



MINUTES

ORDINARY COUNCIL MEETING

Tuesday 27 June 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 Dion Pisconeri	Councillor
Cr Vince Vitale	Councillor
Mr Mark Goodlet	Chief Executive Officer
Mrs Karen Oborn	Director Infrastructure & Development Services
Ms Ashleigh Nuttall	Director Corporate & Community Services
Mrs Kirsty Ferraro	Manager Corporate Services
Mr Bradley Oborn	Manager Works & Waste Services
Mr Craig Zanotti	Coordinator Regulatory & Development Services
Ms Merrin Kirk	Executive Assistant

APOLOGIES

Cr Laurie Snell Councillor

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 – 23 May 2023****COUNCIL RESOLUTION**

OCM23/06/067

Moved: Cr Mason

Seconded: Cr Vitale

That the Minutes of the Ordinary Council Meeting held 23 May 2023 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

8. ANNOUNCEMENTS BY MEMBERS

Nil

9. DISCLOSURES OF INTEREST

(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 11.2.3 as he is a member of 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 11.2.3 as she is a member and coordinator of Just Cruizin Street Machiners who run the All Australian Car Day.

Cr Pisconeri declared an interest affecting impartiality in item 11.2.4 as the reporting officer is a family member.

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

Cr Pisconeri declared an interest affecting impartiality in item 11.2.6 as the reporting officer is a family member.

Cr Pisconeri declared an interest affecting impartiality in item 11.2.7 as the reporting officer is a family member.

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

Mark Goodlet declared a financial interest in item 11.3.2 being the report author as it impacts vehicle purchase options for him as the Chief Executive Officer.

10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES

10.1 Local Emergency Management Committee Unconfirmed Minutes – meeting held 3 May 2023

COUNCIL RESOLUTION

OCM23/06/068

Moved: Cr Pisconeri

Seconded: Cr Odorisio

That Council receives and notes the Minutes of the Local Emergency Management Committee meeting held on Wednesday 3 May 2023 (Appendix 10.1 A and 10.1 B).

CARRIED 6/0

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

11.1.1 Building and Facility Asset Management Plan	
File Ref:	CP.1
Previous Items:	
Applicant:	Shire of Waroona
Author and Responsible Officer:	Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendices:	11.1.1 A – Building and Facility Asset Management Plan 2023-2033. 11.1.1 B – Building Asset revaluation and condition report. 11.1.1 C – Sample extract from MONDAY.com

COUNCIL RESOLUTION**OCM23/06/69****Moved: Cr Pisconeri****Seconded: Cr Odorisio**

That Council endorses the “Building and Facility Asset Management Plan 2023-2033”, as per Appendix 11.1.1 A.

CARRIED 6/0**IN BRIEF**

Local Governments in Western Australia are required to have Asset Management Plans, as a part of their Integrated Planning and Reporting framework. To comply with these requirements, and inform our works programs, the Shire has developed an up-to-date Building and Facility Asset Management Plan 2023-2033.

BACKGROUND

Local Governments in Western Australia are required to have Asset Management Plans, as a part of their Integrated Planning and Reporting framework. “An Asset Management Plan is a document that is developed for each asset class and defines the current level of service and all the processes used to manage that asset class.” [Ref: Department of Local Government & Communities: “Integrated Planning and reporting Asset management Guidelines’ – page 16.](#)

The structure and criteria required, has been established in the Department of Local Government, Sport, and Cultural Industries Asset Management guidelines. The departmental guidelines outline how an Asset Management Plans provide an overview of how the local government’s asset portfolio and the need for it to include:

- References to electronic Asset Registers,
- Defined levels of service for each class,
- Demand forecasting,
- Risk management strategies,
- Financial information about the Asset Class,
- A Strategy to address any gaps,
- Schedules for asset performance review & plan evaluation,

- Asset Management improvement plans, and
- Clear links to other strategic documents in the IP&RF.

The Integrated Planning and Reporting guidelines, contain a document hierarchy which has the Asset Management Strategy informing the Asset Management Plans. As shown in figure 1 below:

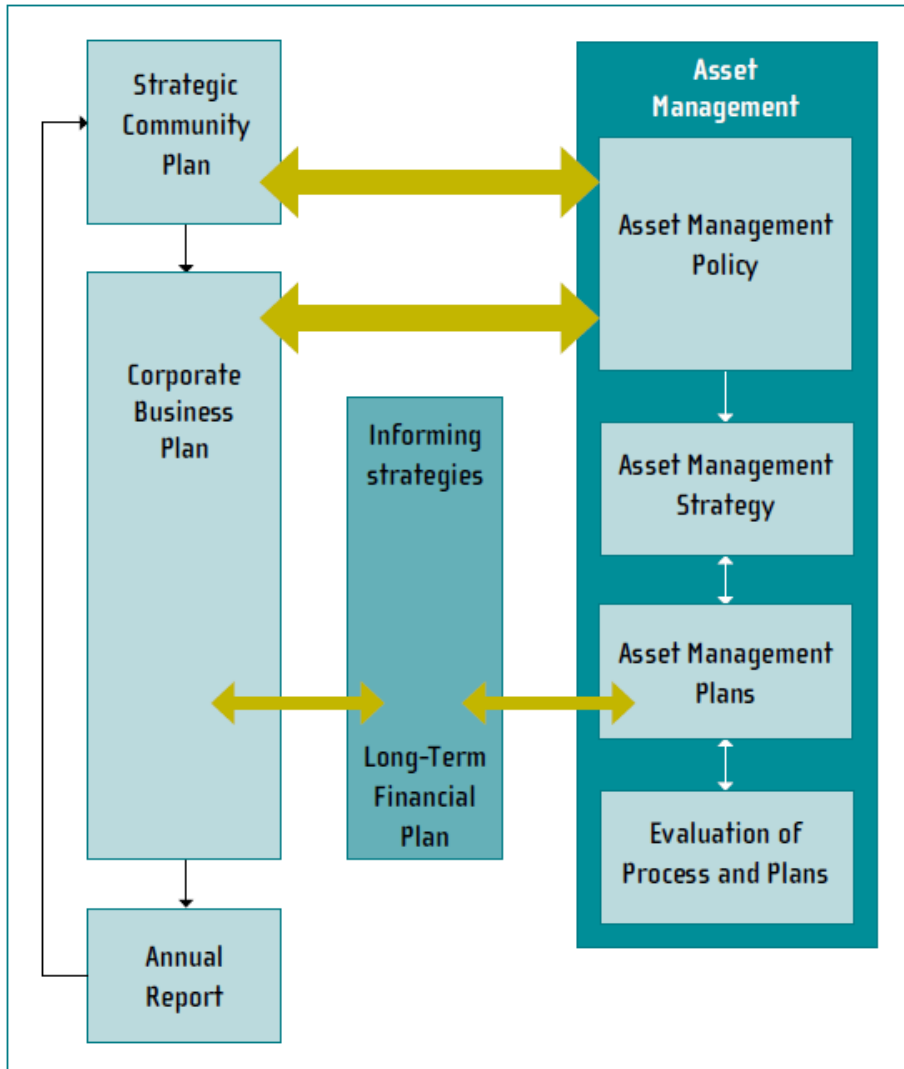


Figure 1: Elements of the Integrated Planning & Reporting Framework. Source: Department of Local Government, Sport & Cultural Industries.

These requirements have been incorporated into the Shire of Waroona’s revised Asset Management Framework. Which includes annual work programs and long- term financial programs. This plan also forms ‘Appendix F’ of the Shire’s Asset Management Strategy.

REPORT DETAIL

To align and comply with the established Department of Local Government, Sport and Cultural Industries Asset Management guidelines, the Shire has developed an up-to-date Building and Facility Asset Management Plan 2022-2032, please refer to attachment A. Which has been informed by the most recent asset revaluation and condition report, please refer to attachment B.

The Buildings and Facilities covered in this Building and Facility Asset Management Plan, along with their individual asset type, and their most recent replacement values, are also

listed in the Shire of Waroona’s “Building Asset Register” electronically in SynergySoft. In combination this information is utilised to develop and prioritise the Shire of Waroona’s Annual Work Program:

1. Intervention condition rating scores
 2. Total hierarchy category scores
 3. Intervention levels for each category & component (table 7 & 8) -
- this information is also utilised to inform inspection regimes for the assets defined by category hierarchy scores, which are retained electronically in Monday.com;
- A - inspected quarterly
 - B - inspected six monthly
 - C - inspected annually
 - D - inspected bi-annually

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	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets

OTHER STRATEGIC LINKS

- Strategic Community Plan
- Shire of Waroona’s Integrated Planning and Reporting (IP&R) Framework.

STATUTORY ENVIRONMENT

Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting (IP&R) Framework regulations.

SUSTAINABILITY & RISK CONSIDERATIONS

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

IP&R which includes Asset Management, supports the economic outcomes desired by the community.

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

IP&R which includes Asset Management, supports social outcomes appropriate for our community, and meets the purpose and needs of multiple users.

Environment – (Impact on environment’s sustainability)

IP&R which includes Asset Management, supports the environmental conservation outcomes desired by the community.

Policy Implications

The Asset Management Plans inform the Shire of Waroona’s Integrated Planning and Reporting (IP&R) Framework and work programs.

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

Theme	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
Description	Asset management plans, will mitigate this risk by providing direction and guidance on the prioritization, risk levels and resourcing needed for asset maintenance and renewal works.
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
Risk Owner	Director
Acceptance	Monitor - Risk acceptable with adequate control

CONSULTATION

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

RESOURCE IMPLICATIONS***Financial***

Asset management is included in the annual budget process and LTFP.

Workforce

Asset management is a component of officers existing roles.

OPTIONS

Council has the option of:

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

CONCLUSION

The “Building and Facility Asset Management Plan 2023-2033”, is intended to provide guidance and direction on the prioritization, risk levels and resourcing needed for asset maintenance and renewal works and mitigate the potential risk of resourcing not being available for managing assets in a consistent and sustainable manner.

11.1.2 Recreational Vehicles and Camping at the Drakesbrook Weir	
File Ref:	LE.13, CP.26
Previous Items:	
Applicant:	Shire of Waroona
Author and Responsible Officer	Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendices	Nil

COUNCIL RESOLUTION

OCM23/06/70

Moved: Cr Odorisio

Seconded: Cr Pisconeri

That Council endorses the prohibition of camping at Drakesbrook Weir including Recreational Vehicles (RVs) and Camper Vans, in conjunction with the masterplan implementation works for Drakesbrook Weir.

CARRIED 6/0**IN BRIEF**

Currently self-contained RVs are allowed to camp at the Drakesbrook Weir. All other forms of camping are prohibited. This is causing management and environmental issues. Therefore, it is proposed that RVs, Camper Vans, and all other forms of camping are banned from Drakesbrook Weir.

BACKGROUND

Currently self-contained RVs are allowed to camp at the Drakesbrook Weir, as they can contain their own blackwater, waste etc. However, all other forms of camping are prohibited at Drakesbrook Weir. This area is popular with visitors and locals alike especially in the warmer months and on weekends. The Shire of Waroona has a lease over the grounds surrounding the body of water, which is controlled by water Corporation WA. The native vegetation around the area is of a very high quality.

REPORT DETAIL

Currently self-contained RVs are allowed to camp at the Drakesbrook Weir. All other forms of camping are prohibited. This is causing management and environmental issues. In summary these issues are –

- Currently there is no dump point and no method of monitoring if RV, caravan greywater or blackwater is being deposited on site or impacting the water body. This may even be more prevalent with non-RV, caravan type vehicles, such as the Van type campers i.e., *Wicked Campers*, which frequent the area.
- The car park can become over full of RVs, lining the water's edge detracting from the ambience and also blocking access to the water for locals and other visitors.
- The site is detached from the townsite potentially removing the possibility of RV, and caravan owners expending funds in the Waroona townsite.

- At peak periods this adds unnecessary traffic congestion and unsafe practices in the area with drivers of RVs and caravans trying to either access/exit the gravel parking area, reversing/manoeuvring RVs and caravans to park, setup.
- It is very difficult to manage and monitor the 24-hour maximum stay and the maximum allowable number of RVs/caravans, as Rangers having no knowledge of who has arrived and when.
- There is continually a significant excess of rubbish being deposited from RVs and caravans. Rubbish may have been accumulated in the RVs/caravans over several days and then gets deposited at either the rubbish bins, or on the ground at various locations around the Drakesbrook Weir.
- Except for patrols of the site by rangers, the area has no other surveillance i.e., CCTV, Police, DBCA, Water Corporation Rangers.
- Other issues with RV/caravan owners/users' numerous issues with contravening legislation include –
 - illegal fires,
 - camping in tents,
 - dogs off leash,
 - dog excreta not being cleaned up by owner,
 - littering,
 - consumption of alcohol and unruly behaviour.

To protect the area and promote positive experiences for visitors and locals alike, it is proposed that RVs, Camper Vans, and all other forms of camping are banned from Drakesbrook Weir, and that CCTV is still at strategic locations.

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	1.2 Maximise and connect our natural assets to the community
Strategy	1.2.1 Connect natural assets, waterways, parks and reserves to the community

OTHER STRATEGIC LINKS

- Strategic Community Plan
- Lease with Water Corporation WA

STATUTORY ENVIRONMENT

Caravan and Camping Act

SUSTAINABILITY & RISK CONSIDERATIONS

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

- The site is detached from the townsite potentially removing the possibility of RV, and caravan owners expending funds in the Waroona townsite.
- There is continually a significant excess of rubbish being deposited from RVs and caravans. Rubbish may have been accumulated in the RVs/caravans over several days and then gets deposited at either the rubbish bins, or on the ground at various locations around the Drakesbrook Weir. Resulting in excessive maintenance costs.

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

- The car park can become over full of RVs, lining the water's edge detracting from the ambience and also blocking access to the water for locals and other visitors.
- Except for patrols of the site by rangers, the area has no other surveillance i.e., CCTV, Police, DBCA, Water Corporation Rangers – resulting in issues with consumption of alcohol and unruly behaviour.

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

- There is no dump point and no method of monitoring if RV, caravan greywater or blackwater is being deposited on site or impacting the water body.
- Except for patrols of the site by rangers, the area has no other surveillance i.e., CCTV, Police, DBCA, Water Corporation Rangers – resulting in issues with illegal fires, camping in tents, dogs off leash, dog excreta not being cleaned up by owner, littering.

Policy Implications

Public Places local Law.

Risk Management Implications

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

Theme	Environmental - Regulatory compliance, contamination, inadequate processes
Description	Banning all camping will improve ability to control visitors through regulations and will mitigate this risk.
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
Risk Owner	Director
Acceptance	Monitor - Risk acceptable with adequate control

CONSULTATION

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

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

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

CONCLUSION

Currently self-contained RVs are allowed to camp at the Drakesbrook Weir. All other forms of camping are prohibited. This is causing management and environmental issues. To protect the area and promote positive experiences for visitors and locals alike, it is proposed that RVs, Camper Vans, and all other forms of camping are banned from Drakesbrook Weir.

11.1.3 Initiation of Local Planning Policy (LPP) 17 – Vegetation	
File Ref:	LP.17
Previous Items:	N/A
Applicant:	Shire of Waroona
Author and Responsible Officer:	Coordinator Regulatory & Development Services; Director Infrastructure and 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
Appendices:	11.1.3 – Draft LPP 17 Vegetation

COUNCIL RESOLUTION

OCM23/06/71

Moved: Cr Mason

Seconded: Cr Purcell

That Council, pursuant to Clause 3, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

1. initiates Local Planning Policy (LPP) 17 Vegetation, as presented in Appendix 11.1.3 – Draft LPP 17 Vegetation, for the purposes of public consultation; and
2. advertises Local Planning Policy (LPP) 17 Vegetation, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED 6/0**IN BRIEF**

- The purpose of this report is for Council to consider initiating draft Local Planning Policy (LPP) 17 – Vegetation.
- The purpose of this policy is to assist developers and landowners to carefully where development and land use occurs where there is vegetation on their property.
- Careful consideration in mitigating or minimising clearing of vegetation will assist achieving the goals and direction of State Government, the local planning framework, and the Shire's Strategic Community Plan.

BACKGROUND

The State Government released its '*Native vegetation policy for Western Australia*' in May 2022. This drives a whole-of-government approach to achieving better outcomes for native vegetation and improved clarity and certainty for stakeholders. It does this through setting up the right:

- policy settings at a state-wide and regional level for application by all agencies;
- practices for consistent and transparent decision-making; and
- information and systems for accessible and reliable data.

The State Government's intent is encouraging the protection of vegetation through a clear planning framework that clearly outlines decision making in land use planning.

The Shire has developed LPP 17 to meet the objectives of the State Policy and meet its regulatory function.

REPORT DETAIL

The Shire has significant natural areas which contain several critically endangered plants and animals that are found in few other places. These plants and animals rely on remnant vegetation and landscapes, which are often fragmented and severely limited, compared to their pre-European extent.

The urban landscape is largely characterised by a high canopy coverage, largely attributed to wide verges, large backyards and a greater value on green spaces.

The purpose of this Policy is to create a framework that provides a clear vision, approach and expectation for development and land use that may disturb or clear vegetation, including in rural and urban areas. The intent is to create a straightforward policy for developers, landowners, and prospective purchasers, to understand the expectations from the Shire, navigate the planning framework in a more efficient manner and increase transparency in governance.

The objectives of the Policy are below:

1. Encouraging development to respond to the protection of existing vegetation and enhancing its area, condition, and value.
2. Balancing the protection of vegetation worthy of retention, the desired built form and land use outcomes at the earliest possible stage in the planning and development process.
3. Protecting and enhancing vegetation extent and coverage to assist with:
 - a. Reducing the urban heat island effect;
 - b. Reducing air pollution and facilitating carbon sequestration;
 - c. Improving surface and groundwater quality; and
 - d. Contributing to habitat for wildlife, ecological corridors, and native biodiversity.
4. Maintaining and enhancing the amenity, character, and sense of place through the protection and enhancement of vegetation.
5. Applying a “mitigation hierarchy” to decision making to:
 - a. Avoid clearing of established vegetation worthy of retention;
 - b. Minimise harm to vegetation worthy of retention;
 - c. Rehabilitate vegetation on site; and
 - d. Offset - where avoidance and rehabilitation cannot be achieved, fund Cash In-Lieu contributions for planting within the locality.
6. Ensuring that any land use or development in close proximity to, or containing a natural area, is compatible with the long-term maintenance and conservation of that natural area and will not have detrimental impacts on biodiversity.

This Policy is designed to apply to instances where vegetation is proposed to be cleared, including rural properties and urban areas. It is intended to provide a greater level of protection and encourage a net gain in vegetation coverage where vegetation will be cleared.

In urban areas, there is an emphasis on:

- Requiring approval for the clearing of vegetation over a certain size;
- Development providing trees;
- The importance of the WA Peppermint (*Agonis flexuosa*) in Preston Beach - development should respond to the protection of the most mature examples.

These provisions are consistent with State-wide Planning Policies (Residential Design Codes) and practices and will ensure a level of consistency with other local government authorities.

It also provides some flexibility in providing the developer the option to elect to make a Cash-In-Lieu (CIL) contribution for the Shire to undertake the works elsewhere e.g., a river reserve. This CIL opportunity is consistent with similar practices adopted by other local governments for public art and civil works.

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	Adoption of this proposed policy will assist in achieving the aspirations, objectives, and Strategies of the Strategic Community Plan.

OTHER STRATEGIC LINKS

- Native Vegetation Policy for Western Australia (DWER)
- State Planning Policy 1 – State Planning Framework (WAPC)
- State Planning Policy 2.0 Environment and natural resources policy (WAPC);
- State Planning Policy 2.1 The Peel Harvey coastal plain catchment (WAPC);
- State Planning Policy 2.5 Rural planning (WAPC);
- State Planning Policy 2.9 Planning for water (WAPC);
- State Planning Policy 3.7 Planning in bushfire prone areas (WAPC)
- Guidance Statement No. 33 Environmental guidance for planning and development (EPA);
- Guidance for planning and development: Protection of naturally vegetated areas in urban and peri-urban areas (EPA); and
- Guideline for the Determination of Wetland Buffer Requirements (WAPC).

STATUTORY ENVIRONMENT

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

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

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

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

Environment – (Impact on environment’s sustainability)

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

Policy Implications

The initiation of this policy will allow advertising to the public and stakeholders to gauge the level of support for a new Local Planning Policy.

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>	There is a reputational risk associated which may arise from the adoption of LPP17, given an applicant has the option to apply to the State Administrative Tribunal for a review of any decision made using this policy.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Although this risk will remain with the adoption of the officer’s recommendation, the reputation risk would be greater if no policy was adopted.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION**External Agencies**

The proposed policy is intended to be advertised to the Department of Water and Environmental Regulation, Department of Biodiversity and Conservation and Attractions.

Community and Stakeholders

Should Council resolve to initiate advertisement, the policy will be publicly advertised by a notice in the local newspaper, for a period of no less than 21 days. The advertisement will provide details on:

- The subject and nature of the proposed policy;
- The objectives of the proposed policy;
- Where the proposed policy may be inspected; and
- To whom, in what form and during what period submissions in relation to the proposed policy may be made.

A copy of the policy will be provided at the Shire’s Administration Building and on the Shire’s webpage inviting submissions. Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

RESOURCE IMPLICATIONS**Financial**

There is no financial cost associated with advertising this proposed Policy.

Workforce

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

OPTIONS

Council has the option of:

1. adopting the officer's recommendation;
2. amending the officer's recommendation; or
3. not adopting the officer's recommendation.

CONCLUSION

LPP17 is designed to provide clarity in instances where clearing of vegetation is proposed and achieve a level of consistency with other local government authorities. An appropriate level of design and the location of development will preserve the rural character and urban amenity, retain landscape values, and protect vegetation and associated fauna.

The policy establishes a framework that provides a clear vision, approach and expectation for development – consistent with the State's *Native vegetation policy for Western Australia*. This should assist developers, landowners, and prospective purchasers to understand the expectations from the Shire, navigate the planning framework in a more efficient and consistent manner and increase transparency in governance.

11.1.4 Amendment 43 to Local Planning Scheme No. 7 – Revision to Scheme text relating to vegetation and clearing restrictions	
File Ref:	TPS7A43
Previous Items:	OCM22/12/185 & OCM23/02/024
Applicant:	Shire of Waroona
Author:	Coordinator Regulatory & Development Services
Responsible Officer:	Director Regulatory & Development Services
Declaration of Interest:	The author and responsible officer declare that they do not have any conflicts or interest in relation to the item.
Voting Requirements:	Simple majority
Appendix Number	1. Amendment 43 2. EPA decision 3. DWER submission 4. Schedule of submissions

COUNCIL RESOLUTION

OCM23/06/72

Moved: Cr Pisconeri

Seconded: Cr Vitale

That Council:

1. notes the Environmental Protection Authority's decision to not assess Scheme Amendment No. 43 under Part IV of the *Environmental Protection Act 1986*;
2. notes and considers the one submission, received from the Department of Water and Environmental Regulation;
3. pursuant to Part 5, Division 3, r.50 (3) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to support Amendment 43 to Local Planning Scheme No. 7, with proposed modifications to address issues raised in the submission, as presented in Attachment 1;
4. considers the proposed modifications to be minor and administrative in nature which does not alter the intent or effect and decides not to advertise the proposed modifications; and
5. pursuant to Part 5, Division 3, r. 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, authorises Shire officers to forward this resolution and all relevant information to the Western Australian Planning Commission.

CARRIED 6/0

IN BRIEF

The purpose of this report is for Council to consider passing a resolution to support Amendment 43, with modifications to address issues raised in submissions, to Local Planning Scheme No. 7 (LPS7).

Amendment 43 seeks to delete, amend and add wording in various clauses of the scheme text. The intent of the amendment is to add protections to non-native significant trees and other significant vegetation - at present, the Scheme protections only applies to native vegetation.

This follows an advertising period in which one submission was received from the Department of Water and Environmental Regulation.

BACKGROUND

At its Ordinary Council Meeting (OCM) on 20 December 2022, Council resolved to

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

At its OCM on 28 February 2023, Council resolved to:

1. *Notes that Council resolution OCM22/12/185, Item 11.1.6, incorrectly referenced this as Amendment 42 to Local Planning Scheme No. 7; and*
2. *Corrects this to reference it as Amendment 43.*

Following the December 2022 meeting, advertising was conducted. This included referrals to the following state government agencies:

- Department of Planning, Lands and Heritage;
- Department of Water and Environmental Regulation;
- Department of Biodiversity, Conservation and Attractions; and
- Environmental Protection Authority under Section 48A of the *Environmental Protection Act 1986*.

Government agencies, excluding the Environmental Protection Authority, were given 79 days to make a submission.

The proposal was also advertised to the public through the following means:

- Advertising on the Shire's Facebook page and website on 12 January 2023; and
- The local newspaper, the Harvey-Waroona Reporter on 14 February 2023.

This consultation period concluded on 29 March 2023.

REPORT DETAIL

The public had between 43 days and 76 days to make a submission (newspaper and Facebook/website publication respectively). The statutory timeframe under the *Planning and Development (Local Planning Schemes) Regulations 2015*, requires 42 days. No submissions from the public were received.

The Environmental Protection Authority advised of its decision under Part IV Division 3 of the *Environmental Protection Act 1986* (Attachment 2 – EPA decision). The decision being:

"Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No Advice Given (Not Appealable)."

The Shire received a submission from the Department of Water and Environmental Regulation (Attachment 3 – DWER submission). The Department supports the amendments and has suggested some changes. The Shire has considered the submission and agreed

with one of the suggested amendments relating to exemptions for construction of an approved dwelling or outbuilding only.

The Shire has recommended an amendment to Clause 61(1)(m)(v), based off DWER’s submission. This is proposed to read as follows (red text indicates edits):

“necessary for the construction of an approved dwelling; or outbuildings, and an area of 20 metres width surrounding the dwelling for the purpose of bushfire protection;”

This amendment is considered minor in nature and does not impact the nature of the provision nor substantially alter it in such a way that warrants additional advertising to the public.

Some of the other changes suggested are more appropriate for the Strategy and Scheme review, which is occurring at present. A new Scheme will seek to introduce consistent provisions relating to clearing of vegetation for the concerned property and the objectives of the rural residential areas will be examined in greater detail with possible consolidation (Attachment 4 – Schedule of submissions).

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	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes

OTHER STRATEGIC LINKS

None.

STATUTORY ENVIRONMENT

Environmental Protection Act 1986

Scheme amendments are required to be referred to the EPA for their decision on whether to assess the proposal.

Planning and Development (Local Planning Schemes) Regulations 2015

The process and decisions of Council are required to comply with the provisions of these Regulations.

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

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

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

Environment – (Impact on environment’s sustainability)

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

Policy Implications

The proposal is consistent with draft LPP 17 Vegetation, which seeks to protect existing vegetation.

Risk Management Implications

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

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

CONSULTATION

Consultation has been undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 5, Division 3 – Process for standard amendments to local planning scheme.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Within the scope of the workforce budget.

OPTIONS

Council has the option of:

1. adopting the officer's recommendation;
2. amending the officer's recommendation; or
3. not adopting the officer's recommendation.

CONCLUSION

Amendment 43 provides for improved protection to non-native trees and vegetation within the Shire. DWER's submission has been considered and incorporated, where appropriate, to improve this Amendment. Many of the other points raised by DWER are valid and will be explored with the Strategy and Scheme review, which is currently being undertaken.

It is recommended that Council resolves to support the amendment with the proposed modifications to address issues raised in the submission, without further advertising.

11.1.5 Western Australia’s Waste Strategy consultation	
File Ref:	WM2
Previous Items:	
Applicant:	Shire of Waroona
Author:	Director Infrastructure & Development Services
Responsible Officer:	Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.5 – WA Waste Strategy 2030

COUNCIL RESOLUTION

OCM23/06/073

Moved: Cr Odorisio

Seconded: Cr Purcell

CARRIED 6/0

That Council authorises Shire of Waroona’s Chief Executive Officer, to submit the following points to the Minister for Water and Environmental Regulation, in relation to the Department of Water and Environmental Regulation’s review of Western Australia’s Waste Strategy:

1. FOGO not viable in regional Shire of Waroona.

The Shire of Waroona feels there needs to be a shift away from the 3rd bin and a focus to developing low-cost sorting recycling and reuse technology. As this will avoid the economic inequity created by the FOGO bin system, along with the contamination issues and will maximize material recovery.

a) Being a Regional Shire - although in the Peel.

The issues faced by the Shire of Waroona being a regional shire, are very different to the other urban Shires within the Peel Region. The Waroona district is predominately rural and Agricultural spread over a large area, with a few small townsites having low populations. There is limited infrastructure or support to manage waste, and the costs of collecting and transporting FOGO waste, is cost prohibitive for a Shire with such a small rate base. In addition, recycling options are limited, although the district landfill site is transitioning to a transfer station. Further the Shire of Waroona is amongst the States lowest scoring socio-economic locations.

b) FOGO creates financial inequity & disregards Cultural Norms.

As a result, implementing the 3 bins system to enable FOGO in this low socio-economic area, will be too expensive, resulting in a 35% increase for townsites ratepayers only, creating economic inequity. By placing a financial burden on townsites communities who are the ones least able to afford to pay for it. As well culturally, most of the Shire’s residents do not throw away food. Although the Shire of Waroona is in Peel, it is not urban. Hence people feed food scraps to worm farms, garden compost, and the neighbourhoods’ chickens, along with other domestic and farm animals in the district. As a result, FOGO bins are not typically needed and will create an unwarranted cost on a very small ratepayer group. Also, the target of halving food waste, requires better food production and logistics, as the supermarkets sell food that spoils within a few days. Resulting in this community, adopting the culture of reusing food in the above manner, as well as sharing locally grown surplus with the rest of the community.

c) FOGO creates more emissions -via transport - negating benefits.

In addition, there is very little district or local market for FOGO products, and its expensive to transport FOGO waste to the northern the processing sites. The extra transport involved to collect it and transport it, also creates significantly more CO2 emissions, negating and environmental benefits that maybe gained. This seems to result in the material being stored at waste sites and being left to decay, creating even more emissions, and potentially leaching into water systems. The most viable sustainable and environmentally responsible solution for this regional district is sending this material to Waste to Energy (WtE).

2. Circular economy with WtE is needed.

Coupled with a total ban on non-recyclable packing in WA – including imports such as polystyrene and single use plastic: our district needs a circular economy that collects recyclables fortnightly and waste, preferably in one round (less truck emissions and fuel consumption). Once waste is collected, the system would then transfer the waste on to low-cost sorting recycling technology- metals paper cardboard plastics and other recyclable reclaimed and reused – the rest of the waste goes to closed nil emission (facility that burns its own gases with stack scrubbers) closed WtE energy facilities. The energy then feeds the power network, suppling affordable power. Which is then used to grow food and manufacture all the things we use and consume - then the cycle starts again. Included in this process should be sewerage, where water and solids are separated, and the water UV cleansed for industrial use and solids pelletized for fertilizer or WtE.

IN BRIEF

The Department of Water and Environmental Regulation is conducting a review of Western Australia's Waste Strategy. Shire officers have lodged a submission to the Department of Water and Environmental. However, officers also believe a formal submission to the Minister for Water and Environmental Regulation is warranted.

BACKGROUND

The Department of Water and Environmental Regulation is undertaking a review of Western Australia's Waste Strategy. The Waste Authority is leading a review of the waste strategy. The review is seen as is an opportunity to reflect on how they are performing, what is working, and what they could do differently. "Western Australia's Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy) sets out objectives and strategies for transitioning Western Australia towards a circular economy. Released in 2019, the strategy contains a vision for WA to become a sustainable, low waste, circular economy in which public health and the environment are protected from the impacts of waste. The consultation is now open." Ref: <https://consult.dwer.wa.gov.au/waste/have-your-say-in-wa-s-waste-strategy-review/>

REPORT DETAIL

The Department of Water and Environmental Regulation is undertaking a review of Western Australia's Waste Strategy. The Waste Authority is leading a review of the waste strategy. The review is seen as is an opportunity to reflect on how they are performing, what is working, and what they could do differently."

Ref: <https://consult.dwer.wa.gov.au/waste/have-your-say-in-wa-s-waste-strategy-review/>

Of particular concern for the Shire of Waroona is the move towards mandating the implementation of the 3-bin system to allow for FOGO in the Perth and Peel regions. Which whilst it is effective and viable in urban areas, it creates a range of issues for the Shire of

Waroona. Being a regional Shire, although though still deemed to be in the Peel area. In summary these issues are –

- **FOGO not viable in regional Shire of Waroona.**

The Shire of Waroona feels there needs to be a shift away from the 3rd bin and focus to developing low-cost sorting recycling and reuse technology. As this will avoid the economic inequity created by the FOGO bin system, along with the contamination issues and will maximize material recovery.

- *Being a Regional Shire - although in the Peel.*

The issues faced by the Shire of Waroona being a regional Shire, are very different to the other urban Shires within the Peel Region. The Waroona district is predominately rural and Agricultural spread over a large area, with a few small townsites having low populations. There is limited infrastructure or support to manage waste, and the costs of collecting and transporting waste, is cost prohibitive for a Shire with such a small rate base. In addition, recycling options are limited, although the district landfill site is transitioning to a transfer station. Further the Shire of Waroona is amongst the States lowest scoring socio-economic locations.

- *FOGO creates financial inequity & disregards Cultural Norms.*

As a result, implementing the 3 bins system to enable FOGO in this low socio-economic area, is too expensive, resulting in a 35% increase for townsite ratepayers only, creating economic inequity. By placing a financial burden on townsite communities who are the ones least able to afford to pay for it. As well culturally, most residents do not throw away food. Although the Shire of Waroona is in Peel, it is not urban. Hence people feed food scraps to worm farms, garden compost, and the neighbourhoods' chickens, along with other domestic and farm animals in the district. As a result, FOGO bins are not typically needed and will create an unwarranted cost on a very small ratepayer group. Also, the target of halving food waste, requires better food production and logistics, as the supermarkets sell food that spoils within a few days. Resulting in this community, adopting the culture of reusing food in the above manner, as well as sharing locally grown surplus with the rest of the community.

- *FOGO creates more emissions -via transport - negating benefits.*

In addition, there is very little district or local market for FOGO products, and its expensive to transport FOGO waste to the northern the processing sites. The extra transport involved to collect it and transport it, also creates significantly more CO2 emissions, negating and environmental benefits that maybe gained. This seems to result in the material being stored at waste sites and being left to decay, creating even more emissions, and potentially leaching into water systems. The most viable sustainable and environmentally responsible solution for this regional district is sending this material to WtE.

- **Circular economy with WtE is needed.**

Coupled with a total ban on non-recyclable packing in WA – including imports such as polystyrene and single use plastic: our district needs a circular economy that collects recyclables fortnightly and waste, preferably in one round (less truck emissions and fuel consumption). Once waste is collected, the system would then transfer the waste on to low-cost sorting recycling technology- metals paper cardboard plastics and other recyclable reclaimed and reused – the rest of the waste goes to closed nil emission (facility that burns its own gases with stack scrubbers) closed WtE energy facilities. The energy then feeds the power network, suppling affordable power. Which is then used to grow food and manufacture all the things we use and consume - then the cycle starts

again. Included in this process should be sewerage, where water and solids are separated, and the water UV cleansed for industrial use and solids pelletized for fertilizer or WtE.

As the WA Waste Strategy 2030, will be unable to delineate the regional Shire of Waroona, from its urban neighbours in the Peel region, officers believe a formal submission from the Chief Executive Officer to the Minister for Water and Environmental Regulation is warranted.

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	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.1.1 Plan community facilities for current and future generations

OTHER STRATEGIC LINKS

Strategic Community Plan

STATUTORY ENVIRONMENT

- Waste Avoidance Legislation
- WA Waste Strategy 2030

SUSTAINABILITY & RISK CONSIDERATIONS

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

Implementing FOGO will negatively impact Waroona’s low socio-economic area, as it would be too expensive, resulting in a 35% increase for townsite ratepayers only, creating economic inequity. Placing a financial burden on townsite communities who are the ones least able to afford to pay for it. Creating an unwarranted cost on a very small ratepayer group.

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

FOGO does not allow for cultural practice where most residents do not throw away food. Although the Shire of Waroona is in Peel, it is not urban. Hence people feed food scraps to worm farms, garden compost, and the neighbourhoods’ chickens, along with other domestic and farm animals in the district. As a result, FOGO bins are not typically needed.

Environment – (Impact on environment’s sustainability)

There is very little district or local market for FOGO products, and its expensive to transport FOGO waste to the northern the processing sites. The extra transport involved to collect it and transport it, also creates significantly more CO2 emissions, negating and environmental benefits that maybe gained.

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>	The implementation of FOGO is likely to result in the contamination of recyclable material, and all material will end up in landfill. It is preferable that non-recyclable waste is used for WtE in the long term.
<i>Consequence</i>	4 - Major
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Monitor - Risk acceptable with adequate control

CONSULTATION

- Mark Goodlet, Chief Executive Officer
- Bradley Oborn, Manager Works and Waste Services

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

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

CONCLUSION

The Department of Water and Environmental Regulation is conducting a review of Western Australia's Waste Strategy. Shire officers have lodged a submission to the Department of Water and Environmental. However, officers also believe a formal submission to the Minister for Water and Environmental Regulation is warranted. Due to the particular concern for the Shire of Waroona of the move towards mandating the implementation of the 3-bin system to allow for FOGO in the Perth and Peel regions. Which whilst it is effective and viable in urban areas, creates a range of issues for the Shire of Waroona, being a regional Shire, although though still deemed to be in the Peel area. As the Waste Strategy will be unable to delineate the regional Shire of Waroona, from its urban neighbours in the Peel region, officers also believe a formal submission from the Chief Executive Officer to the Minister for Water and Environmental Regulation is warranted.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the month of May 2023	
File Ref:	FM.3
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer	Senior Finance Officer; Director Corporate & Community Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendices:	11.2.1 - Monthly Creditor Reports – May 2023

COUNCIL RESOLUTION

OCM23/06/074

Moved: Cr Vitale

Seconded: Cr Pisconeri

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

Municipal	Cheque	10120 – 10128	\$ 23,124.92
	EFT	38525 – 38686	\$914,330.39
Direct wages	01/05/2023 – 31/05/2023 inclusive		\$322,743.40
Direct Debit	01/05/2023 – 31/05/2023		\$280,639.10
Trust	Cheque – Nil		\$ -
	EFT – Nil		\$ -
GRAND TOTAL			\$1,540,837.81

as per Appendix 11.2.1.

CARRIED 6/0

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of May 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 May 2023; or
2. not receiving the listing of payments presented for the month of May 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 May 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 31 May 2023	
File Ref:	FM.1
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer:	Manager Corporate Services; Director Corporate & Community Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendices:	11.2.2 – Monthly Agenda Report 22-23 May 2023

COUNCIL RESOLUTION**OCM23/06/075****Moved: Cr Odorisio****Seconded: Cr Purcell**

That Council receives the Monthly Statement of Financial Activity for the period ending 31 May 2023, as per Appendix 11.2.2.

CARRIED 6/0**IN BRIEF**

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

BACKGROUND

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

REPORT DETAIL

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

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

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position

- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona 2022/23 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

All financial policies from Policy FIN002 through to Policy FIN035

Risk Management Implications

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

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>

<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Monthly scheduled review of statements.
<i>Review Frequency</i>	Monthly
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. receiving the monthly financial statements; or
2. not receiving the monthly financial statements.

CONCLUSION

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

Cr Walmsley declared an interest affecting impartiality in item 11.2.3 as he is a member of 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 11.2.3 as she is a member and coordinator of Just Cruizin Street Machiners who run the All Australian Car Day.

11.2.3 CP005 Donations, Sponsorships and Waivers	
File Ref:	CM.7 CORPORATE MANAGEMENT – POLICY – POLICY REGISTER – POLICY REVIEWS
Previous Items:	OCM21/06/071
Applicant:	Not Applicable
Author and Responsible Officer:	Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendices:	11.2.3 A – CP005 – Donations, Sponsorships and Waiver of Fees and Charges (new) 11.2.3 B – CP005 – Donations (previous) 11.2.3 C – CP010 – Waiver of Fees and Charges (previous)

COUNCIL RESOLUTION

OCM23/06/076

Moved: Cr Mason

Seconded: Cr Purcell

That Council:

- 1. endorses the proposed combining of policy “CP005 – Donations” and policy “CP010 – Waiver of Fees and Charges” to the updated policy “CP005 - Donations, Sponsorships and Waivers” (Appendix 11.2.3 A);**
- 2. approves delegated authority to the Chief Executive Officer to administer fees and charges waivers as per policy CP005 - Donations, Sponsorships and Waivers;**
- 3. authorises the Chief Executive Officer to administer donations as per policy CP005 - Donations, Sponsorships and Waivers;**
- 4. authorises the Chief Executive Officer to administer sponsorships as per policy CP005 - Donations, Sponsorships and Waivers; and**
- 5. approves an update to the delegations register to include item two (2).**
- 6. Adds the Vintage Machinery Rally event to the Policy CP005 - Donations, Sponsorships and Waivers, Item 3.3 Fee Waiver list with the Fees and charges waiver being;**
 - a. Memorial Hall and Oval hire fees and the public event application assessment fee for the annual Vintage Machinery Rally under the terms of a Memorandum of Understanding between the Shire and Vintage Machinery group.**

CARRIED 6/0**Note that item 6 of the resolution was an Amendment to the Officer Recommendation.****IN BRIEF**

Officers propose the adoption of updated Policy CP005 – Donations, Sponsorships, and Waivers by Council to ensure appropriate administration of funds and applications.

The policy aims to determine reviewed guidelines for the assessment and allocation of donations, sponsorships, and fee waivers, ensuring transparency, equity, and a standardised process for applicants.

BACKGROUND

Officers have identified the need for a comprehensive review of the current donations (CP005) and Fees and Charges Waiver Policy (CP010) to govern the requests for donations and the waiver of fees and charges. This review also provides the opportunity to include aspects surrounding sponsorship of community members representing at state, national and international levels as per the Corporate Business Plan.

The proposed policy sets out clear criteria and procedures for considering such requests, facilitating the effective use of resources and support for community initiatives. Additionally, the review of the criteria will enable the Chief Executive Officer to deal with applications under delegated authority and reduces the need for items to be presented to Council, subsequently reducing the administrative resource requirement on Officers and Councillors.

REPORT DETAIL

Updated policy CP005 Donations, Sponsorships and Waiver of Fees and Charges highlights its intention, scope, and key provisions. It emphasises the need for transparency, accountability, and equitable evaluation of each application or request received. The Policy also outlines specific guidelines for donations, fee waivers, and individual/group sponsorships, along with established annual donations to various community organisations.

Officers have made recommended changes in relation to donations and fee and charge waivers based on previously approved donations, applications, and budget submissions. To ensure equity and reduce the administrative burden it is recommended that the detailed annual donations and waivers be formalised through this policy.

Donations

Annual donations are recommended to be set as the following (additions in bold text):

GROUP / ORGANISATION	AMOUNT	PURPOSE
Waroona Community Resource Centre	\$1,000	Staff wages at the Youth Centre
Waroona Historical Society	\$500	Preservation and collection of historical items in the Shire
Lake Clifton Herron Residents Association	\$500	Australia Day Celebrations in Lake Clifton
	\$250	ANZAC Day commemorations in Lake Clifton

Preston Beach Progress Association	\$500	Australia Day Celebrations in Preston Beach
	\$250	ANZAC Day commemorations in Preston Beach
Senior Citizens Annual Christmas Function	\$600	Provision of one Christmas function for the senior citizens of the Waroona Shire
Waroona Community Car	\$1,000	Towards the operation of Waroona Community Car
Waroona / Wagerup / Yarloop Meals on Wheels	\$1,000	Towards the Waroona/Wagerup/ Yarloop Meals on Wheels
School	\$150	Annual donation (upon request) for end-of-year awards

The Shire will only consider donating to requests for support from local charitable organisations or for projects relating to the welfare and promotion of the local district. This policy includes schools within the district.

Individual or Group Sponsorship

As per Corporate Business Plan objective 1.4.2.3 'Develop and implement a Community Sponsorship Fund for community members and groups representing at a state, national and international level,' Officers have included the provision for individual and group sponsorship participating at elite levels.

Applications can be submitted at any time throughout the year and will support individuals or groups residing in the Shire of Waroona with expenses associated with selection in state, national or international competitions.

Fee Waivers

All eligible waivers will be assessed at the discretion of the Chief Executive Officer (under delegated authority) for amounts up to \$1000, in any one financial year. Amounts higher than \$1000 require decision-making by Council.

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 Shire 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 the Shire.
4. The application supports the activities of an incorporated club or group within the first 12 months of their operation.
5. Extenuating circumstances exist.

Other Annual Fee Waivers are set as per the existing policy or are recommended (in bold) due to previous waivers authorised through Council:

GROUP / ORGANISATION	PURPOSE
Community Markets	Local not-for-profit organisations that conduct community markets, are exempt from the fees and charges relating to the hire of Shire facilities.
Food Stall Holders - Local Events	All food stall holders (local and non-local) attending a local event that is run by a local not-for-profit / charity organisation are exempt from paying the daily food stall licence fee.
Local not-for-profit/charity organisations	Attending other local events are exempt from paying the daily food stall licence fee.
Lions Community Christmas Gala	Waive the cost to hire the Oval and Memorial for the Community Christmas Gala event
All Australian Car Day	Waive the cost to hire the Memorial Hall, Oval, and the public event application assessment fee for the annual All Australian Car Day under the terms of the MOU
Waroona Show	Waive the cost to hire the Memorial Hall, Oval, and the public event application assessment fee for the annual Waroona Show under the terms of the MOU
Movie Nights	Waive the cost to hire the movie projector and screen for Shire-based not-for-profit groups holding a non-ticketed movie night event within the Shire
NAIDOC Week	Waive the cost to hire the Memorial Hall for events held by the Waroona Aboriginal and Torres Strait Islander Corporation for the delivery of free-of-charge NAIDOC Week activities
St Vincent de Paul Society, Waroona Branch	waive the cost to hire the Memorial Hall for the annual Christmas Food and Toy Hamper assembly and distribution.

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	1.4 Encourage an active and healthy community with an improved quality of life
Strategy	1.4.2 Support local community, sporting and recreational groups and initiatives

OTHER STRATEGIC LINKS

Corporate Business Plan Action 1.4.2.3 Develop and implement a Community Sponsorship Fund for community members and groups representing at a state, national and international level.

STATUTORY ENVIRONMENT

The proposed policy aligns with relevant legislation, regulations, and guidelines governing local government operations in the Shire of Waroona. It ensures compliance with statutory requirements and provides a framework for the council's decision-making process concerning donations, sponsorships, and fee waivers.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Endorsement of this policy will assist in the economic sustainability of the not-for-profit groups with the Shire of Waroona and reflect the Council's commitment to their operations.

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

The social benefits and quality of life improvements resulting from supporting community initiatives and projects will continue.

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

CP005 – Donations

CP010 – Waiver of Fees and Charges

Risk Management Implications

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

Theme	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Description	The Shire of Waroona should ensure that its policies reflect its objective to support community groups to provide programs and events that improve the quality of life within the Shire. Guidance on how support is to be given should be clear and enable Officer to administer the council's request.
Consequence	2 - Minor
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Policy is to be reviewed in accordance with established review framework. Officers are to refer to this Policy each time and application is considered.
Review Frequency	Annually
Risk Owner	Director
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Chief Executive Officer

Manager Community & Communications

Corporate Planning & Governance Officer

RESOURCE IMPLICATIONS

Financial

Financial implications will be assessed during the development of each year's budget.

Workforce

Nil

OPTIONS

Council has the option of:

1. accepting the Officer's recommendation;
2. amending the Officer's recommendation; or
3. declining the Officer's recommendation.

CONCLUSION

The adoption of Policy CP005 – Donations, Sponsorships, and Waiver of Fees and Charges will provide a structured approach for managing requests and allocating resources within the Shire of Waroona. By establishing clear evaluation criteria and procedures, the policy promotes transparency, accountability, and equitable distribution of support for community initiatives. Councils' endorsement of this policy will enable efficient and consistent decision-making while facilitating the Shire's commitment to community welfare and development.

Cr Pisconeri declared an interest affecting impartiality in item 11.2.4 as the reporting officer is a family member.

11.2.4 Shire of Waroona Local Government Property and Public Places Local Law 2023	
File Ref:	LE.8, LE.10
Previous Items:	OCM November 2014 Item 9.3.5
Applicant:	Not Applicable
Author and Responsible Officer:	Corporate Planning & Governance Officer, Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendices:	11.2.4 A – Proposed Shire of Waroona Local Government Property and Public Places Local Law 11.2.4 B – Proposed Local Government Property and Public Places Local Law 2023 with tracked changes

COUNCIL RESOLUTION

OCM23/06/077

Moved: Cr Mason

Seconded: Cr Pisconeri

That Council:

1. approves the making of the proposed Shire of Waroona Local Government Property and Public Places Local Law 2023 (Local Government Property and Public Places Local Law), as detailed at Appendix 11.2.4, in accordance with the *Local Government Act 1995*;
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 Shire of Waroona Local Government Property and Public Places Local Law 2023, that being:
 - a. the purpose of the proposed Shire of Waroona Local Government Property and Public Places Local Law 2023 is to consolidate and make one local law which enables Council, and its employees and volunteer rangers, to regulate the care, control, and management of all property of the Shire of Waroona, thoroughfares, and public places;
 - b. the effect of the proposed Shire of Waroona Local Government Property and Public Places Local Law 2023 is to control the activities that occur on local government property, thoroughfares, and public places. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property, thoroughfares, and public places; 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’s consideration after the closing date for submissions.**

CARRIED 6/0

IN BRIEF

- Shire of Waroona Local Government Property Local Law 2014 was reviewed in 2014 and gazetted on 16 January 2015.
- Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001 was gazetted on 27 August 2001, and reviewed again without change, on 26 June 2013.
- Residents of Preston Beach were consulted in 2020 regarding the making of a Local Law which governed activities within the Preston Beach Reserves managed by the Shire of Waroona.
- A Local Government Property and Public Places Local Law is proposed which combines local government property, activities on thoroughfares and trading in thoroughfares and public places, and Preston Beach – activities on the beach.
- The proposed local law makes provisions for Council, and its employees and volunteer rangers to regulate the care, control, and management of all property of the Shire of Waroona, thoroughfares, and public places.
- The intended result is control of the activities that occur on local government property, thoroughfares, and public places. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property, thoroughfares, and public places.

BACKGROUND

The Shire of Waroona Local Government Property Local Law 2014 was reviewed in 2014 and gazetted on 16 January 2015.

The Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001 was gazetted on 27 August 2001 and reviewed again without change, on 26 June 2013.

In 2020, residents of Preston Beach were consulted about the concept of developing a local law that would regulate the allowed and prohibited activities along Preston Beach reserve 41776 – the portion of beach and adjoining sand dunes which extend from the southern Waroona shire boundary, north to meet a coastal section of unallocated crown land, as indicated in Schedule 2. Items discussed with the Preston Beach residents included environmental protection, appropriate behaviours on beach reserves, public safety, permits, animals, fishing, watercraft, and events. Previously, provisions relating to Preston Beach within the Local Government Property Local Law were limited, and only covered the designated recreation (swimming only) area on Preston Beach.

A standalone local law was initially drafted to ensure ease of understanding and application of the prohibitions and controls sought specially for the beach and dune areas at Preston Beach. Following a review of the content however, it was decided that the provisions listed within the Preston Beach Reserves local law were aligned with many of those already

included within the Local Government Property Local Law 2014 or in the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001.

A combined Local Government Property and Public Places Local Law is proposed which combines the control, care and management of local government property, activities on thoroughfares, trading in thoroughfares and public places, and activities on beaches and sand dunes.

REPORT DETAIL

The proposed Shire of Waroona Local Government Property and Public Places Local Law 2023 is an amalgamation of the provisions contained within the following existing and drafted local laws:

- Shire of Waroona Local Government Property Local Law 2014
- Shire of Waroona Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001
- Draft 'Preston Beach Reserves' Local Law

This combined Local Government Property and Public Places Local Law allows for additional provisions that relate to the beach and sand dunes which lie within Reserve 41776 which is vested to the Shire of Waroona.

To accommodate specific beach-related activities within this reserve, the following subclauses have been added under **Part 5 – Matters relating to particular Local Government Property, Division 2 – Beaches of Appendix 11.2.4.**

- 5.8 Beach Safety
- 5.9 All persons to remain clothed
- 5.11 Activities to preserve the environment along the beach and sand dunes
- 5.12 Behaviour on the beach and sand dunes
- 5.13 Vehicles on the beach or sand dunes

Offences relating to prohibited activities have also been prescribed and are outlined in Schedule 1 of the proposed local law.

As the proposed Local Government Property and Public Places Local Law is a new local law, it will be necessary to commence the local law-making process required by the *Local Government Act 1995*.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Providing Public Notice

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

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

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

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

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
 - (a) the period specified in or under the Act in relation to the notice; or
 - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
 - (a) publication in a newspaper circulating generally in the State;
 - (b) publication in a newspaper circulating generally in the district;
 - (c) publication in 1 or more newsletters circulating generally in the district;
 - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
 - (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;
 - (f) exhibition on a notice board at the local government offices and each local government library in the district for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
 - (g) posting on a social media account administered by the local government for -
 - (i) the period specified in or under the Act in relation to the notice; or

- (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

Procedure for Making Local Laws

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

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

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

Table 1 - Timeline for making local law.

Task	LGA Section	Effective Date
Report to Council for approval to advertise proposed new Local Laws. <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i>	3.12(2)	Tuesday, 27 June 2023
Give local public notice and make copies available to the general public.	3.12(3)(a)	<u>Harvey Waroona Reporter</u> – Tuesday, 18 July 2023
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 8 September 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)	Tuesday, 18 July 2023
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 26 September 2023
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government	3.12(5)	Tuesday, 3 October 2023
Give local public notice advising that the new laws have been made, the title, and make copies available to the general public.	3.12(6)	Tuesday, 17 October 2023
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Wednesday, 18 October 2023

s.3.12 Procedure for making local laws (Act)

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

- (3) The local government is to —
- (a) give local public notice stating that –
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* *Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
- (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

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

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

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

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

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

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

- The purpose of the proposed Shire of Waroona Local Government Property and Public Places Local Law 2023 is to consolidate and make one local law which enables Council, and its employees and volunteer rangers, to regulate the care, control, and management of all property of the Shire of Waroona, thoroughfares, and public places; and
- The effect of the proposed Shire of Waroona Local Government Property and Public Places Local Law 2023 is to control the activities that occur on local government property, thoroughfares, and public places. Some activities are permitted only under a permit or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property, thoroughfares, and public places; and

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

The proposed Local Government Property and Public Places Local Law intends to provide for the care and management of, and limit activities on local government nature reserves within the Shire of Waroona thereby protecting natural vegetation.

Policy Implications

Nil.

Risk Management Implications

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

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the local law review requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Scheduled review of all local laws within the 8 years statutory requirement.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

- The Shire will undertake local advertising and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks.

- Submissions received during this period will be considered in preparation of the next council report regarding this item.
- Department of Local Government, Sport & Cultural Industries.
- Minister for Local Government.

RESOURCE IMPLICATIONS

Financial

The estimated cost of making the proposed local law which includes re-advertising and gazettal is approximately \$14,000. Funds are available in the 2022/2023 budget for the project cost. A provision for the costs of this project will also be included in the 2023/2024 budget to account for expenses that span the two financial years.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer's recommendation to commence the process to make the proposed Shire of Waroona Local Government Property and Public Places Local Law 2023; or
2. amending or rejecting the proposal to make the Shire of Waroona Local Government Property and Public Places Local Law 2023.

CONCLUSION

It is recommended that Council commences the process under *the Local Government Act 1995* to make the proposed Shire of Waroona Local Government Property and Public Places Local Law 2023. The proposed Local Government Property and Public Places Local Law enables Council, and its employees and volunteer rangers, to regulate the care, control, and management of all property of the Shire of Waroona, thoroughfares, and public places under one local law.

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

11.2.5 Lease Agreement for Consulting Room at Waroona Community Resource Centre – Palmerston Association Incorporated	
File Ref:	LD178; CP.28; CS.8
Previous Items:	Nil
Applicant:	Palmerston Association Incorporated
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendices:	11.2.5 - Palmerston Lease Agreement 2023-2024

COUNCIL RESOLUTION

OCM23/06/078

Moved: Cr Purcell

Seconded: Cr Pisconeri

That Council:

- 1. enters the proposed Lease Agreement with Palmerston Association Incorporated, for the lease of the identified premises on Lot 42 – 10 Henning Street, Waroona, as per Appendix 11.2.5;**
- 2. authorises the application of the Shire of Waroona Common Seal to the Lease Agreement; and**
- 3. authorises the Shire President and Chief Executive Officer to sign and execute all matters relating to the Lease Agreement.**

CARRIED 6/0

IN BRIEF

Council is requested to consider entering the proposed Lease Agreement with Palmerston Association Incorporated, for the lease of the identified premises, as per **Appendix 11.2.5**.

BACKGROUND

Palmerston Association Incorporated is an incorporated Association registered with the Department of Mines, Industry Regulation and Safety as of 5 November 1980 (Reference A0800237Z) under the *Incorporated Associations Act 2015*.

Palmerston Association Incorporated is a leading not-for-profit provider of alcohol and other drug support services including private counselling, facilitating counselling groups, residential rehabilitation, and educational initiatives.

Since 2018, Palmerston Association Incorporated has leased a consulting room at the Waroona Community Resource Centre to provide outreach services to the local community.

The current lease expires on 30 June 2023. On 9 May 2023, Palmerston Association Incorporated confirmed their interest in renewing the lease for another twelve months commencing 1 July 2023 and expiring 30 June 2024.

REPORT DETAIL

The proposed Lease Agreement between Shire of Waroona and Palmerston Association Incorporated has the key components:

- The whole of the Premises as identified, together with all buildings, structures, alterations, additions, and improvements completed during the Term, is identified, and outlined in red in **Annexure 1** of the Lease Agreement. Refer to **Appendix 11.2.5**
- Lease is for one year commencing on 1 July 2023 and expiring on 30 June 2024.
- Rent is \$165 including GST per week payable annually in advance, with an option to pay monthly in advance until such time that Palmerston receives approval to renew this lease.

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	1.4 Encourage an active and healthy community with an improved quality of life
Strategy	1.4.5 Support and enhance health services in Waroona
Action	Nil

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	4.1 Public spaces and infrastructure that are accessible and appropriate for our community, and meet the purpose and needs of multiple users
Strategy	4.1.1 Plan community facilities for current and future generations
Action	Nil

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	Nil

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

The lease of the identified Premises will provide an income of \$7,800 (GST ex.) over the twelve months.

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

The lease will provide a facility for Palmerston Association Incorporated to conduct business directly associated with the permitted purpose of drug and other alcohol support services.

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

The lease outlines the requirement of the Lessee’s maintenance of the environment.

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 enter a formal lease agreement may result in unclear responsibilities of the Shire of Waroona and Palmerston Association Incorporated, impacting the management of the premises, delivery of services and compliance with legislation and arrangements.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Lease prepared in consultation with Palmerston Association Incorporated as current lessees.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer’s recommendation; or
2. amending or rejecting the officer’s recommendation.

CONCLUSION

The renewal of the lease agreement affirms the Shire of Waroona's commitment to continue to provide a space at the Community Resource Centre for Palmerston Association Incorporated to offer vital drug and alcohol support services to our community.

Cr Pisconeri declared an interest affecting impartiality in item 11.2.6 as the reporting officer is a family member.

11.2.6 Shire of Waroona Dog Local Law 2023	
File Ref:	LE.3
Previous Items:	OCM February 2023; Item 11.2.7; OCM23/02/016
Applicant:	Not applicable
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendices:	Appendix 11.2.6 A – Proposed Shire of Waroona Dog Local Law 2023 Appendix 11.2.6 B – Shire of Waroona Dog Local Law 2023 with amendments.

COUNCIL RESOLUTION

OCM23/06/079

Moved: Cr Odorisio

Seconded: Cr Pisconeri

That Council:

- 1. adopts the *Shire of Waroona Dog Local Law 2023*, as detailed at Appendix 11.2.6.A in accordance with the requirements of the *Dog Act 1976*, and the *Local Government Act 1995*;**
- 2. approves for the Chief Executive Officer to –**
 - a. publish in the Government Gazette the *Shire of Waroona Dog 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;**
- 3. approves for the Chief Executive Officer to form a policy that, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specifies public places that are under the care, control, or management of the Shire of Waroona to be dog prohibited areas, dog exercise areas or rural leashing areas.**

CARRIED 6/0

IN BRIEF

On 28th February 2023, council resolved for the Chief Executive Officer to commence the process to make a proposed *Shire of Waroona Dog Local Law 2023*. The intended result of the Dog Local Law is that dog owners within the Shire are to comply with the provisions of the local law.

BACKGROUND

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

COUNCIL RESOLUTION

OCM23/02/016

Moved: Cr Pisconeri

Seconded: Cr Snell

That Council:

1. *approves the making of the proposed Shire of Waroona Dog Local Law 2023 (Dog Local Law), as detailed at Appendix 11.2.7 in accordance with section 49 of the Dog Act 1976;*
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 Dog Local Law, that being:*
 - a. *The purpose of the proposed Shire of Waroona Dog Local Law 2023 is to provide for the effective management and control of dogs within Shire of Waroona in relation to containment, the number of dogs at a premises, kennel licencing and excreta;*
 - b. *The effect of the proposed Shire of Waroona Dog Local Law 2023 is that dog owners within the Shire are to comply with the provisions of the 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 Dog Local Law 2023 (Dog Local Law) 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.

One submission was received from a member of the community during the submission period. The idea of introducing guidelines around the use of electric shock collars to contain a dog within the confines of the owner's property, was suggested. It is believed that the use of electric shock collars in place of physical confinement or restraint would be difficult to define and manage and is a matter that is dealt with by Rangers on a case-by-case basis.

For these reasons, electric shock collars and fencing will not be included in the proposed Dog Local Law.

Comments have been received from the DLGSC on 3rd May 2023 with some content, grammatical, and formatting edits suggested. These comments and amendments have been applied to the draft proposed Dog Local Law as found at **Appendix 11.2.6 B**. DLGSC's comments regarding suggested content amendments are as follows:

1. Breaking into and destruction of pound

It is suggested that clause 2.4 and its corresponding modified penalty be deleted. This matter is already covered under the section 43(1)(d) of the Dog Act 1976 and penalties for these offences are already established.

The maximum penalty for a breach of section 43 of the Act is \$10,000. Since the maximum penalty a local law can impose is \$5000, it is impossible for the local law to establish a similar penalty. As a result, the relevant offences and penalties in the Act must be enforced directly rather than by a local law.

Officer's Response: Clause 2.4, and offences relating to clause 2.4 have been deleted.

2. Clause 3.1 – Dog confinement penalties

Section 33GA(2) of the Dog Act provides that a dangerous dog must be properly confined whenever it is not tethered or leashed and under the direct control of an adult. This section provides for a maximum penalty of \$10,000 if the confinement rules are not followed. Since the penalty is twice the maximum penalty which a local law can impose, local governments are required to enforce the penalty directly rather than via a local law.

It is suggested that the penalty clause be modified to only refer to non-dangerous dogs.

It is also suggested that the Shire insert a new subclause to clause 3.1 as follows:

(3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

Officer's Response: The Penalty listed under clause 3.1(2) only refers to non-dangerous dogs. Subclause (3) has been added as suggested.

3. Clause 4.9 – Penalties for breach of licence

This clause provides that a person must comply with the conditions of a kennel licence. The Act and the Regulations already provide the following penalties for failing to comply with a kennel licence:

- (a) An unmodified penalty of \$5000;*
- (b) A daily penalty of \$100; and*
- (c) A modified penalty of \$200.*

These penalty amounts apply, irrespective of whether the offence involves a dangerous dog or not.

It is suggested that the penalties in clause 4.9 and Schedule 3 be amended to ensure consistency with the penalties in the Act and Regulations.

Officer's Response: Penalties in clause 4.9 and Schedule 3 amended as suggested.

4. Schedule 3 – Modified penalties and “10% rule”

Under section 50(2) of the Dog Act 1976, modified penalties must not exceed 10% of the maximum penalty for that offence.

The Shire should ensure that the modified penalties in Schedule 3 fall within this ratio. Suggestions to amend the content are as follows;

Officer’s Response: The modified penalty associated with Offence 5.1(2) has been amended to align with the “10% rule”.

Following council adoption, the Shire of Waroona Dog 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.

Dogs in Public Places

It is important to note that since the Shire of Waroona Dog Local Law 2001 was last reviewed in June 2012, the Part which addresses Dogs in Public Places has been removed.

Since its adoption, the *Dog Amendment Act 2013* changed how dog exercise and prohibited areas were to be specified, which is now executed with an absolute majority decision of Council - Dog Local Laws no longer make reference to dog exercise/prohibited areas.

To address this legislative change, dog exercise and prohibited areas, and rural leashing areas will be specified by way of a separate policy. This policy will be presented to council with an accompanying officer’s recommendation to a) consider making the policy, and b) make the proposed policy available for public comment via a Local Public Notice. All public submissions received will be considered before a second report is presented to council, recommending the adoption of the proposed policy.

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 2 - 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 (52 days)
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
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 27 June 2023
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government.	3.12(5)	Scheduled for: Tuesday 4 July 2023
Give local public notice advising that the new laws have been made, the title, and make copies available to the general public.	3.12(6)	Scheduled for: Tuesday 18 July 2023
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Scheduled for: Wednesday 19 July 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)

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
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<i>Description</i>	Failing to regularly review policies may indicate poor governance, and result in out-of-date provisions for the regulation and management of dogs within 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 submission was made by a member of the public.
- 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 \$3'000. Funds are available in the 2022/2023 budget for the project cost.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer's recommendation to complete the process to make the proposed Shire of Waroona Dog Local Law 2023; or
2. amending or rejecting the proposal to make the Shire of Waroona Dog Local Law 2023.

CONCLUSION

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

Cr Pisconeri declared an interest affecting impartiality in item 11.2.7 as the reporting officer is a family member.

11.2.7 CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas Policy	
File Ref:	LE.3, LE.21
Previous Items:	Nil
Applicant:	Not applicable
Author:	Corporate Planning & Governance Officer
Responsible Officer:	Director Corporate & Governance Services Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.7 – Proposed CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas

COUNCIL RESOLUTION

OCM23/06/080

Moved: Cr Mason

Seconded: Cr Vitale

That Council:

- 1. initiates CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas as presented in Appendix 11.2.7 of this item, for the purposes of a 28-day public consultation period; and**
- 2. approves for the Chief Executive Officer to undertake local advertising in accordance with section 31(3C) of the Dog Act 1976, and arrange for the display of a public notice relating to the proposed policy that invites public submission for a minimum of 28 days.**

CARRIED 6/0

IN BRIEF

- Amendments to the Dog Act 1976 in 2013 has changed how a Local Government's dog prohibited, dog exercise, and rural leashing areas are determined.
- Such areas are now specified, by absolute majority, independently of the Dog Local Law.
- There have been no major changes to the identified dog prohibited and dog exercise areas within the Shire of Waroona, since the 2013 review of the Shire's Dog Local Law 2001.
- It is recommended that Council initiates the process to implement the proposed policy - CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas.
- This policy will complement the currently drafted Shire of Waroona Dog Local Law 2023 by allowing for the effective management of dogs in public places under the care, control, or management of the Shire.

BACKGROUND

At the Ordinary Council Meeting held 28 February 2023, Council resolved to initiate the 2023 review of the Shire of Waroona Dog Local Law. The Dog Local Law has been advertised, made available for public comment, and will be submitted to council in June 2023 for adoption.

A significant change to the existing Dog Local Law 2001, which was last reviewed and adopted in 2013, is the omission of the Part that addresses Dogs in Public Places.

Amendments to the Dog Act 1976 changed how dog exercise and prohibited areas were to be specified, which is now executed with an absolute majority decision of Council, subject to public consultation - Dog Local Laws no longer address dog exercise and prohibited areas.

The Dog Act 1976 now states that a local government may, by absolute majority, specify a public place or class of public place, that is under the care, control or management of the local government to be either a dog prohibited area (s.31(2B)), dog exercise area (s.31(3A)) or rural leashing area (s.31(3B)).

The proposed Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas policy is a means for council to formally specify such areas within the Shire of Waroona.

REPORT DETAIL

The current Shire of Waroona Dog Local Law 2001 defines the following areas as:

1. Places where dogs are prohibited absolutely (clause 5.1)

- (a) *a public building, unless permitted by a sign;*
- (b) *all premises or vehicles classified as food premises or food vehicles under the Health (Food Hygiene) Regulations 1993 (legislation repealed in 2009); and*
- (c) *that area defined as portion of Murray Location 26, in a lease agreement between the Minister for Works and the Shire of Waroona and known as the Waroona Lions Club Community Park and Swimming Areas (now referred to as the Drakesbrook Weir).*

2. Places which are dog exercise areas (clause 5.2)

Waroona Townsite –

- (1) *Reserve No 8746 Lot 316;*
- (2) *Murray Loc 386 - Waroona Lot 348 being Lot 6 (Kings Park); and*
- (3) *Reserve No 37233 Loc. 1733 Part of Lot 91*

Hamel Townsite –

- (1) *Reserve No 27714*

Preston Beach Townsite –

- (1) *Reserve No 33349*

Pursuant to section 31 of the Dog Act 1976, dog prohibited areas and dog exercise areas have now been specified in the proposed Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas policy. There have been no major changes to the identified dog prohibited and dog exercise areas. The proposed areas, as per **Appendix 11.2.7**, are listed as per the tables below.

Dog Prohibited Areas

Area / Reserve	Location
All Public Buildings	
Drakesbrook Weir - Weir Road, Waroona	Weir Road, Waroona. All grassed and adjoining beach areas.

Dog Exercise Areas

Area / Reserve	Location
Waroona Town Oval (R8746)	Being the main grassed oval area within Reserve 8746, bounded by Miller Street, Parnell Street and South Western Highway
Kings Park, Waroona	Being that area bounded by Kings Place, King Street and Mill Street.
Hill Street Recreation ovals, Waroona (R37233)	Lot 91 Hill Street Grassed and oval areas excluding the skate park and playground area.
Pitt Street Recreation Reserve, Hamel (R27714)	Grassed area between Cullinga Street and Pitt Street. Refer to
Recreation Reserve, Preston Beach (R33349)	Recreation reserve bounded by Beachcast Close, Panorama Drive, and the Preston Beach golf course.

Rural Leashing Areas

Rural leashing areas are those places outside of a gazetted townsite where dogs must be on a leash at all times. According to the Dog Act 1976, dogs in areas outside of metropolitan areas or townsites are exempt from the requirement to control or securely tether a dog in a public place in accordance with section 31(1), unless the area has been declared a rural leashing area.

To govern the management and control of all dogs in public places, the proposed policy also specifies Rural Leashing Areas –

All reserves, including road reserves, under the care, control, or management of the Shire of Waroona, excluding specified Dog Exercise Areas or a Dog Prohibited Areas, are classified as Rural Leashing Areas.

All dogs must be kept on a leash and under control at all times when in Rural Leashing Areas.

Apart from being a legal requirement, Rural Leashing promotes responsible dog ownership to ensure the comfort, safety, and health of the whole community.

Officer Recommendation

It is recommended that the process to implement the proposed Policy be initiated.

At the close of the public notice period, any public feedback and submissions received will be presented to council for consideration before a second report is prepared for council recommending the adoption of the proposed policy.

The proposed policy will complement the currently drafted Shire of Waroona Dog Local Law 2023 by allowing for the effective management of dogs in public places under the care, control, or management of 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	5.1 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	N/A

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Dog Act 1976

31. Control of dogs in certain public places

- (1) A dog shall not be in a public place unless it is —
- (a) held by a person who is capable of controlling the dog; or
 - (b) securely tethered for a temporary purpose, by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.
- (2A) Despite subsection (1), a dog shall not be in a public place —
- (a) at all if the place is specified under subsection (2B) as a place where dogs are prohibited at all times; or
 - (b) at a time when the place is specified under subsection (2B) as a place where dogs are prohibited at that time.
- (2B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited —
- (a) at all times; or
 - (b) at specified times.
- (2) A dog is exempt from the requirements of subsection (1) if —
- (a) it is in a dog exercise area specified under subsection (3A); or
 - (b) it is in a public place that is in an area of the State outside the metropolitan region or outside a townsite, and that is not a rural leashing area specified under subsection (3B); or
 - (c) it is in or on a vehicle; or
 - (d) it is being exhibited for show purposes; or
 - (e) it is participating in an obedience trial or classes conducted under the auspices of the body known as the Canine Association of Western Australia (Inc.) or a body approved by the local government in whose district the obedience trial or classes are conducted; or

- (f) it is registered as being bona fide used in the droving or tending of stock and is being so used or is going to or returning from a place where it will be, or has been, so used; or
 - (g) it is a foxhound in a pack bona fide engaged in hunting or hound exercise or in going to or returning from hunting or hound exercise; or
 - (h) it is being used for retrieving, duck hunting or other customary sporting purposes.
- (3A) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a dog exercise area.
- (3B) A local government may, by absolute majority as defined in the *Local Government Act 1995* section 1.4, specify a public place that is under the care, control or management of the local government to be a rural leashing area.
- (3C) At least 28 days before specifying a place to be —
- (a) a place where dogs are prohibited at all times or at a time specified under subsection (2B); or
 - (b) a dog exercise area under subsection (3A); or
 - (c) a rural leashing area under subsection (3B), a local government must give local public notice as defined in the *Local Government Act 1995* section 1.7 of its intention to so specify.
- (3) If a dog is at any time in any public place in contravention of subsection (1) or (2A), every person liable for the control of the dog at that time commits an offence unless the person establishes a defence under section 33B.
- Penalty: a fine of \$5 000.
- (3) This section does not apply to a dangerous dog.
- (4) A local government must specify under subsection (3A) such dog exercise areas as are, in the opinion of the local government, sufficient in number, and suitable, for the exercising of dogs in 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*)

Dog ownership and related exercise has been shown to be beneficial to the physical and mental health of their owners. Dogs provide an opportunity to build social networks within the community and create openings for social interaction. The continued availability and usage of dog exercise areas within the community allow dog owners to experience more social contact and conversation than those that walk alone, as well as motivating owners to exercise more frequently and enjoy a healthier lifestyle.

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

Nil.

Policy Implications

The proposed new policy, once adopted, will be a Corporate & Governance Policy, known as: CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas.

This policy will be reviewed triennially, as per the policy review schedule.

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>	Failing to provide current information relating to dogs in public places may result in out-of-date provisions for the regulation and management of dogs within the district.
<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

- Governance Officer, Shire of Ashburton.
- A notice of the proposed draft policy will be advertised via local public notice in the Harvey-Waroona Reporter, for a period of no less than 28 days. This advertisement will provide details on:
 - The intention of the policy.
 - Where the proposed policy may be viewed; and
 - To whom, in what form and during what period submissions in relation to the proposed policy may be made.
- A copy of the draft policy will also be placed on the Shire's website inviting submissions.
- Any submissions received during the public consultation period will be considered and reported back to Council in accordance with the Dog Act 1976.

RESOURCE IMPLICATIONS

Financial

The cost of advertising in the Drakesbrook Despatch is approximately \$44. 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 initiate the process to implement the proposed CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas policy; or
2. amending or rejecting the proposal to initiate the process to implement the proposed CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas policy.

CONCLUSION

It is recommended that Council initiates the process to formally specify, by absolute majority, dog prohibited areas, dog exercise areas, and rural leashing areas within the Shire of Waroona by way of a new council policy. This policy will complement the currently drafted Shire of Waroona Dog Local Law 2023 by allowing for the effective management of dogs in public places under the care, control, or management of the Shire.

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

11.2.8 Waroona Community Lights Agreement	
File Ref:	TBA
Previous Items:	26 September 2017; Item 9.4.4; OCM17/09/094
Applicant:	Nil
Author and Responsible Officer	Corporate Planning & Governance Officer; Director Corporate & Community Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendix Number	11.2.8 – Proposed Waroona Community Lights Agreement

COUNCIL RESOLUTION

OCM23/06/081

Moved: Cr Vitale

Seconded: Cr Mason

That Council:

- 1. enters into the proposed Waroona Community Lights Agreement with Waroona Community Lights Committee, as per Appendix 11.2.8;**
- 2. authorises the Shire President and Chief Executive Officer to sign and execute all matters relating to the Waroona Community Lights Agreement;**
- 3. allocates \$2,000 per annual budget for the maintenance and repair of community lighting infrastructure; and**

CARRIED 6/0

IN BRIEF

Council is requested to consider entering the proposed Waroona Community Lights Agreement (Lights Agreement) with Waroona Community Lights Committee (WCLC) to manage all lighting infrastructure on the Agreed Areas specified on site maps in Item 1 of the Agreement Schedule, for the purpose of installation, display, repair, and maintenance of temporarily and/or permanently affixed lighting infrastructure throughout the Shire. The Lights Agreement also covers an agreed formal process for any applications by the WCLC for additional lighting infrastructure at new locations.

BACKGROUND

In 2016, a group of Waroona community members partnered together to develop the Waroona Community Lights Project. The group's initial aim was to provide decorative Christmas lights in the Waroona townsite. Following an application for funding, the project was successful in receiving funds to install their first set of Christmas lights on the large Norfolk Island pine tree next to the visitor centre, situated on a reserve owned by Water Corporation.

In 2017, council approved for the Waroona Community Lights Committee to expand their lighting project, following a \$21,000 grant from the Alcoa Waroona Sustainability Fund and other small funding received. The sites identified for lighting were the visitor centre and information bay area, Drakesbrook Place, and Centennial Park. Following an application to

Shire Council in September 2017 seeking council's support to continue the project, council resolved as follows:

COUNCIL RESOLUTION

OCM17/09/094

MOVED: CR SNELL

SECONDED: CR GERMAIN

That Council advise the Waroona Community Lights Group that -

- a. *It does support the initiative of the Christmas light project and would like to see it continue in the community;*
- b. *Permission is granted to locate Christmas lights at the Visitor Centre and Information Bay area; Drakesbrook Place and Centennial Park;*
- c. *Council will absorb the additional power cost to run the lights installed on Council property;*
- d. *The Council is unable to pay the \$10,486.99 cost of the installation of additional power points in Drakesbrook Place as no funds have been included in the 2017/18 budget; and*
- e. *The CEO is authorised to consult with the group over final design and location of all Christmas lights and structures on Council property taking into consideration all occupational health & safety requirements of the installation and equipment, and the suitability of structures and their location.*

Carried 7/0

Since their inception and with initial support from council, the Waroona Community Lights Committee have partnered and gained support and/or funding to expand the project, from the Shire of Waroona (informally, with Council and staff), Alcoa, Curtis Electrical Contracting, McCall Bros Engineering, Lions Club of Waroona, Leos Club of Waroona, Waroona Youth Advisory Council, Waroona Senior Citizens' Welfare Association, Western Power and Water Corporation, employees of Alcoa, as well as community members.

The WCLC have proactively worked to install both permanent and temporary light fixtures at locations throughout the main street of Waroona (outlined in **Item 1** of the agreement **Schedule** at **Appendix 11.2.8**). This has been done informally and by verbal agreement with the Shire of Waroona, the Water Corporation, Western Power, and a local electrical company – Curtis Electrical Contracting.

Following installation of permanent lighting at the Centennial Park rotunda under the community lights project in 2022, the WCLC approached the Shire seeking financial support to repair the new light installation. The Shire identified at this time that a formal agreement was required prior to continuing with the Community Lights Project to establish formal guidelines around installation, maintenance, funding, ownership, and responsibilities for future light installations going forward.

REPORT DETAIL

A formal agreement between the Waroona Community Lights Committee is proposed, to ensure that all existing and future lighting installations and maintenance is feasible and formally approved by the Shire. By entering into the proposed community lights agreement, the WCLC would agree to the following requirements, at a minimum:

- Submission of a written application for every new proposed light display, which will include full details of quotes, description of all lighting and infrastructure, estimated ongoing servicing, upgrade and replacement costs and requirements;

- Liaison with the Shire of Waroona in writing to arrange installation and dismantling dates for all temporary festive light fixtures each year; and
- Written notice of any required maintenance and repairs to existing lighting infrastructure covered under the Waroona community lights project prior to carrying out/ arranging the maintenance or repair work. The notice will include estimated costs, quotes, and details of the contractor to be used.

Once the Shire’s annual allocated budget of \$2000 for this work has been exhausted, the WCLC are responsible for the cost of maintenance and repairs for the remainder of that financial year.

As per previous informal arrangements with the WCLC, the Shire of Waroona shall be considered the owner of all relevant lighting infrastructure that has been or will be obtained through the Waroona Community Lights project. For instance, this also applies to permanent and temporary structures installed at the Agreed Areas as well as the Christmas tree lights installed in the large pine tree at 35 (Lot 224) South Western Highway. As a result, all relevant lighting infrastructure will be included on the Shire’s asset register, insurance register and maintenance schedule.

It is important to note that temporary festive lighting is stood in place and structurally secured by Shire Depot personnel each year. The WCLC are then responsible for engaging only suitably qualified and licenced electricians to inspect, connect and secure the electrical components of all lighting infrastructure installed by the Shire.

When not in use, all temporary lighting infrastructure will be stored in an adequate shed at the Shire Depot or other Shire-managed location, following written approval from the Manager Works & Waste Services.

In preparing the lights agreement, Water Corporation were contacted to confirm their approval for the Christmas lights to continue to be installed in the large pine tree at 35 South Western Highway, adjacent to the Visitor Centre. Following initial contact, a formal licence agreement has been established between Water Corporation, WCLC and the Shire of Waroona (as a third party). This agreement was signed by the Acting Chief Executive Officer on 12 April 2023.

Council’s adoption of the Waroona Community Lights Agreement is recommended.

Council is also required to approve an annual allocation of \$2000 towards maintenance and repairs of relevant lighting infrastructure, and advise, by resolution, whether any new light display applications would require council or CEO approval.

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	1.4 Encourage an active and healthy community with an improved quality of life
Strategy	1.4.2 Support local community, sporting and recreational groups and initiatives
Action	Nil

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living

Objective	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets
Action	Nil

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Support of an attractive community-driven initiative that excites the community by improving the visual aspect of the central townscape, particularly around the festive season.

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>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Failing to initiate the establishment of a lights agreement with the Waroona Community Lights Committee to continue a much-loved visual community feature, may result in poor public perception. The Shire’s excellent reputation of supporting working with community-driven groups and volunteers within its community, could also be impacted.
<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>	Semi-annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

This agreement has been prepared in consultation with:

- Water Corporation
- Curtis Electrical Contracting
- Western Power

- Waroona Community Lights Committee.

RESOURCE IMPLICATIONS

Financial

\$2000 of allocated funds for ongoing repair and maintenance costs.

Workforce

Shire Depot personnel are responsible for erecting temporary light installations prior to the festive season each year. Three (3) workers are required for set up, totalling 15 hours. Three (3) workers are required for dismantling and storage, totalling 8 hours.

OPTIONS

Council has the option of:

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

CONCLUSION

The Waroona Community Lights Agreement is an opportunity for the Shire to continue to support an attractive community-driven initiative that excites the community by improving the visual aspect of the central townscape, particularly around the festive season.

Council's adoption of a formal Waroona Community Lights Agreement is recommended. This agreement would ensure that all existing and future lighting installations and maintenance are feasible and formally approved by the Shire. Council is also required to approve an annual allocation of \$2,000 towards maintenance and repairs of relevant lighting infrastructure to support the sustainability of the community lights project.

Executive Assistant Merrin Kirk left the meeting, the time being 4.42pm

Executive Assistant Merrin Kirk returned to the meeting, the time being 4.42pm

11.3 CHIEF EXECUTIVE OFFICER

11.3.1 Trails Planning Grant Agreement	
File Ref:	GS.1
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Responsible Officer	Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.1 A – Shire of Waroona Local Trail Plan 11.3.1 B – Lakes Trail Planning Model 11.3.1 C – Trails Planning Grant Success Confirmation Letter 11.3.1 D – Trails Planning Grant Agreement

COUNCIL RESOLUTION

OCM23/06/082

Moved: Cr Mason

Seconded: Cr Vitale

That Council:

- 1. approves the Trails Planning Grant Agreement (Appendix 11.3.1 D Trails Planning Grant Agreement);**
- 2. authorises the Chief Executive Officer to sign the Agreement; and**
- 3. amends the 2022/23 adopted budget as per the below:**
 - a. increase income account 136230 by \$25,000 to recognise grant income.**
 - b. increase expenditure account PK07 to allow for the above expenditure.**

CARRIED 6/0

IN BRIEF

The Shire of Waroona plans to develop trails within its district. In support of this a grant application for \$25,000 was made to undertake trail planning work for the Lakes Trail. The application was successful, and Council is recommended to agree to the terms of the Agreement and accept the funding.

BACKGROUND

The Shire of Waroona has a Local Trail Plan (Appendix 11.3.1 A – Shire of Waroona Local Trail Plan) which is part of the development of a Peel region wide series of trails. The Lakes Trail, from Waroona Town to Drakesbrook Weir to Waroona Dam has already received \$50,000 for trail development, focussing on the Drakesbrook Weir area itself as a trail header and on the section from the Weir to the Dam.

The Department of Local Government, Sport, and Cultural Industries (DLGSC) provided a round of funding to support trails development, which the Shire of Waroona applied for.

REPORT DETAIL

Trail development works to an eight-stage process, including:

1. Proposal
2. Framework
3. Site Assessment
4. Concept Planning
5. Corridor Evaluation
6. Detailed Design
7. Construction
8. Management

The present work on the Trail Development is at Stage 4, Concept Planning (see Appendix 11.3.1 B – Lakes Trail Planning Model). The grant is intended to fund stage 5, the Corridor Evaluation, which includes identifying the precise route based on the constraints of the site. These may be environmental, heritage, topographical or functional.

Completion of Stage 5 planning will be undertaken in consultation with the stakeholders. Once completed this section of the trail will be put on hold while the trail section from Town to the Weir is developed to a similar stage, using part of the \$50,000 grant provided for trail development as part of the Drakesbrook Weir project. Once this work is complete the direction of Council will be sought to confirm the focus for the construction grant.

Minister Templeman has written to the Chief Executive Officer to inform the Shire that the application was successful (Appendix 11.3.1 C – Trails Planning Grant Success Confirmation Letter). A grant agreement (Appendix 11.3.1 D – Trails Planning Grant Agreement) is now before Council for determination to accept the funding in accordance with the agreement.

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	1.2 Maximise and connect our natural assets to the community
Strategy	1.2.1 Connect natural assets, waterways, parks and reserves to the community

OTHER STRATEGIC LINKS

Peel Alliance Regional Trails Strategy ([https://peelalliance.org.au/wp-content/uploads/2019/11/190815 PEEL-REGIONAL-TRAILS-STRATEGY A Regional-pages.pdf](https://peelalliance.org.au/wp-content/uploads/2019/11/190815_PEEL-REGIONAL-TRAILS-STRATEGY_A_Regional-pages.pdf)).

STATUTORY ENVIRONMENT

Local Government Act 1995

6.15. Local government's ability to receive revenue and income

- (1) **A local government may receive revenue or income —**
 (a) from —

- (i) rates; or
 - (ii) service charges; or
 - (iii) fees and charges; or
 - (iv) borrowings; or
 - (v) investments; or
 - (vi) any other source, authorised by or under this Act or another written law; or
- (b) **from —**
- (i) dealings in property; or
 - (ii) **grants** or gifts.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Supports tourism and economic development in the Shire of Waroona.

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

Support community recreation.

Environment – (Impact on environment’s sustainability)

The project will be developed to ensure minimum harm to the environment.

Policy Implications

Nil.

Risk Management Implications

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

Theme	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
Description	Project fails to be developed due to lack of funding.
Consequence	3 - Moderate
Likelihood	3 - Possible
Rating	Moderate (4-9)
Controls / Review	Receipt of grant funding will support project completion.
Risk Owner	Chief executive officer
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

DPIRD has been consulted in the application for the grant fund.

RESOURCE IMPLICATIONS

Financial

\$25,000 grant income is to be received.

Workforce

Nil.

OPTIONS

Council has the option of:

1. Accepting the grant funding; or

2. Not accepting the grant funding.

CONCLUSION

This grant provides the Shire of Waroona an opportunity to advance its trails development work in line with its strategic focus. It is recommended that Council accepts the grant.

Mark Goodlet declared a financial interest in item 11.3.2 as it impacts vehicle purchase options for him as the Chief Executive Officer.

Mark Goodlet left the meeting, the time being 4.45pm

11.3.2 Novated Leasing	
File Ref:	CM.7
Previous Items:	
Applicant:	Mark Goodlet; Chief Executive Officer
Author and Responsible Officer	Chief Executive Officer
Declaration of Interest:	Financial – impacts vehicle purchase options for CEO
Voting Requirements:	Simple Majority
Appendix Number	11.3.2 – HRP008 – Salary Sacrifice

COUNCIL RESOLUTION

OCM23/06/083

Moved: Cr Vitale

Seconded: Cr Pisconeri

That Council:

- 1. approves in-principle novated vehicle leasing for Shire of Waroona employees, provided the novated leasing company used is a Western Australian Local Government Association preferred supplier;**
- 2. requests that this principle be incorporated into the policy HRP008 – Salary Sacrifice included at Appendix 11.3.2 HRP008 – Salary Sacrifice; and**
- 3. authorises the Chief Executive Officer (CEO) to execute compliant novated leases on behalf of the Shire of Waroona, or in the case of a novated lease for the CEO, authorises the Director Corporate and Community Services to do so.**

CARRIED 6/0

IN BRIEF

Novated leasing provides a means for car ownership to employees without cost to local governments. It can be a job incentive for employees.

The Western Australian Local Government Association (WALGA) offers a range of preferred supplier novated lease companies.

It is recommended that novated leasing be provided as an option for Shire of Waroona employees, subject to the novated lease firm being on the WALGA preferred supplier panel.

BACKGROUND

Employment incentives are an important part of the mix in attracting employees to any organisation. Novated leasing is part of the salary sacrificing incentive and is used widely across Australia. Within Western Australia the ‘State Government Common Use Agreement Program’ provides employees with the opportunity to use novated lease firms to salary sacrifice private vehicle ownership. WALGA does this too with several firms offering novated leasing through its preferred supplier arrangements. Novated leasing is widely used in private

industry The advantage of using WALGA preferred suppliers is that they have undergone a rigorous selection process and are monitored for performance during the life of their preferred supplier status.

REPORT DETAIL

How it Works

Any employee can enter into a novated lease arrangement to buy and use a car privately.

Under a novated lease the vehicle is registered in the name of the local government but through a lease novation, belongs to the employee. As the Australian Tax Office requires this type of lease to include the maintenance and running costs for the vehicle, these costs are included in the lease (post tax payments) and the service is provided by the lease company. By adopting total vehicle costs in the salary package, a novated lease may be a viable option for employees. All employees are advised to seek their own financial advice before entering into a novated lease agreement.

The onus of responsibility is placed on the employee once the novation is signed. The employer is protected at all times by the novation agreement and by indemnities provided by the employee at the time they enter into the lease. The employee meets all associated costs including the fringe benefit tax (if not included in their contract) from their gross pay. Should the employee leave the organisation, or the end of the lease term is reached, the full terms of the lease become the responsibility of the employee.

While leasing option provides benefits it is difficult to obtain agreement for use of the vehicle by other staff during work hours, since the vehicle is in the private ownership of the employee, and as such it is not suitable for the organisation's carpool.

Offering a novated lease as an option to staff supports employee attraction and retention. Where a novated lease is an option taken in lieu of an existing Council vehicle the employee must make their leased vehicle available for their own business use only without any additional payments from the local government.

Fringe Benefit Tax

Fringe benefit tax is incurred through contractual private use arrangements for contract employees. Contract employee provisions for private use vehicles supplied by the local government will remain subject to normal fringe benefit arrangements.

Novated leasing does not attract any fringe benefit tax to the local government in and of itself, so fringe benefit payment arrangements for a local government are not affected by novated lease arrangements.

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

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)

Theme	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
Description	Extra cost to local government through inappropriate incentives.
Consequence	3 - Moderate
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Develop policy position and protect the agreement using WALGA preferred suppliers of novated leases.
Risk Owner	Chief executive officer
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil.

RESOURCE IMPLICATIONS**Financial**

The local government does not contribute to novated lease vehicle payments for employees. To be clear, no vehicle purchase costs, interest costs or ongoing costs are payable by the local government.

Workforce

The local government administers payments to the novated lease company through its payroll system, as it does any account deductions for employees. The local