sport & Cultural Industries.

RESOURCE IMPLICATIONS*Financial*

The cost of making the proposed local law which includes re-advertising and gazettal is approximately \$2'000. Funds are available in the 2022/2023 budget for the project cost.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer’s recommendation to commence the process to make the proposed Shire of Waroona Pest Plant Local Law 2023; or
2. amending or rejecting the proposal to make the Pest Plant local law.

CONCLUSION

It is recommended that Council commences the process under *the Local Government Act 1995* to make a new Shire of Waroona Pest Plant Local Law 2023. The Pest Plant Local Law 2023 intends to provide for the management of determined pest plants within Shire of Waroona, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land.

11.3 CHIEF EXECUTIVE OFFICER

Cr Odorisio declared a financial interest in item 11.3.1 as a family member is an employee of Alcoa.

Cr Vitale declared a financial interest in item 11.3.1 as he is an employee of Alcoa.

Cr Pisconeri declared a financial interest in item 11.3.1 as he is an employee of Alcoa.

Cr Purcell declared a financial interest in item 11.3.1 as she is an employee of Alcoa.

Cr Walmsley declared a financial interest in item 11.3.1 as he occasionally undertakes contract work for Alcoa.

11.3.1 Advocacy Statement	
File Ref:	CS.9 – Community Services
Previous Items:	Nil
Applicant:	Peel Regional Leaders Forum Inc.
Author and Title:	Mark Goodlet, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.1 A – CONFIDENTIAL – Draft Advocacy Statement

COUNCIL RESOLUTION

OCM23/03/038

Moved: Cr Walmsley

Seconded: Cr Odorisio

That the meeting proceed to the next item of business.

CARRIED 6/0

OFFICER RECOMMENDATION

That Council:

- 1. approves the Appendix 11.3.1 A Draft Advocacy Statement;**
- 2. agrees to consider an allocation of \$7,500 in the 2023/24 budget to the Peel Regional Leaders Forum Inc. in support of advocacy for the Advocacy Statement; and**
- 3. requests the Chief Executive Officer to capture the Draft Advocacy Statement as a Policy Position of the Shire of Waroona.**

IN BRIEF

The Peel Regional Leaders Forum Inc (PRLF) has developed a Draft Advocacy Statement (Statement) in relation to a matter affecting the Peel Region. This report seeks Council support for this Statement and consideration of funding for this in the next budget.

BACKGROUND

PRLF is an association of the Peel local governments, Regional Development Australia Peel, Peel Community Development Group and the Peel-Harvey Catchment Council. It is a forum where regional issues are considered.

REPORT DETAIL

PRLF has developed a Draft Advocacy Statement and is now seeking approval for the Statement from its members and a funding commitment for next financial year to advocate for this Statement. The Statement applies to land within the Shire of Waroona.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Environment
Aspiration	To continually care for, protect and enhance our environment for the generations to come
Objective	3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity
Strategy	1.2.1 Connect natural assets, waterways, parks and reserves to the community

OTHER STRATEGIC LINKS

STATUTORY ENVIRONMENT

Local Government Act 1995

s2.7 Role of Council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

SUSTAINABILITY & RISK CONSIDERATIONS

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

The Statement provides refers to economic opportunities in relation to natural resources within the Shire of Waroona.

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

The Statement provides a voice on social values held by the Shire of Waroona Community and the need for full and active engagement with the community.

Environment – (Impact on environment’s sustainability)

The Statement provides a position on environmental values.

Policy Implications

It is proposed that the Statement become a policy position of Council.

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>	Loss of important habitat.
<i>Consequence</i>	5 - Catastrophic
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	Development of a Statement provides guidance on the Shire’s environmental values.

CONSULTATION

The Statement has been developed within the PRLF. The Statement has been subject to councillor briefing sessions.

RESOURCE IMPLICATIONS

Financial

There are no immediate financial implications for approving the Statement.

Each Peel local government is being asked to consider advocacy work funding for next financial year. It is proposed that the Shire as a key stakeholder, commit \$7,500 towards advocacy.

The Statement is intended to provide a dialogue position. How this will be received is not known presently, however it seeks to encourage closer ties with the community. There is a risk that it will not be accepted in the spirit intended leading to financial detriment to the community.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the Statement and financial commitment;
2. accepting the Statement and/or financial commitment with modifications; or
3. rejecting the Statement and /or financial commitment.

CONCLUSION

The Shire of Waroona has a responsibility under its Strategic Community Plan to care for and protect the environment within its district. This is a priority it shares with the other Peel local governments. A joint advocacy position aims to provide a clear and united voice on this matter.

11.3.2. Western Australian Local Government Association (WALGA) Governance Structure	
File Ref:	GR.22 – Government Relations
Previous Items:	OCM22/12/192
Applicant:	Shire of Waroona
Author and Title:	Mark Goodlet, Chief Executive Officer
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendix Number	11.3.2 A – Email - WALGA Best Practice Governance Review - Final Report, Opportunity to Provide Feedback and Webinar 11.3.2 B - WALGA Best Practice Governance Review Final Report

COUNCIL RESOLUTION**OCM23/03/039****Moved: Cr Pisconeri****Seconded: Cr Mason****That Council:**

1. supports the Model 1 option in APP 11.3.2 B – WALGA Best Practice Governance Review Final Report, with the following amendment;
 - The President to establish working groups as they see fit, within any budget allocation determined by the Board. Such an allocation must account for internal resources; and
2. requests the Chief Executive Officer to advise WALGA of Council's position.

CARRIED 6/0**IN BRIEF**

Following consultation with Western Australian local governments, the Western Australian Local Government Association (WALGA) is seeking feedback on a refined position on a governance model for its organisation.

The refined position is a modified version of the model (Option 1) previously supported by Council.

BACKGROUND

WALGA has provided the following information on the background to its governance review.

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 governance model comparative analysis. Steering Committee meetings 2 to 5 had a focus on the development of governance model principles.

The Shire of Waroona responded to a request for feedback by way of a resolution of Council at its December 2022 ordinary Council meeting (OCM22/12/192).

That feedback was that it:

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;

The WALGA steering committee assembled the feedback from local governments and provided a report to the WALGA State Council. This is Appendix 11.3.2 B - WALGA Best Practice Governance Review Final Report.




WALGA has now requested feedback on the preferred model in this report, as per Appendix 11.3.2 A – Email, "WALGA Best Practice Governance Review | Final Report, Opportunity to Provide Feedback and Webinar".

REPORT DETAIL

Appendix 11.3.2 B - WALGA Best Practice Governance Review Final Report provides a full description of the past work and the rationale for the finally recommended option, which is a slightly modified version of Model 1, as shown below and fully described on pages 72 to 76.

Model 1 – Details

Overview

GOVERNANCE BODY	STRUCTURE	ROLE
 <p>BOARD</p>	<p>Up to 11 Board members, comprising 8 representative members being the President, the Deputy President and 6 members elected from and by State Council (3 metropolitan, 3 country). The Board will appoint up to 3 independent, skills or constituency directors. The Board would meet 6 times per year.</p>	<p>The Board will be responsible for the governance of WALGA including strategy/strategic planning, financial oversight, policy development and endorsement, advocacy priorities and employment of the CEO. The Board can form Committees, which would have responsibility for specific functions, such as policy development, the Honours Program, and selection and nominations to Boards and Committees. The Board is required to consult with State Council on the Strategic Plan and the annual State Budget submission. The Board will follow a consensus decision-making process.</p>
 <p>STATE COUNCIL</p>	<p>24 State Council members plus the President. State Councillors are elected from and by the Zones (12 from Metropolitan Zones, 12 from Country Zones). State Council would meet at least 3 times per year.</p>	<p>The role of the State Council will be to elect the President, Deputy President and members to the Board, initiate and contribute to policy positions and advocacy for input into the Board, and to liaise with Zones and Members on policy and advocacy. State Council meetings will make decisions by way of voting.</p>
 <p>ZONES</p>	<p>5 Metropolitan Zones, 12 Country Zones, meeting at least 3 times per year.</p>	<p>Zones would have the same role as they currently do, that is to raise policy issues, elect representatives to the State Council, provide guidance to their State Council representative, regional cooperation and information sharing, and undertake regional advocacy and projects as directed by the Zone.</p>

The table above provides an overview of the proposed governance model including the role of each governance layer.

The model has several inherent accountabilities. The President, Deputy President and Board Members are elected from and by the State Council every two years, providing State Council with significant input into the membership of the board. Further, eight members of State Council will occupy dual roles as State Councillors and Board Members, solidifying the link between State Council and the Board.

This model doesn't support a zone elected President, which is a Shire position.

Working Groups

“President to establish working groups as they see fit”, is part of Model 1. While this brings a certain agility to the President's role, it may lead to a disconnect between the board and the President and without financial constraints this could lead to unbudgeted expenditure. In preference to this it is suggested that the following be supported:

The President to establish working groups as they see fit, within any budget allocation determined by the Board. Such an allocation must account for internal resources.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	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

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	It is in Council’s interest as a WALGA member, to have a strong and competent association representing it.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)

Controls / Review	Council's participation in the feedback provides guidance to WALGA on the preferred governance arrangement.
Review Frequency	One off
Risk Owner	Council
Acceptance	Accept - Risk is not able to be mitigated by Council, given the matter is for all Councils to determine through constitutional change.

CONSULTATION

This report is a response to further consultation being undertaken by WALGA on the preferred governance model following State Council's resolution to conduct more consultation with local governments.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. supporting the recommendation;
2. selecting another model; or
3. not responding.

CONCLUSION

This report furthers Shire of Waroona feedback to WALGA on its proposed governance review. The position now recommended by WALGA aligns with the Shire's initial response and it is recommended that the suggested Model 1 now be confirmed.

11.4 ITEMS FOR INFORMATION

11.4.1 WALGA Urban Forest Conference - 17 February 2023

On Friday 17 February, there were nearly 350 people at Curtin University in attendance at the WALGA urban forest conference. The focus was to hear about the challenges facing WA's urban canopy, and the ideas to turn the tide. As Perth has the least amount of urban canopy left of all the capital cities and it's still in decline, as there is little to no control over private property in Urban Zones.

As well as climate change mitigation and reducing air pollution, the benefits of urban canopy cover are many – shelter reducing energy costs, increased amenity and property values, environmental urban resources for conservation, and improved mental well-being of humans living in 'green' areas. Although it's not enough to have access they must also 'see' it. This resulted in a [“clear message from the WALGA Urban Forest Conference that protecting and improving our urban forest is a priority which requires strong State policy to support the good work Local Governments are already doing in this space. This is backed by WALGA's State Budget submission which is calling on the WA Government to fund the planting of 60,000 trees through a \\$20 million commitment over four years” Ref: ABC news 17/2/2023.](#)



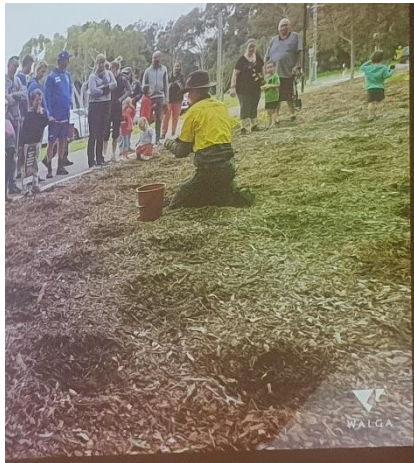
Promoting Urban Forests.

There were several sessions of ideas for local governments to implement to encourage the creation of forest and the retention of canopy, but different LG's will need different mechanisms to grow their urban forests. Fast tracking DA and subdivisions that retained significant trees seemed to be the best tool at encouraging developers at present.

There was a growing call for all urban lots to have to have a least 1 large tree. For new builds, this included not allowing a patio to replace the tree on the plans once the dwelling was built. Importantly ensuring the Local Planning Framework allowed smaller lots, or increased level, resulting in more sales for developers, provided trees were included.

Another public promotion idea was for the community to be able to adopt a tree in a rehabilitated drainage area in urban spaces. Some Shires are also prohibiting the removal of trees without a DA. *For example - City of Nedlands scheme amendment and Shire of*

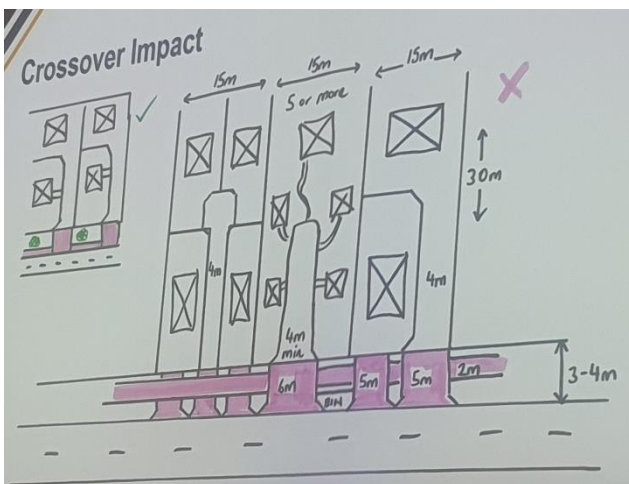
Kalamunda. As well as implementing significant tree provisions and tree preservation orders. This will require the approval of the Minister of Planning and may not be supported.



Case Study: Community Engagement Town of Victoria Park was a community led urban forest strategy. Required effective communication strategy on town and community efforts to grow the canopy across the district. With the community being engaged in both implementation and maintenance through – the implementation of a working group and community planting events, urban forest grants and tree giveaways.

Tree Planting on Public Land – considerations

- Life of tree – succession planting
- Species for low water, climate resilience, biodiversity – right tree right place
- Location – mid block planting
- Planting Season
- Stock Quality
- Pests and diseases
- Clearance for services and cross overs
- Underground power
- Engagement with stakeholders
- Ongoing management and maintenance
- Fees for removal or pruning.



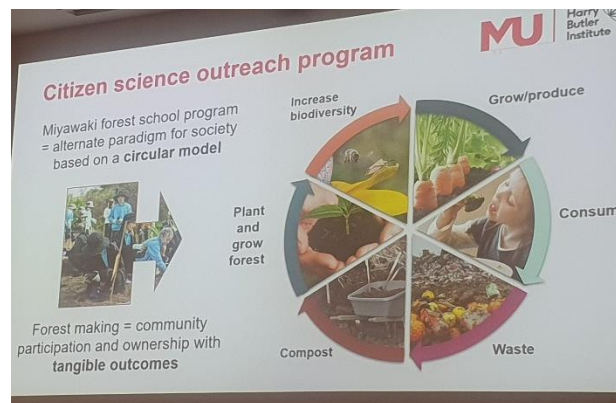
Miyawaki (Micro) Forests.

This session was about Miyawaki Forests, a growing method developed by a Japanese botanist, Akira Miyawaki. This requires composting the soils and densely planting a mix of species in a small area. These forests grow quickly, are healthier, denser, and support near to natural levels of biodiversity. Making them perfect for small Urban areas and a tool in combating urban heat island effect. *“They also provide habitat, reduce the effects of stormwater runoff, contribute to cooling the area, and help seed rainfall. These fast-growing,*

dense, low maintenance native forests help to cool thermal hotspots, provide shade and amenity and can achieve canopy cover in just 3 years”. Ref: [Miyawaki Forests | Carbon Positive Australia](#)

“Miyawaki forests contain up to 30 different native species planted and up to 20 times as fast as traditionally planted forests ... the Miyawaki method is suited to the Australian environment using Australian species, while also teaching primary school students the importance of citizen science. Ref: [Western Australia’s first tiny forest for community-led urban greening \(murdoch.edu.au\)](#)

Case Study: Miyawaki forest school program: is based on a circular model and teaches school children how to turn their organic waste in to compost, that grows the forest and food, which the students consume – and so on.



NOTE: For the Shire of Waroona, I think as part of our development strategy, this concept combining, community education, conservation, recycling, restoration and community food gardens could be a key component.

Private property, parks, streets civic space, developments- Josh Byrne at Curtin University

Spoke about how Urban greening requires a water conservation balance. This is the goal of the net zero Perth program. He also spoke about how green space reduces stress, increases attention and wellbeing. As well as improves amenity increase walking etc. These benefits can be realised by using an Asset Management approach to trees.... urban forests.

He also spoke about –

- Perth NRM's ReWild Perth program. Which is immediate action to improve biodiversity and access to habitat across our city while creating a beautiful, sustainable garden for homes. Whilst also providing biodiversity links, and Community food production;
- DPLH Design WA – which is a State Government initiative to ensure good design is at the centre of all development in Western Australia; and
- Water Corp's waterwise verge program and drainage for liveability. Focused on transforming verges into waterwise gardens that create an attractive, low maintenance garden that will:
 - Save water in the garden
 - Create a beautiful green space for the street
 - Create a cooling effect and counteract 'heat island' effects in summer
 - Provide ecological benefits, such as providing habitat for local wildlife and promoting biodiversity.

It was also discussed how a Centralised water system will not be able to address climate change adaptation needs. And each site would need to design and implement cyclic systems to conserve, reuse and preserve water.



Ref: [Waterwise gardens, lawns and verges - Be Groundwater Wise](#)

NOTE: For the Shire of Waroona, maybe we could be a pilot study as we work through the water security report and work on solutions to the looming water shortages. In particular with the management of public parks and spaces.

Masterclass for elected members and executives: need for a Strategy.

This session consolidated the issues for local government. In summary urban forests have several touch points across a LG and need engagement and collaboration across the organisations. It's not just about planting trees. It requires strategic investment and planning. Different LG's will need different mechanisms to grow their urban forests. In addition, elected members have a very important role in setting the strategic direction for urban forests and championing this to the community. Investing in the urban forest, can be an effective way to provide shade, precinct cooling, amenity and access to nature in the community. The urban forest strategies set targets for the number of trees to be planted per season / over the life of the strategy, or canopy % targets. However, trees planted does not = job done due to failure rates. Success depends on species selection for the location and increasingly low water needs, stock quality and ongoing maintenance.

- **Case Study: City of Bassendean:** Failure rate went from 70% to 5%, and a 37% cost saving, by engaging early with suppliers, selecting strong stock and having staff skilled and knowable.

“WALGA is preparing an online conference hub to ensure information and ideas shared at the event can be accessed by attendees, the public and policymakers as we continue to advocate for change” Ref: ABC news 17/2/2023.

NOTE: For the Shire of Waroona, we are looking at our street trees and townscape policy. This presents an opportunity to have the 'urban forest' management as an asset class.

Karen Oborn
Director Infrastructure & Development Services

Appendix 11.4.1 – Your guide to creating a waterwise verge

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

COUNCIL RESOLUTION

OCM23/03/040

Moved: Cr Mason

Seconded: Cr Pisconeri

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

CARRIED 6/0

Members of the public left the meeting, the time being 4.32pm

Cr Walmsley declared an interest affecting impartiality in item 16.1 as he is a Local Government Representative for WALGA on the Local Government Grants Committee for Bush fire Brigades.

COUNCIL RESOLUTION

OCM23/03/041

Moved: Cr Mason

Seconded: Cr Purcell

That Council adopts the recommendation of item 16.1.

CARRIED 6/0

16.1 Confidential Item - Tender – RFT 202223-12 Renovation and Extension of Preston Beach Bush Fire Brigade Building	
File Ref:	RFT 202223-12
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Rhys Bloxside, Senior Infrastructure and Development Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	16.1 A – CONFIDENTIAL – Plans of extension and renovation 16.1 B – CONFIDENTIAL – Evaluation scores summary table

A confidential report was provided under separate cover.

17. **MEETING OPENED TO THE PUBLIC**

COUNCIL RESOLUTION

OCM23/03/042

Moved: Cr Pisconeri

Seconded: Cr Vitale

That the meeting resume in public.

Kirsty Ferraro left the meeting, the time being 4.34pm

Kirsty Ferraro returned to the meeting, the time being 4.34pm

Members of the public returned to the meeting, the time being 4.35pm

The Shire President read aloud the resolution of item 16.1.

18. CLOSURE OF MEETING

There being no further business, the Presiding Member closed the meeting, the time being 4.35pm

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 26 April 2023 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE