



MINUTES

ORDINARY COUNCIL MEETING

Tuesday 23 May 2023
(Held at the Waroona Council Chamber)

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 and Staff 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 Laurie Snell	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
Ms Merrin Kirk	Executive Assistant

APOLOGIES

Cr Dion Pisconeri	Councillor
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LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil.

APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting – 28 March 2023

COUNCIL RESOLUTION

OCM23/05/054

Moved: Cr Purcell

Seconded: Cr Vitale

CARRIED 6/0

That the Minutes of the Ordinary Council Meeting held 28 March 2023 be confirmed as being a true and correct record of proceedings, subject to the following amendment:

- 1. The addition of the Peel Regional Leaders Forum and Shire positions to Appendix 11.2.7 A Proposed Council Committees and Advisory Groups.**

6.2 Ordinary Council Meeting – 26 April 2023

COUNCIL RESOLUTION

OCM23/05/055

Moved: Cr Odorisio

Seconded: Cr Purcell

CARRIED 6/0

That the Minutes of the Ordinary Council Meeting held 26 April 2023 be confirmed as being a true and correct record of proceedings.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

8. ANNOUNCEMENTS BY MEMBERS

9. DISCLOSURES OF INTEREST

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

Cr Walmsley declared an interest affecting impartiality in item 10.1 as he is a member of the Waroona Bowling Club and the Waroona Agricultural Society, and a close family member is on the Waroona Historical Society committee.

Cr Purcell declared an interest affecting impartiality in item 10.1 as she is a member of the Waroona Football Club and the Waroona Amateur Swimming Club.

Cr Mason declared an interest affecting impartiality in item 10.1 as he is a life member of the Waroona Football Club.

Cr Snell declared an interest affecting impartiality in item 10.1 as she is a member of the Waroona Bowling Club and the Waroona Agricultural Society.

Cr Vitale declared an interest affecting impartiality in item 10.1 as he is a life member of the Waroona Basketball Association.

10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES

10.1 Alcoa Waroona Sustainability Fund Advisory Committee – Meeting held 8 May 2023

COUNCIL RESOLUTION

OCM23/05/056

Moved: Cr Mason

Seconded: Cr Snell

CARRIED 6/0

That Council:

- 1. receives the Minutes of the Alcoa Waroona Sustainability Fund Advisory Committee Meeting held 8 May 2023 as in Appendix 10.1; and**
- 2. approves the recommendations of the Committee, for the grant funding recipients, amounts and stipulated conditions.**

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

11.1.1 Waste Services Improvement	
File Ref:	77/3
Previous Items:	
Applicant:	Shire of Waroona
Author and Title:	Karen Oborn, Director Infrastructure and Development Services. Rikki Pulfer, Senior Technical & Waste Officer.
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

COUNCIL RESOLUTION

OCM23/05/57

Moved: Cr Mason

Seconded: Cr Vitale

CARRIED 4/2**For the motion: Crs Purcell, Mason, Odorisio and Vitale.****Against the motion: Crs Walmsley and Snell**

That Council endorses the:

1. application of the Waste Services Fees, being a Residential Kerbside Collection Service Fee for properties receiving a kerbside bin collection service, as well as a Waste Operations Fee (levy) for all Rateable properties, in the fees and charges schedule for the 2023/24 financial year onwards;
2. increase of entries on the Town Tip Pass from 6 entries to 12 entries;
3. modification of the wording of the Complementary Rural Tip Pass to be Rural Tip Pass;
4. amendment of the conditions of the Rural Tip Pass so that one use of the pass, is equivalent to one entry to the Buller Road facility, and from 240L, to a maximum of one cubic metre; and
5. inclusion of a fee for the sale of Rural Tip Pass in the 2023/24 financial year onwards for **NON-COMMERCIAL WASTE**.

IN BRIEF

The Shire currently charges a Residential Service Fee consistent of a 240lt General Waste Removal Weekly and Recycle Bin Removal Fortnightly. This charge includes two components, a kerbside bin collection fee of \$146* and a waste levy charge, for the cost of operating the waste station, suppling public rubbish bins etc. of \$228*. However, rural landowners although given complimentary passes to the landfill, do not pay any levy. Nor do the owners of vacant land. In accordance with the Waste Avoidance and Resource Recovery Act 2007, Shire officers are proposing to impose the Waste Services Operations Fee to all rateable properties of \$228*. To comply with, Section 66 which states a local government is required to – "... impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste

services it provides.” This is equal to \$4.38 a week, per rates assessment currently not paying any waste services levy.

BACKGROUND

The Shire currently charges a Residential Service Fee consistent of a 240lt General Waste Removal Weekly and Recycle Bin Removal Fortnightly. This charge includes two components, a kerbside bin collection fee of \$146* and a waste levy charge, for the cost of operating the waste station, suppling public rubbish bins etc. of \$228*. This is charged through the Rates system against properties within the designated townsite, as well as those that elect to have a residential collection service outside of the designated townsite.

Residential Service (Includes Levy \$228)	240L General Waste Removal Weekly & Recycle Bin Removal Fortnightly	\$374.00
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*Table One – *Current fee structure 22/23*

Currently 22/23, the fee is \$374 and is charged to 2179 properties. Bringing in a total revenue stream of \$814,946 pa. The kerbside bin collection fee income is used towards covering the cost of providing the 240lt General Waste Removal Weekly & Recycling Bin Removal Fortnightly. The remainder of the funds collected, being the being the waste levy charge, is allocated to cost associated with waste operations, including the Buller Road landfill operations.

This however still results in a funding shortfall each financial year. Which requires a contribution by Council through the income generated from Rates revenue. This contribution does vary, however based on the 2022/23 financial year, the contribution was \$63,780.

REPORT DETAIL

The current waste fee structure is inequitable and insufficient, as well as results in those Rate payers paying for the townsite residential service, contributing ~ 90% of the waste operations for the Shire of Waroona.

Whilst landowners who are either outside of mandatory waste collection zone, as well as owners of vacant lots or those rural landholders, who are electing not to pay for a service, not paying for waste operations in the Shire of Waroona.

Effectively these rural property landowners are getting a fairly decent level of wastes facilities, which is being almost fully funded from the current fee structure paid by townsite properties.

A user-pays, equitable fee structure would require that, no matter what the property type is, all landowners within the Shire should pay the waste levy charge, for the cost of operating the waste station suppling public rubbish bins etc. of \$228 each year. As all properties within the Shire contribute to waste, necessitating the need for the Shire to operate a waste facility and provide public rubbish bins.



Therefore, the Residential Service fee has been reviewed, with an intent to ensure all rateable land is paying for the facilities and services being provided in an equitable, fair & transparent manner.

As part of the review the Shire reviewed the Waste Avoidance and Resource Recovery Act 2007 Section 66 which states –

“... impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.”

Based on this legislated requirement, the Shire is proposing that the fee structure separated in the Fees & Charges schedules into two fee types:

Residential Collection Service	240L General Waste Removal Weekly & Recycle Bin Removal Fortnightly	\$146 + CPI
Waste Operation Facilities Fee (levy)	Waste Services Operations Fee (applicable on all rateable properties)	\$228 + CPI**

*Table Two: Proposed Fee Structure (** CPI addition for this line item to commence in 24/25)*

This fee separation would result in all rateable properties being charged the Waste Services Operation Fee. Whilst only those rateable properties who are within the mandatory waste collection zone, or those electing for the collection service, being charged both line items.

It is important to note the total for the line items will be \$374 (based on this current 22/23 financial year costing and will increase annually through the budgetary process).

Essentially customers currently paying for a kerbside collection service, won't be charged any more than they currently are, until such time as the Shire on charge the CPI for the service. Which is expected to be known closer to the end of each financial year.



By applying the Waste Services Operations Fee to all rateable properties for the provision of Waste Facilities, the Shire is expected to see the following benefits:

- A more transparent user pays and equitable fee structure, closer to covering the true cost of waste services.
- Rural landowners will also be paying a contribution towards the cost of funding the Shire's waste operation facilities, in particular the Buller Road Refuse Disposal Site.
- No requirement for extra Council funded contribution each year from general revenue.
- Additional funds can be collected and then allocated to the development of the transfer station and the waste reserve account. Assisting the Shire to meet its regulatory obligations.
- The distribution of the previous Council contributions can be allocated to other underfunded areas, such as asset management (buildings, pathways, drainage)

To help provide a view of the impacts on the budget officers have completed a costing exercise based on a draft budget for the financial year 2023/24. The costing exercise budget includes:

1. Domestic refuse collection expenses;
2. Refuse site maintenance expenses (including salaries, materials, contracts, and licence charges);
3. Engineering fees;
4. Proposed new income for the residential kerbside collection, waste operations fee and other tipping fees;
5. Possible deferring of Landfill Loader Refurbishment and loader hire fees;
6. Street/ Bulk Hard Waste Collection; and
7. Transfer to Waste Management Reserve.

Further to the above, funds have not been allocated for the transfer stations new tip shop. Instead, funds have been included in the engineering fee for the Tip Shop design. In addition to the Department of Water and Environmental Regulations Works Approval and Shire

Building Licence, in preparation for the Tip Shop construction to commence in the 2024/25 financial year, pending budget approval.

With Proposed new Fee Structure – Estimated for FY 2023/24 (@ 7% CPI increase for street collection)		
Description	Income	Expenditure
Domestic Refuse Collection – Contract (@ 7% CPI increase for street collection)		\$ 425,872.00
Refuse Site Maintenance (Salaries, Materials, Contracts etc)		\$ 435,312.00
Engineering Design (Tip Shop)		\$ 30,000.00
Annual Licensing Fees, Bore Monitoring & Testing etc.		\$ 35,000.00
Charges – Residential Kerbside Collection (\$157 x 2179 Properties) (@ 7% CPI increase for street collection)	\$ 342,103.00	
Charges – Waste Operations Fee (\$228 x 2,745 ALL rateable properties)	\$ 625,860.00	
Estimated Charges – Tipping Fees and Charges	\$ 68,021.00	
Annual Waste Management Reserve Transfer (closure plan)		\$ 61,800.00
Annual Plant Reserve Transfer (plant replacement program)		\$ 48,000.00
GROSS Operating Totals:	\$ 1,035,984.00	\$ 1,000,984.00
Bi - Annual Street/ Bulk Collection (Hard Waste) 2023/24		\$ 55,000.00
TOTAL	\$ 1,035,984.00	\$ 1,055,984.00
Plant & Equipment A/R – Capital Purchases (Loader Refurbishments)		\$ 200,000.00
Income from Plant Reserve Transfer	\$ 200,000.00	
Est. Council Contribution	\$ 55,000.00	
TOTAL	\$ 1,290,984.00	\$ 1,290,984.00

Table Three – Proposed financial year 2023/24 budget based on the waste operations fee being applied to all rateable properties and the residential kerbside collection being only charged to those properties with the service. Note: It's important to note some items are indicative prices and may increase depending on CPI increases.

The variance between the income and expenditure GROSS is possibly NIL, showing there would likely be no requirement for an extra Council contribution, except for a smaller amount to cover the bi-annual street collection of ~ \$20,000. This costing estimate does include the estimated full cost of the landfill loader refurbishments and depending on the progress of the refurbishments, it is likely that the full cost budget allocation may not actually be required.

However, for the purpose of this costing exercise the full expenditure amount has been left in. Repeating the same exercise and completing a draft budget based on the current fee structure to show the difference between the impact on Council is shown in Table Four below

–

With Current Fee Structure – Estimated for FY 2023/24 (@ 7% CPI increase for street collection)		
Description	Income	Expenditure
Domestic Refuse Collection – Contract (@ 7% CPI increase for street collection)		\$ 425,872.00
Refuse Site Maintenance (Salaries, Materials, Contracts etc)		\$ 435,312.00
Engineering Design (Tip Shop)		\$ 30,000.00
Annual Licensing Fees, Bore Monitoring & Testing etc.		\$ 35,000.00
Charges – Residential Kerbside Collection (Inc Waste Operations Charge) only applied to properties receiving a service 2179 @\$411.40 (FY22/23 Price Inc a 10% increase for street collection)	\$ 896,440.60	
Estimated Charges – Tipping Fees and Charges	\$ 68,021.00	
Annual Waste Management Reserve Transfer (closure plan)		\$ 61,800.00
Annual Plant Reserve Transfer (plant replacement program)		\$ 48,000.00
GROSS Operating Totals:	\$ 964,461.60	\$ 1,035,984.00
Bi - Annual Street/ Bulk Collection (Hard Waste) 2023/24		\$ 55,000.00
TOTAL	\$ 964,461.60	\$ 1,090,984.00
Plant & Equipment A/R – Capital Purchases (Loader Refurbishments)		\$ 200,000.00
Income from Plant Reserve Transfer	\$ 200,000.00	
Est. Council Contribution	\$ 126,522.40	
TOTAL	\$ 1,290,984.00	\$ 1,290,984.00

Table Four – Proposed financial year 2023/24 budget based on the fee structure staying the same and only being charged to the residential kerbside properties receiving the collection. Plus Est. CPI.

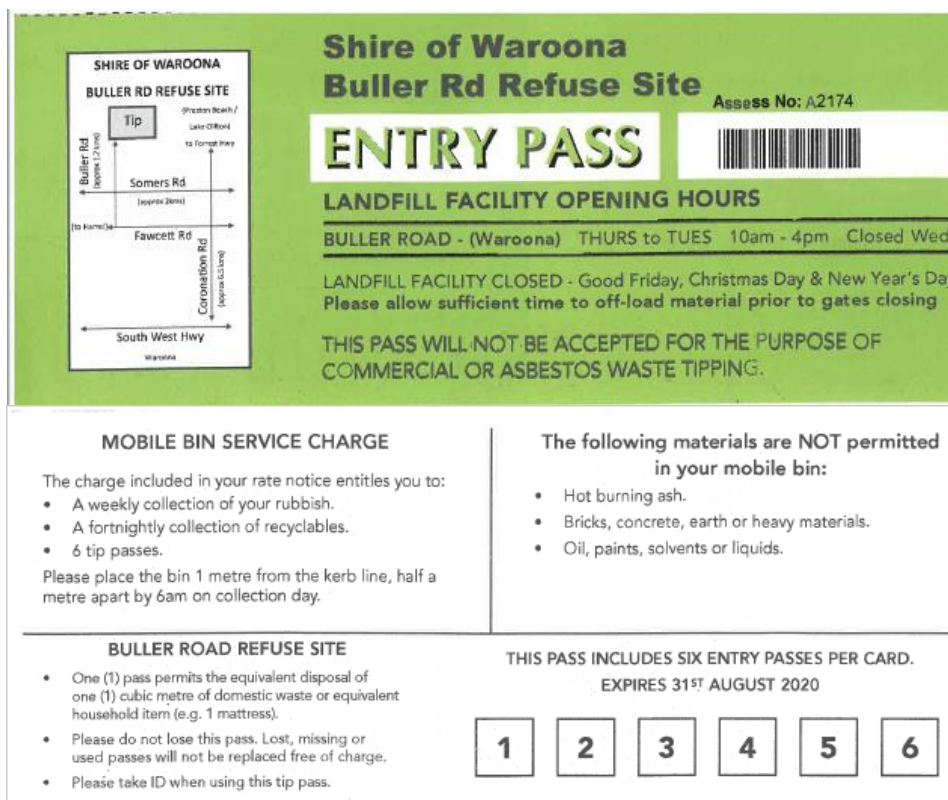
This demonstrates that the impact of the fee structure staying the same as it is currently, requires \$126,522, increasing the extra Council contribution from general revenue by \$106,522.40. This Council contribution could be reduced, if the Shire was to increase the waste operation charge part of the residential kerbside collection. However, that would mean a possible impact of another \$46 per residential property receiving the service. Again, this would be unequitable and unfair, as the increased operational costs, will only be charged to those receiving a residential kerbside collection, and not all landowners with access to the Shires waste facilities.

TIP PASSES

Currently the Shire of Waroona has two tip pass options. These are the Town Tip Pass and Complementary Rural Pass, as follows:

Town Tip Pass

Landowners paying for a kerbside collection are allocated town tip passes, which include six (6) free entry passes per card. These Passes expire 31st August of each year. Passes are numbered with the property assessment number, as example shown below –



Front View of Tip Pass

Back view of Tip Pass

One (1) entry pass is equivalent to the disposal of one (1) cubic metre of domestic waste or equivalent household item (e.g., mattress). This equals six (6) cubic metres pa. included in the levy these residents pay annually.


Rural Tip Passes

Rural tip passes are classified as complimentary and are allocated to landowners outside of the designated collection route. Properties must have residential dwellings on them. Vacant rural properties are not entitled to complimentary rural tip passes.

Complimentary rural tip passes have 25 passes. Each pass permits the disposal of a 240l container of domestic waste or equivalent household item. Four (4) passes permit the equivalent disposal of one (1) cubic metre of domestic waste or equivalent household item (e.g., 1 mattress).

This equals six and a half (6.5) cubic metres pa. at no cost to the Rural Landowners and which is being subsidised by ratepayers through general revenue.

Complimentary rural tip passes are numbered and recorded when handed out. All passes are uploaded into the waste software for recording of disposed waste, as example shown below -

1	COMPLIMENTARY RURAL TIP PASS 2022 - 2023										25
2	Shire of Waroona, PO Box 20, Waroona WA 6215										24
3	 REFUSE DISPOSAL SITE Buller Road, Waroona										23
4	TIP OPENING HOURS 10am - 4pm Thurs - Tues (Closed Wednesdays) CLOSED GOOD FRIDAY, CHRISTMAS DAY & NEW YEAR'S DAY										22
5	▶ This ticket represents twenty five (25) tip passes. ▶ Each pass permits the disposal of a 240L container of domestic waste or equivalent household item.										21
6	▶ Four (4) passes permit the equivalent disposal of one (1) cubic metre of domestic waste or equivalent household item (e.g. 1 mattress).										20
7	<i>This Tip Pass remains the property of the residence to which it is issued.</i>										19
8	No: 0671					Expires 31st August 2023					18
9	10	11	12	13	14	15	16	17			

Proposed Changes to the Tip Pass System:

Officers are proposing several changes to the passes to help cover the cost of using the waste facility in a more equitable manner and to make waste disposal onsite easier to record, as follows:

Town Tip Pass

1. Increase from 6 entry passes to 12 entry passes. This equals twelve (12) cubic metres pa. and aids with yard clean ups and the need to take green waste away to the waste facilities. Currently valued at \$253 pa. +CPI.

Rural Tip Pass

1. Change the name of the pass from Complimentary Rural Tip Pass to Rural Tip Pass
2. Amend the conditions of the tip pass so that one use of the pass, is equivalent to one entry and to a maximum of one cubic metre. This equals twenty (24) cubic metres pa. Providing the same as town and enabling domestic disposal as well.
3. Amend the conditions of the tip pass so that each pass permits one disposal of a maximum of one (1) cubic metre of domestic waste or equivalent household item (e.g., 1 mattress).
4. Rural Landowners will receive their first Rural Tip Pass free of charge, for each rateable property with at least one residential dwelling on them, currently valued at \$571.00 pa. +CPI. If there is more than one residence, the property is still only entitled to one free pass.
5. In addition to the above changes, it is also proposed to allow residents to buy additional discounted tip passes. For example, if the Rural Tip Pass costs \$571.00 plus CPI, (based on gate fees).

Then additional Rural Tip Passes can be sold at a discounted price of \$300 (+CPI in the future). This discount is to limit the cash transactions that happen onsite at the waste facility and encourage safe disposal of waste, rather than illegal dumping. Below, is an estimated costing exercise to calculate the value of the town and rural tip passes based on the 2022/23 financial year fees and charges:

Town Tip Pass				Rural Tip Pass			
Waste Type	Cost m3	Unit (m ³)	Pass Value	Waste Type	Cost m3	Unit (m ³)	Pass Value
Domestic	\$ 27.00	3	\$ 81.00	Domestic	\$ 27.00	10	\$ 270.00
Recycle	\$ 29.00	1	\$ 29.00	Recycle	\$ 29.00	2	\$ 58.00
Inert	\$ 20.00	1	\$ 20.00	Inert	\$ 20.00	6	\$ 120.00
Green Waste	\$ 17.00	6	\$ 102.00	Green Waste	\$ 17.00	6	\$ 102.00
Mattress	\$ 21.00	1	\$ 21.00	Mattress	\$ 21.00	1	\$ 21.00
Total		12	\$ 253.00	Total		25	\$ 571.00

The above costing has been calculated on several different free structures.

Allowing residents or small businesses to purchase the rural tip passes, will reduce the amount of cash being handled at the gatehouse. Given the rural tip pass have a potential cost impact of \$571 it is recommended to start the sale price, at a discounted price of \$300. This offers discounted waste disposal, and also encouraging users to use the waste facility, rather than dumping the waste on road verges and reserves. Additionally, these changes to the tip passes will streamline the gatehouse operations by opting for a one entry pass being one (1) cubic metre which is a standard amount being disposed at the site. As mentioned above, the cost of the Town Tip Passes is covered as part of the residential domestic waste levy charge. However, the Rural Tip Passes are currently totally free, meaning these rural landowners are facility users who are not contributing to the cost of processing their waste at the waste facilities, when the other Rate payers are. Hence, under section one of this report officers have reviewed the waste operations fee (levy) and proposed charging this fee to all rateable properties. By Council endorsing this proposed fee structure change, the Shire will be able to re-coup the cost of the tip passes, by changing the waste operations fee and ensuing it will be charged to all rateable properties. This change is proposed, as the recommended changes to the tip passes, will benefit all Ratepayers in the long run.

Improvement Recommendations

Officers are proposing the following improvement recommendations –

1. Clearly separate the Residential Service fee into the two parts as identified, in the fees and charges schedule for the 2023/24 financial year budget and include a charge for additional Rural Tip Passes:

Fee	Description	Price
Residential Kerbside Collection Service Fee	For 240L General Waste Removal Weekly & Recycle Bin Removal Fortnightly	\$146 + CPI
Waste Operations Fee (levy)	For the provision of Waste Services Operations such as the Buller Road facility and public rubbish bins etc. (applicable to all rateable properties).	\$228*
Rural Tip Pass	For 25 x 1 m3 tip passes (valued at \$571+CPI) – NON-COMMERCIAL WASTE only.	\$300*

Please note all fees are subject to change pending CPI increases and contract changes – However it is intended that the Waste Operation Fee will remain at \$228 for the 2023/24 year.

2. In accordance with the Waste Avoidance and Resource Recovery Act 2007 Section 66 impose the Waste Services Operations Fee to all rateable properties.

3. Increase the Town Tip Pass from 6 entries to 12 entries.
4. Modify the wording of the Complementary Rural Tip Pass to be Rural Tip Pass.
5. Amend the conditions of the Rural Tip Pass so that one use of the pass, is equivalent to one entry to the Buller Road facility, to a maximum of one cubic metre.
6. Include a fee for the sale of Rural Tip Pass in the 2023/24 financial year budget for NON-COMMERCIAL WASTE.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	3.2 Proactively manage resources and practice sustainability through responsible management of water, energy, fire management and waste
Strategy	3.2.4 Improve waste management practices through diversion, re-use and recycling

OTHER STRATEGIC LINKS

Shire of Waroona's Integrated Planning and Reporting (IP&R) Framework.

STATUTORY ENVIRONMENT

- Shire of Waroona Local Planning Scheme No 7(LPS7)
- Waste Avoidance and Resource Recovery Act 2007 Section 66.

SUSTAINABILITY & RISK CONSIDERATIONS

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

A transparent equitable waste service fee structure supports the economic outcomes desired by the community.

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

Nil.

Environment – (Impact on environment's sustainability)

Mechanisms that work towards supporting the waste avoidance and resource recovery act, facilitate overarching environmental conservation goals.

Policy Implications

Nil.

Risk Management Implications

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

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	Inadequate fee structures that don't appropriately fund the operations of community infrastructure negatively impact economic sustainability.
Consequence	3 - Moderate

Likelihood	3 - Possible
Rating	Moderate (4-9)
Controls / Review	Council endorsement of the recommendation of this report
Review Frequency	Annually
Risk Owner	Director
Acceptance	Monitor - Risk acceptable with adequate control

CONSULTATION

- Mark Goodlet, Chief Executive Officer
- Brad Oborn, Manager of Works and Waste Services
- Ashleigh Nuttall, Director Corporate and Community Services

RESOURCE IMPLICATIONS

Financial

This matter will impact Shire revenue and budget decisions.

Workforce

Nil

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

Local Governments in Western Australia are required by the Waste Avoidance and Resource Recovery Act 2007 Section 66 to – “... *impose on rateable land within its district, and cause to be collected, an annual rate for the purpose of providing for the proper performance of all or any of the waste services it provides.*” Therefore, the Residential Service fee has been reviewed, with an intent to ensure all rateable land is paying for the facilities and services being provided in an equitable, fair, and transparent manner. Based on this legislated requirement, the Shire is proposing a fee structure separated in the Fees & Charges schedules into two fee types, ensuing user pays, equitable resourcing of the Shires waste service facilities.

11.1.2 Waroona Community Park – Art Strategy & Plan	
File Ref:	
Previous Items:	Waroona Community Working Groups Final Report – <i>Conceptual planning for Art, Culture, and Heritage Projects</i>
Applicant:	Shire of Waroona
Author and Title:	Karen Oborn, Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number:	11.1.2 A Waroona Community Park – Art Strategy & Plan 11.1.2 B Waroona Community Working Groups Final Report – <i>Conceptual planning for Art, Culture, and Heritage Projects</i>

COUNCIL RESOLUTION**OCM23/05/058****Moved: Cr Odorisio****Seconded: Cr Vitale****CARRIED 6/0****That Council endorses the “Waroona Community Park – Art Strategy & Plan”.****IN BRIEF**

The Waroona Community Precinct (WCP) is a key tenet of the revitalisation of the Waroona Town Centre. The WCP will be located in a central area linking Southwestern Highway and Fouracre Street, Waroona. It will provide passive and active recreation and event spaces for the local community and visitors. Included in the WCP will be a skate park, pump track, playgrounds, visitor amenities and pathways linking all areas including the existing Irrigation House and Big Shed. The “Waroona Community Park – Art Strategy & Plan”, is intended to provide guidance and direction to the Artisans, community groups and other participants implementing the art + culture priority projects for the Waroona Community Precinct project.

BACKGROUND

The Waroona Community Precinct (WCP) is a key tenet of the revitalisation of the Waroona Town Centre. The WCP will be located in a central area linking Southwestern Highway and Fouracre Street, Waroona. It will provide passive and active recreation and event spaces for the local community and visitors. Included in the WCP will be a skate park, pump track, playgrounds, visitor amenities and pathways linking all areas including the existing Irrigation House and Big Shed.

EPCAD Landscape Architects, appointed by the Shire in mid 2021, have completed the concept designs and the detailed design of the site. Integral to the WCP development is the inclusion of art + cultural elements, combined with the interpretation of the history and heritage of the site, former buildings, land uses and people. The “Waroona Community Park – Art Strategy & Plan”, outlines the key art and cultural installations to be incorporated into the WCP, as well as provides context and concepts for Artisans and community members interested in participating in these projects, under the direction of a lead project artisan.

To identify opportunities for inclusion of art, cultural and heritage projects, the Shire of Waroona sought community members to form Community Working Groups (CWGs). The

CWGs were facilitated by an independent consultant, Liz Storr of Storybox. The final report developed as a result of this consultation and collaboration, is attached (B) “*Waroona Community Working Groups Final Report – Conceptual planning for Art, Culture, and Heritage Projects*”.

REPORT DETAIL

The final report developed by the CWG - (B) “*Waroona Community Working Groups Final Report – Conceptual planning for Art, Culture, and Heritage Projects*”: outlines how the working group determined that there are four key foundations needed for these projects, they also consider how they can be incorporated into the arts, cultural and heritage components of the WCP. These foundations are –

1. **Themes:** water, land use over time (Aboriginal culture, agriculture, mining) and nature.
2. **Senses:** using visual, audible / oral and tactile methods for communicating information.
3. **Storytelling:** past uses of the buildings and land, people who have come and gone on this site, connections with water and nature.
4. **Materials:** timber, steel, aluminium, water, rock, and salvaged items that tell the stories.

It was broadly considered by the CMG’s that **water** should be the central theme for the Precinct, connecting all other stories, art works and heritage interpretation. The central pathway and arterial paths could depict water flow in a way that tells the story over time including Aboriginal history and subsequent land uses, and connecting agriculture, mining, people and nature.

The attached (A), “*Waroona Community Park – Art Strategy & Plan*”, was structured around these foundational themes and concept projects, developed by the community working group. The plan is intended to provide guidance and direction to the Artisans, community groups and other participants who will be implementing the art + culture priority projects for the Waroona Community Precinct, under the direction of a Lead Project Artisan.

The “*Waroona Community Park – Art Strategy & Plan*” includes the following;

- **Section 1:** is an explanation of the WCP Prevailing Themes, as well as the Coordinated Thematic Storytelling.
- **Section 2:** “*Art Installations Scope & Inspiration*”, includes an explanation of the Arts + culture projects, along with explanation about Signage as Art Works and information about potential Artist & Community Group Inputs.
- **Section 2:** also includes information on the overarching thematic linkages within the WCP, such as the Noongar Six Seasons Garden, Water Storytelling to connect the whole space and the “Big Shed” Mural.
- A ‘**Shire of Waroona Artisan Project Proposal Template**’, for EOI’s and installation proposals to be submitted.
- **Definitions** to provide clarity.
- **Concept details** from the “*Waroona Community Working Groups Final Report – Conceptual planning for Art, Culture, and Heritage Projects*”, for project ideas, guidance and inspiration.

The Lead Project Artisan will coordinate the production and installation of works. The **Lead Project Artisan’s** key functions will be:

1. to ensure concepts, submissions, proposals and works are aligned to concepts and themes scoped in the “*Waroona Community Park – Art Strategy & Plan*”;
2. to review concepts, submissions, proposals and works produced for the WCP, to ensure they are well resolved and are of an appropriate quality and level of artistic merit;

3. to coordinate the onsite installation of works in alignment with the concepts and themes, as well as construction specifications and landscape design; and
4. to coordinate the onsite installation of works within budgetary parameters and project timelines.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
Strategy	1.1.2 Pursue a social environment that is accessible and inclusive for all ages and abilities

OTHER STRATEGIC LINKS

Strategic Community Plan

STATUTORY ENVIRONMENT

Planning and Development Act 2005;

SUSTAINABILITY & RISK CONSIDERATIONS

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

The WCP will provide economic development opportunities around the WCP, including attracting visitors to the location. The art cultural and heritage elements will enhance the attractiveness of this location's attributes.

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

The WCP will provide a shared community space that will improve connectivity and a sense of Place. The art cultural and heritage elements will enhance these attributes, providing the community a visual iconography of their shared history, values and storytelling.

Environment – (Impact on environment's sustainability)

The art cultural and heritage project encompass natural and thematic elements that showcase and raise awareness of environmental topics.

Risk Management Implications

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

Theme	Project - Delays to start or completion, variations to scope or budget, insufficient funds
Description	The "Waroona Community Park – Art Strategy & Plan", will mitigate this risk by providing direction and guidance on the installation of art works and inclusions.
Consequence	4 - Major
Likelihood	3 - Possible
Rating	High (10-19)
Controls / Review	Council's endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect.
Review Frequency	Annually

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

CONSULTATION

- Mark Goodlet, Chief Executive Officer
- Members of Council (briefing)
- Community Consultation

RESOURCE IMPLICATIONS

Financial – A Lead Project Artisan is expected to cost between \$115,000 to \$185,000 depending on the hours needed. This will be covered by the Project Funding.

Workforce - The Director of Infrastructure & Development Services, will fill the function of Artistic Director, as part of their existing role.

OPTIONS

Council has the option of:

1. accepting the officer recommendation to endorse the proposed actions; or
2. amending the officer recommendation to endorse the proposed actions; or
3. rejecting the officer recommendation to endorse the proposed actions.

CONCLUSION

The “Waroona Community Park – Art Strategy & Plan”, is intended to provide guidance and direction to the Artisans, community groups and other participants implementing the art + culture priority projects for the Waroona Community Precinct project. The project concepts have been developed by the WCP work group and included in the “Waroona Community Working Groups Final Report – Conceptual planning for Art, Culture, and Heritage Projects”. This strategy and plan, delivered under the direction of the Lead Project Artisan, will provide a formal framework for those concepts to be developed into installations in the WCP space and mitigate the potential for digression.

11.1.3 Report of Review for the Initiation of Local Planning Strategy and Local Planning Scheme Review	
File Ref:	N/A
Previous Items:	NOCM20/11/190
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	11.1.3 A – Report of Review 11.1.3 B – Stakeholder and Community Engagement Plan

COUNCIL RESOLUTION

OCM23/05/059

Moved: Cr Snell

Seconded: Cr Odorisio

CARRIED 6/0

That Council, pursuant to Regulation 66(1), Division 1, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. approves the Report of Review of the Shire of Waroona Local Planning Scheme No. 7 and Local Planning Strategy; and
2. provides the approved report to the Western Australian Planning Commission.

After receiving notification of the Commission's decision on the Shire's Report of Review, the local government shall, in accordance with regulation 76A of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

3. publishes the report and notice of the Commission's decision.

IN BRIEF

This report is prepared for Council to correct its procedures in initiating the review of Local Planning Scheme No. 7 and the Local Planning Strategy. Adoption of the Officer's recommendation will ensure that the provisions set out under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) are being satisfied.

BACKGROUND

The Shire is required to undertake a review of its local planning framework, including the Local Planning Strategy and Local Planning Scheme No. 7. At its OCM on 24 November 2020, Council resolved to prepare a new Strategy and Scheme.

The Shire has been busy reviewing the Scheme and Strategy. Progress to date includes:

- A background report has been prepared that identifies land use and development issues;
- Preparation and review of skeleton planning Strategy and Scheme;
- Initial meeting of the Project Steering Group; and
- Commencement of community consultation.

The Shire has recently identified that the correct process and resolutions were not adhered to at the 24 November 2020 OCM. This should have included:

- A Report of Review, prepared in accordance with the Regulations; and
- Resolutions requiring adherence to Division 1, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.

A resolution and the Report of Review should have then been forwarded to the Western Australian Planning Commission (the Commission) for the Minister for Planning's review and the Commission's decision. Publishing of the Commission's decision should have also occurred.

Failure to comply with this legislation would void any progress made and potentially lead to cost implications.

REPORT DETAIL

A Report of Review has been prepared and is discussed in further detail below. It can be found in Appendix 11.1.3 A – Report of Review.

The Shire of Waroona Local Planning Scheme No. 7 (the Scheme) is the current local planning scheme for the Shire. It was published in the Government Gazette and became operative on 17 December 1996. The Scheme has served the Shire well over that period, being the primary statutory planning control through population growth from 3,278 to 4,234 persons (a 29.2% increase).

41 Amendments to the Scheme have been gazetted since the Scheme's original gazettal and the Regulations require a review of local planning schemes every five years. Under the Regulations, a Scheme Review can be undertaken by either:

1. 'Consolidation' of the Scheme, which is effectively a review resulting in only minor amendments; or
2. Review of the Scheme through the preparation of a new Scheme.

Given the Scheme has never been comprehensively reviewed, the amount of change that has occurred over that time and the changing landscape of development and land use pressures, a review via preparation of a new Scheme is recommended. A review of the Strategy is also considered necessary to set the guiding principles for the next 15 years.

The Report of Review recommends that the existing Scheme and Strategy be replaced by a new Scheme and Strategy. A new Scheme will:

- Address some local and unique land use development issues that have arisen since the Scheme was first gazetted. This includes adding new land uses, reviewing the permissibility of some uses in the Zoning Table and updates to reflect a new Local Planning Strategy;
- Protect highly productive agricultural land;
- Allow flexibility in land use and development for a range of zones;
- Increase protections for vegetation that has biological and amenity significance;
- Correct identified administrative errors and anomalies;
- Ensure Scheme Maps reflect changes to, or anomalies with, cadastral boundaries resulting from zoning, subdivision and/or development and reflect Model Zone names;
- Ensure consistent terminology with the Regulations (e.g. there are eight rural zones and nine urban zones).
- Update existing urban development areas, normalising them through zoning, reserves and appropriate R-Coding.

And the following reasons for recommending preparation of a new Strategy. This will:

- Identify new areas for land use and development opportunities, including an eco-rural-industrial precinct to diversify and stimulate the local economy;
- Identify areas appropriate for land use diversification which will foster new business – create a business incubator;
- Identify areas of significant environmental value that should be protected and enhanced – to inform new provisions in LPS8;
- Promote alternative economic activities in rural zones such as tourism and rural industries that take advantage of the Shire’s natural settings and high amenity;
- Address some local and unique land use development issues that have arisen since the Strategy was approved. This includes adding new land uses and reviewing the appropriateness; and
- Guide the local planning framework to respond to a growing and aging population.

If Council supports this recommendation, then a resolution to that effect would be forwarded to the WAPC for approval to continue with the review. The Commission has 90 days to approve or refuse the recommendations.

It is expected that the Commission will approve the recommendation to prepare a new Scheme and Strategy. Accordingly, the Shire will continue community consultation and progression of the review.

The draft new Scheme is required to be presented to Council to consider whether it wishes to seek the Commission’s approval to advertise the draft new Scheme. At this stage, the timeframe for finalising the draft new Scheme and Strategy is difficult to predict. However, the aim is to present the draft new Scheme and Strategy to Council in mid-2023, following an initial round of community engagement.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Environment
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity
Strategy	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes
Action	Pursuing the review of the Local Planning Framework will help achieve the aspirations, objectives and Strategies of the Strategic Community Plan.

OTHER STRATEGIC LINKS

- Local Planning Strategy Guidelines
- Planning and Development (Local Planning Schemes) Regulations 2015 Review of Local Planning Schemes Guidelines.

These identify key considerations for review and process of the Strategy and Scheme.

STATUTORY ENVIRONMENT

- Planning and Development Act 2005; and
- Planning and Development (Local Planning Schemes) Regulations 2015.

These set the mandate for local government to undertake reviews of the Strategy and Scheme.

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 in enhanced through community engagement.

Policy Implications

The initiation of this new scheme and strategy to the public and stakeholders to gauge the level of support for a new local planning framework.

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 regulatory risk associated which may arise if the Shire does not proceed with the mandated reviews as identified under planning legislation
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Proceeding with the Officer recommendation will help satisfy the legislative requirements and in the manner and form required.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

External Agencies

The Council's resolution and report of review will be forwarded to the Commission, seeking a decision on whether the Shire may formally proceed to develop a new scheme and strategy.

Community and Stakeholders

After receiving notification of the Commission's decision on the Shire's report of review, the Shire will publish the report and notice of the Commission's decision in accordance with Regulation 76A of the Regulations.

Once a draft new scheme and strategy is prepared, the regulations require the draft new Scheme and Strategy to be presented back to Council to request the Commission's approval to advertise.

Advertising will be undertaken in accordance with the consultation strategy that has been reviewed and approved by the Project Steering Group for this project (Appendix 11.1.3 B – Stakeholder and Community Engagement Plan).

RESOURCE IMPLICATIONS

Financial

The project is budgeted for in the 2021/2022 Shire of Waroona budget, adopted by Council.

Workforce

Officer time associated with the preparation, review and possible adoption of the strategy and scheme 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 Shire is required to undertake a review of its local planning framework, including the Local Planning Strategy (the Strategy) and Local Planning Scheme No. 7 (the Scheme). This is mandated by the State Government under the *Planning and Development Act 2005*. As the Strategy was endorsed in 2009 and the Scheme was originally gazetted in 1996, they have both approached their end of life and are outdated.

The Shire is well underway to reviewing the Scheme and Strategy with community consultation being undertaken. It is recommended that the Council approve the recommendations in the Report of Review and that a copy is provided to the Commission for their decision.

Adoption of the Officer's recommendation will ensure that correct procedure and legislation is followed.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the months of April 2023	
File Ref:	FM.3
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 – April 2023

COUNCIL RESOLUTION**OCM23/05/060****Moved: Cr Mason****Seconded: Cr Purcell****CARRIED 6/0**

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

Municipal	Cheque	10108 - 10119	\$ 17,458.86
	EFT	38354 - 38524	\$648,494.68
Direct wages	01/04/2023 – 30/04/2023 inclusive		\$217,066.60
Direct Debit	01/04/2023 – 30/04/2023		\$208,321.30
Trust	Cheque – Nil		\$ -
	EFT – Nil		\$ -
GRAND TOTAL			\$1,091,341.44

as per Appendix 11.2.1.

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of April 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 April 2023; or
2. not receiving the listing of payments presented for the month of April 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 April 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 30 April 2023	
File Ref:	FM.1
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 April 2023

COUNCIL RESOLUTION

OCM23/05/061

Moved: Cr Vitale

Seconded: Cr Odorisio

CARRIED 6/0

That Council receives the Monthly Statement of Financial Activity for the period ending 30 April 2023, as per Appendix 11.2.2.

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 Shire of Waroona Workforce Plan 2022 - 2026	
File Ref:	CM.4
Previous Items:	OCM 20/08/140
Applicant:	Shire of Waroona
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Declaration of Interest:	Interest affecting impartiality. The report author is an employee of the Shire of Waroona.
Voting Requirements:	Simple Majority
Appendix Number	11.2.3 - Shire of Waroona Workforce Plan 2022-2026

COUNCIL RESOLUTION**OCM23/05/062****Moved: Cr Mason****Seconded: Cr Odorisio****CARRIED 6/0**

That Council supports the Shire of Waroona Workforce Plan 2022-2026, as detailed in Appendix 11.2.3.

IN BRIEF

Council is requested to consider supporting the Shire of Waroona Workforce Plan 2022-2026, as attached at Appendix 11.2.3.

BACKGROUND

In accordance with Section 5.56 of the *Local Government Act 1995*, all local governments in Western Australia are required to effectively plan for the future under the Department of Local Government, Sport, and Cultural Industries' Integrated Planning & Reporting Framework. The intent of the framework is to ensure that priorities and services provided by local government are aligned with community needs and aspirations and, in doing so, facilitate a shift from a short-term resource focus to long-term sustainability.

The Workforce Plan provides a framework and strategy to address the human resourcing requirements for implementation of the Strategic Community Plan through priorities set by Council in the Corporate Business Plan. An analysis of external factors such as the economy, markets, competitors, and level of supply along with details about the current workforce assists in development of a workforce strategy to assess workforce capability, risk, forecasting and capacity in delivering Council's long-term community priorities.

The Australian National Audit Office appropriately defines workforce planning as "a continuous process of shaping the workforce to ensure that it is capable of delivering organisational objectives now and in the future".

REPORT DETAIL

Workforce planning is a:

- continuous, not a one-off activity,
- is a process, not a static action or set of actions,
- is about shaping the workforce with a clearly identified purpose and to bring about particular changes,
- has its purpose linked with organisational objectives, and
- applies not just to the current workforce but anticipates future workforce requirements.

Workforce planning allows local government to:

- respond quickly and more strategically to change by recognising emerging challenges,
- improve efficiency, effectiveness, and productivity by having employees with the right knowledge and skills and who are a good fit for the job that they are in,
- facilitate strategic staffing and planning for future workforce requirements by identifying these in a timely manner, monitoring staff separations and making arrangements to fill key vacancies,
- strengthen the organisations capacity to achieve outcomes of the Strategic Community Plan and Corporate Business Plan,
- encourage understanding of your organisation’s workforce profile so that the existing workforce capacity can be maximised, and the future workforce shaped as needed,
- assist with identifying and managing people with the knowledge critical for efficient and effective business operations, and managing corporate memory,
- adapt and integrate management and business processes, technology and systems and adjust organisational structure to use resources more effectively,
- monitor costs and directly link workforce expenditure against business outputs and outcomes, and
- strengthen the local government industry through stronger career paths and staff development.

In developing the Shire of Waroona Workforce Plan 2022-2026, the following steps are completed:

1. Analysis of the internal and external environment and workforce.
2. Strategic Community Plan workforce implications.
3. Corporate Business Planning strategies to meet future workforce needs.
4. Monitoring and evaluation of outcomes.

With the Shire’s Workforce Plan providing a direct link to the Shire’s Corporate Business Plan 2020 – 2024, and the organisation undergoing significant staffing changes since the adoption of the Shire’s previous four-year Workforce Plan in 2020, a major review was required to ensure the plan remains consistent with the direction of the Strategic Community Plan and Corporate Business Plan, and that it forms the basis for continuous improvement within the Shire.

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	5.2.1 Employ, maintain and retain a skilled workforce

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

s.5.56 – Planning for the future

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

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

Nil.

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

Staffing and development levels will impact the quality and quantity of services delivered to the community.

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>	Workforce Plan All local governments in Western Australia are required to effectively plan for the future under the Department of Local Government, Sport, and Cultural Industries’ Integrated Planning & Reporting Framework.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Monitor the risk, ensure compliance and relevancy with the Integrated Planning & Reporting framework.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Community consultation is not required when compiling the Workforce Plan. The document is reflective of the community objectives and aspirations outlined in the proposed Strategic Community Plan.

Employees of the Shire of Waroona were provided with an opportunity to complete an employee questionnaire that was used as an informing tool for the final plan.

RESOURCE IMPLICATIONS*Financial*

All proposals in the Workforce Plan provide direction for what is expected/likely to occur for the period 1 July 2022 to 30 June 2026. Proposals for the 2023/24 financial year will be reflected in the 2023/24 annual budget.

Workforce

Employees will further develop the document during the ensuing twelve months with the aim of the Workforce Plan being a live working document.

OPTIONS

Council has the option of:

1. accepting the officer recommendation to adopt the Workforce Plan 2022 - 2026; or
2. amending or not accepting the officer recommendation.

CONCLUSION

The Workforce Plan recognises that people who work at the Shire of Waroona need to bring commitment, energy, and flexibility to the organisation. In return, these people need clarity in terms of how their personal goals align with organisational goals and priorities. This requires an investment in developing leaders, managers, and employees with the right skills for diverse operations. It also requires clear learning pathways linked to performance development and an ongoing investment in attracting and retaining talented people, while maintaining a focus on workplace health and wellbeing.

The Plan is reviewed annually to ensure that it remains consistent with the direction of the Strategic Community Plan and Corporate Business Plan, and that it forms the basis for continuous improvement within the Shire.

11.2.4 Corporate Business Plan – Quarterly Progress Report	
File Ref:	CM.4
Previous Items:	11.2.3 Corporate Business Plan – Quarterly Progress Report (OCT to DEC 2022)
Applicant:	Not applicable
Author and Title:	Kate Pisconeri, Corporate Planning & Governance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.4 – Corporate Business Plan - Quarterly Progress Report Q3 January to March 2023

COUNCIL RESOLUTION**OCM23/05/063****Moved: Cr Snell****Seconded: Cr Mason****CARRIED 6/0**

That Council receives the Corporate Business Plan – Quarterly Progress Report January 2023 to March 2023 as per Appendix 11.2.4.

IN BRIEF

Updates have been provided by responsible officers against Towards Waroona 2030 - Corporate Business Plan 2022 - 2026 projects and actions for the quarter covering 1 January 2023 to 31 March 2023. Council is requested to review and receive the Corporate Business Plan – Quarterly Progress Report January to March 2023.

BACKGROUND

In accordance with Section 5.56 of the *Local Government Act 1995*, all local governments in Western Australia are required to effectively plan for the future, with guidance outlined in the Integrated Planning & Reporting Framework. The intent of the framework is to ensure that priorities and services provided by the local government are aligned with community needs and aspirations and, in doing so, facilitate a shift from a short-term resource focus to long-term sustainability.

The Corporate Business Plan is the Shire of Waroona's four-year planning document and one of the core components of the Shires Integrated Planning and Reporting Framework. It gives effect to the first four years of the Strategic Community Plan and is pivotal in ensuring that the short and medium-term commitments are both strategically aligned and affordable.

A Corporate Business Plan quarterly progress report has been prepared for Council to deliver a brief update against all agreed projects and actions, and to demonstrate that work towards planned objectives is progressing.

REPORT DETAIL

The Quarterly Progress Report structure reflects that set out in the Towards Waroona 2030 – Corporate Business Plan 2022 - 2026. Actions and projects are grouped under objectives, which align with the strategies from the five key focus areas and aspirations in the Strategic Community Plan: Our Community, Our Economy, Our Environment, Our Built Assets and Our Leadership.

A progress comment has been provided against most projects and actions by the responsible officer and lead department. As updates were provided during the month of May 2023, some updates may include work completed in April 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	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Towards Waroona 2030 – Corporate Business Plan 2022 – 2026.

STATUTORY ENVIRONMENT

Not Applicable

SUSTAINABILITY & RISK CONSIDERATIONS

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

The Progress Report details current activities and progress against agreed Corporate Business Plan economic objectives.

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

The Progress Report details current activities and progress against agreed Corporate Business Plan community objectives.

Environment – (Impact on environment’s sustainability)

The Progress Report details current activities and progress against agreed Corporate Business Plan environmental objectives.

Policy Implications

Nil.

Risk Management Implications

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

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Failing to provide the council with regular progress against planned corporate business objectives would contribute to a lack of council knowledge of current Shire business activities. A councillor may subsequently be uninformed in the event they receive an enquiry from a member of the community regarding current Shire projects.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely

<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Quarterly
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Progress information has been provided by assigned responsible Officers across all Shire departments.

RESOURCE IMPLICATIONS

Financial
Nil.

Workforce
Nil.

OPTIONS

Council has the option of:

1. accepting the officer's recommendation.
2. amending or rejecting the officer's recommendation.

CONCLUSION

A Corporate Business Plan quarterly progress report has been prepared for council to deliver a brief update against all agreed projects and actions, and to demonstrate that work towards planned objectives is progressing. Council is requested to review and receive the Corporate Business Plan – Quarterly Progress Report for January 2023 to March 2023.

11.2.5 Shire of Waroona Cat Local Law 2023	
File Ref:	LE.1
Previous Items:	OCM February 2023 Item 11.2.6 OCM23/02/015
Applicant:	Not applicable
Author and Title:	Kate Pisconeri, Corporate Planning & Governance Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	11.2.5 A - Proposed Shire of Waroona Cat Local Law 2023 11.2.5 B - PROPOSED Shire of Waroona Cat Local Law 2023 with tracked changes

COUNCIL RESOLUTION

OCM23/05/064

Moved: Cr Vitale

Seconded: Cr Mason

CARRIED 6/0

That Council:

1. adopts the *Shire of Waroona Cat Local Law 2023*, as detailed at Appendix 11.2.5 B in accordance with the requirements of the *Cat Act 2011*, and the *Local Government Act 1995*; and
2. approves for the Chief Executive Officer to –
 - a. publish in the Government Gazette the *Shire of Waroona Cat Local Law 2023*, as adopted;
 - b. forward a copy of the adopted local law to the Minister for Local Government;
 - c. give local public notice of the adoption of the local law; and
 - d. complete and submit all explanatory memorandums, statutory procedures checklists and other supporting information on the local law to the Joint Standing Committee on Delegated Legislation.

IN BRIEF

- On 28th February 2023, council resolved for the Chief Executive Officer to commence the process to make a proposed *Shire of Waroona Cat Local Law 2023*.
- The intended result of the Cat Local Law is that persons who own or keep a cat within the Shire of Waroona 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 Cat Local Law:

COUNCIL RESOLUTION

OCM23/02/015

Moved: Cr Pisconeri

Seconded: Cr Mason

That Council:

1. *approves the making of the proposed Shire of Waroona Cat Local Law 2023 (Cat Local Law), as detailed at Appendix 11.2.6, in accordance with section 79 of the Cat Act 2011;*
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 Cat Local Law, that being:*
 - a. *The purpose of the proposed Shire of Waroona Cat Local Law 2023 is to encourage responsible cat ownership and to provide for the effective management of cats within the Shire of Waroona;*
 - b. *The effect of the proposed Shire of Waroona Cat Local Law 2023 is that persons who own or keep a cat within the Shire of Waroona 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 7/0

The resolution has been completed, and Council approval is required to continue the progression of making this local law.

REPORT DETAIL

The proposed Shire of Waroona Cat Local Law 2023 was advertised locally in the Harvey-Waroona Reporter on Tuesday, 14 March 2023. The advertisement invited public submissions for more than the statutory minimum of 6 weeks, with submissions due by Friday, 5 May 2023. Copies of the advertisement were displayed on the Shire Administration Office public notice board and on the Shire website.

On 15th March 2023, a copy was sent to the WA Minister for Local Government, and the Department of Local Government, Sport, and Cultural Industries (DLGSC) for review.

No submissions were received from the public during the submission period.

Comments were received from the DLGSC on 9th May 2023 with some content, grammatical, and formatting edits suggested. These comments and changes have been applied to the draft proposed Cat Local Law as found at **Appendix 11.2.5 B** and detailed below.

Clause 1.4 – Definition of nuisance

Clause 1.4 of the local law defines the term nuisance. However, the term includes several scenarios which would not generally qualify as giving rise to a legal action in nuisance. For example, a cat excreting on someone else's property would not generally qualify as a nuisance, nor would injury to native fauna.

The Cat Act 2011 currently refers to the term nuisance. The term is not defined in the Act, meaning the term is generally interpreted by its ordinary meaning of “common law nuisance”.

*While it is possible for cat local laws to regulate nuisance, it is unlikely that local laws can be made to redefine “nuisance” to a meaning other than what it already possesses within the Act. For this reason, it is suggested that the local law’s definition of **nuisance** is:*

- (a) Deleted; or*
- (b) Changed to “has the same meaning as in the Act” or*
- (c) Amended by deleting paragraphs (a) and (e).*

Officer’s Response: The Joint Standing Committee (JSCDL) has recommended to other LG’s through the process of an undertaking, to re-define nuisance:

“insert the following definition of nuisance in clause 1.4:

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;*
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or*
- (c) interference which causes material damage to land or other property on the land affected by the interference;*

The Definition of nuisance has been amended: paragraphs a) and e) have been deleted.

Clause 2.2 - Cat confinement

The Delegated Legislation Committee has formed the view that while the Cat Act permits local laws that prohibit cats absolutely from specified areas, it does not contemplate local laws that:

- (a) ban cats from all public areas;*
- (b) place conditions on when a cat may be permitted in a public area; or*
- (c) attempts to restrict all cats in the district to their owner’s premises.*

Clause 2.2 provides that a cat is not permitted on private property unless the property owner consents to its presence. It is likely the Committee will interpret this as equivalent to a cat confinement clause, since there is no practical way for a cat owner to ensure that they have approval from every property where the cat may roam.

It is suggested that clause 2.2 be deleted and the relevant item removed from Schedule 2. If this clause isn’t removed, it is likely the Committee will request an undertaking to delete it.

Officer’s Response: To prevent an undertaking being requested by the Joint Standing Committee following adoption of the Cat Local Law, 2.2 has been deleted as it is considered impractical.

Clause 2.5 – Duration of Cat confinement orders

Clause 2.5 provides that the Shire may issue an order requiring a cat to be confined to the owner’s premises.

The Delegated Legislation Committee has previously indicated that clauses of this nature should include a clear limit on how long the confinement order can last. For example, the clause might specify that it will last for up to 28 days, or a lesser date as specified in the notice itself.

Officer’s Response: The confinement period following direction by an authorised person has been defined.

Clause 3.1 – Designation of cat prohibited areas

As a general rule, cat local laws must list specific cat prohibited areas within a clause or a schedule. If there is a desire to change these cat prohibited areas, the local law must be formally amended by an amendment local law, using the process specified in section 3.12 of the Local Government Act 1995.

Clause 3.1 contains vague wording and may be interpreted to mean that the Shire can modify Schedule 3 without needing to formally amend the local law itself. If this is the intent, the Delegated Legislation Committee is likely to raise issues with this clause as it would be inconsistent with section 3.12 of the LGA 1995.

Alternatively, if the Shire is intending to leave Schedule 3 blank for the time being and then subsequently add them in a later Cat Amendment Local Law, this would be permissible. However, it would be advisable to notify the Committee of this once the local law is gazetted, as they are likely to inquire why Schedule 3 is currently empty.

Officer's Response: The Shire intends to leave Schedule 3 blank for the time being and subsequently add cat prohibited areas in to Schedule 3 in the form of a Cat Amendment Local Law.

Upon submission of the explanatory Memorandum to the Joint Standing Committee (JSCDL) following gazettal of the Cat Local Law, the JSCDL will be advised that the Shire will work with a committee of council to define cat prohibited areas before commencing the Cat Amendment Local Law-making process.

Clause 4.8 - Permit conditions

It is suggested that subclause (1)(a) be deleted.

The Delegated Legislation Committee recently requested that a similar paragraph be deleted from the Shire of Kojonup Cat Local Law.

In the circumstances, it is also likely the committee will also have an issue with paragraph (b) since it has a similar practical result as paragraph (a). However, this paragraph was not present in the Shire of Kojonup's local law, meaning it has not been directly verified as an issue.

Officer's Response: As commented above at **2. Clause 2.2 Confinement Orders**, The Joint Standing Committee on Delegated Legislation (JSCDL) does not contemplate local laws that attempt to restrict all cats in the district to their owner's premises.

Following the DLGSC recommendation, Clause 4.8 (1) and (2) have been deleted.

Clause 5.4 - Impoundment of cats to which money is owed

Clause 5.4(2) seems to provide that a cat may be kept by a local government against the owner's wishes if charges or costs are owing on the cat.

Section 29(4) of the Dog Act provides that dogs may be impounded until certain costs are paid in relation to the dog. However, the Cat Act does not contain any such equivalent provision. As a result, it is uncertain whether a local law can allow a cat to be withheld from its owner until the owner pays money to the Shire.

The Department is not aware of a precedent for this kind of clause, so it may potentially be raised as an issue by the Delegated Legislation Committee. Even if the clause is permitted, it might be prudent for the Shire to obtain legal advice in relation to the clause's enforceability.

Officer’s Response: Subclause (2)(e) amended to clarify that payment of a permit takes clause 4.3 Transitional Provisions into account.

Following council adoption, the Shire of Waroona Cat Local Law 2023 will be forwarded to the State Law Publisher for gazettal, advertised via local public notice and sent to WA Parliament’s Joint Standing Committee on Delegated Legislation accompanied by an Explanatory Memorandum.

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

Local Government Act 1995

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.

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 February 2023
Give local public notice and make copies available to the general public.	3.12(3)(a)	<u>Harvey-Waroona Reporter – Tuesday, 14 March 2023</u>
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 5 May 2023 <i>(52 days)</i>
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)	Wednesday 15 March 2023

Task	LGA Section	Effective Date
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 23 May 2023
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government.	3.12(5)	Scheduled for: Tuesday 30 May 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)	Scheduled for: Tuesday 13 June 2023
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Scheduled for: Wednesday 14 June 2023

Section 3.12 of the *Act* deals with the procedure for making local laws –

- (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 State-wide 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); an

- (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.

Of relevance is section 3.12(4), where a local law initially proposed is significantly different, section 3.13 applies and in this case the major amendments proposed are considered to enact section 3.13.

Section 3.13 states that 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.

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>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	Failing to regularly review policies may indicate poor governance, and result in no provision for the regulation, management, and removal of waste in the district, and inability to enforce penalties for non-compliance.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

- Local public notice of the proposed local law and invitation for public submissions were advertised in the Harvey-Waroona Reporter on Tuesday, 14 March 2023.

- The proposed local law and invitation for public submissions were advertised online on the Shire website and copies available in hard copy at the Shire Administration Office.
- A copy of the proposed local law and copies of the advertisements were sent to the Minister for Local Government, and the Department of Local Government, Sport, and Cultural Industries.
- One response was received from DLGSC.

RESOURCE IMPLICATIONS

Financial

The cost of making the proposed local law which includes re-advertising and gazettal is approximately \$3'500. 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 complete the process to make the proposed Shire of Waroona Cat Local Law 2023; or
2. amending or rejecting the proposal to make the cat local law.

CONCLUSION

It is recommended that Council completes the process under *the Local Government Act 1995* to make the proposed Shire of Waroona Cat Local Law 2023.

11.2.6 Lions Junior Public Speaking Competition – Fee Waiver request	
File Ref:	
Previous Items:	Nil
Applicant:	Lions Club of Waroona
Author and Title:	Jade Salpietro, Manager Community and Communications
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

COUNCIL RESOLUTION**OCM23/05/065****Moved: Cr Odorisio****Seconded: Cr Snell****CARRIED 6/0****That Council:**

- 1. waives the fees and charges pertaining to the hire of the Memorial Hall (\$76 incl. GST half day charge) and equipment hire for a PA system (\$20 incl. GST per day) for the Lions Junior Public Speaking Competition; and**
- 2. requests acknowledgement during the official proceedings at the event.**

IN BRIEF

- The Waroona Lions Club (the Lions) have exceeded their Community Group Donation of \$250 per group in any one financial year.
- The Lions are seeking to use the Memorial Hall and PA system to run the Lions Junior Public Speaking Competition on 14 June 2023, a free event providing local primary school children with the skills to speak confidently in public.
- The Lions are looking to have a total of **\$276** fees waived to assist with the delivery of the Lions Junior Public Speaking Competition.
- This will equal a total of **\$883** fees waived for the Lions in the current 2022/2023 financial year.
- Additionally, the Lions were granted a \$600 waiver by Council in February 2023 in support of Movies Under the Stars, however, this event will now be held in the 2023/2024 financial year.

BACKGROUND

The Lions approached the Shire recently to request a waiver of fees to run the Lions Junior Public Speaking Competition. The event is part of a national initiative to give students in years 3-6 the chance to develop their ability to speak in public. As well as providing an opportunity for children within the Shire and surrounding areas the chance to participate, the program also offers a unique way for schools to learn more about their local Lions Clubs and for Lions Clubs to further support their community through education.

The Lions have currently exceeded their \$250 Council Donation from the Shire for the 2022/2023 financial year as follows:

- A successful fee waiver was granted by the Chief Executive Officer, under delegation, for the combined Vintage Machinery Rally and All Australian Car Day event held on 25 September 2022.

- Subsequently, Council granted a fee waiver of \$357 for the Lions Christmas Gala, held on 9 December 2022.
- In addition, the Lions were granted a \$600 waiver by Council in February 2023 in support of Movies Under the Stars, however, this event will now be held in the 2023/2024 financial year.

REPORT DETAIL

The Lions are seeking Shire support to hold run the Lions Junior Public Speaking Competition, through a waiver of the fees involved with hiring the movie equipment. As per the Shire's Fees and Charges, the following fees would normally be applicable:

- Hire of Memorial Hall (per half day) \$76
- Memorial Hall Bond (per day) \$150
- Key deposit (per day) \$30 incl. GST
- Hire of PA system (per day) \$20 incl. GST

The total value of the fee waiver would equal \$276 incl. GST.

In accordance with CP010 – Waiver of Fees and Charges, all eligible waivers will be assessed at the discretion of Council or the Chief Executive Officer. Applications over the value of \$500 from Shire of Waroona based organisations or individuals require Council determination.

CP010 states that waivers will be considered where the application relates to a **free community activity** and at least one of the following criteria is met:

1. The activity educates or strengthens communities or complements Council activities.
2. The purpose of the activity supports a service or activity that the local government considers it would have undertaken and is beneficial to the community.
3. The purpose of the activity supports the development of infrastructure or services that can be considered the responsibility of Council.

The application supports the activities of an incorporated club or group within the first 12 months of their operation.

Being a free program that provides an educational opportunity for local children, the Lions Junior Public Speaking Competition strongly reflects the intention of Council's fee waiver policy. As well as offering an encouraging environment for local children to grow in self-confidence and ability, a small number of students from neighbouring schools will also participate, presenting an opportunity to showcase the Waroona lifestyle to their accompanying teachers and family members.

By holding the event at the Waroona Memorial Hall, it detaches the program from being aligned to one school in particular and minimises any interruption to non-participating students during the school day.

Supporting the Lions with this event also reflects the desires of the community as set out within the Strategic Community Plan, through Strategy 1.1.2: Pursue a social environment that is accessible and inclusive for all ages and abilities and Strategy 1.1.4: Become a youth engaged and supportive community.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Community
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Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
Strategy	1.1.2 Pursue a social environment that is accessible and inclusive for all ages and abilities
Action	1.1.5.1 Support, attract and develop events that activate the community

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 – Part 6 Financial Management

SUSTAINABILITY & RISK CONSIDERATIONS

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

Minor, however there are a small number of participants from neighbouring areas travelling with teachers and family members, who may be exposed to the lifestyle potential of the Shire for the first time.

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

The event enhances opportunities for extending education, as well as promoting social and community inclusion.

Environment – (Impact on environment’s sustainability)

The event is unlikely to adversely impact on the environment.

Policy Implications

- Policy CP010 – Waiver of Fees and Charges
- Policy CP005 – Donations

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>	Determination in line with Strategic Community Plan and CP010
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	1 - Rare
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Assessment by Council
<i>Review Frequency</i>	Quarterly
<i>Risk Owner</i>	Project manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

- Internal: Mirella Goldhawk, Customer Services Officer
- External: Lisa Fry, Waroona Lions

RESOURCE IMPLICATIONS

Financial

Council would be **waiving a hire fee amount of \$276 (incl. GST)** for the event.

Workforce

No additional workforce allocations are required as a result of the recommendation.

OPTIONS

Council has the option of:

1. supporting the waiver of fees and charges as per Policy CP010; or
2. not supporting the waiver of fees and charges

CONCLUSION

The Shire works collaboratively with the Lions across a variety of events, including the recent ANZAC Day commemoration where the Lions respectfully and successfully delivered the gunfire breakfast to the community.

Access to education is one of the Quality of Life Indicators highlighted within the *Peel Away the Mask* report and this public speaking event provides the opportunity to extend the educational opportunities to local primary school students in a free and engaging way.

It is recommended that Council waives the fees and charges pertaining to the hire of the Memorial Hall and PA system in support of the Lions Junior Public Speaking Competition.

11.3 CHIEF EXECUTIVE OFFICER

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

COUNCIL RESOLUTION

OCM23/05/066

Moved: Cr Mason

Seconded: Cr Snell

CARRIED 6/0

That Council authorises the Shire of Waroona Chief Executive Officer to determine:

1. a Shire of Waroona advocacy position in relation to mining and extractive industries with the district, having due regard to the work of the Peel Regional Leaders Forum; and
2. an appropriate amount to be allocated to this advocacy, having due regard to the \$7,500 suggested in the Peel Regional Leaders Forum.

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. The Shire of Waroona Chief Executive Officer (CEO) has attended the meetings at which this statement was developed and seeks Council's authorisation for the CEO to determine the Shire of Waroona's position in relation to this matter.

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 (Appendix 11.3.1 A) 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
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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

Nil.

Risk Management Implications

Theme	Environmental - Regulatory compliance, contamination, inadequate processes
Description	Loss of important habitat.
Consequence	5 - Catastrophic
Likelihood	3 - Possible
Rating	High (10-19)
Controls / Review	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 provides a clear and united voice.

11.4 ITEMS FOR INFORMATION

Nil

12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING

Nil

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

Nil

14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING

Nil

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

Nil

16. CLOSURE OF MEETING

There being no further business, the Presiding Member closed the meeting, the time being 4.59pm

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 27 June 2023 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE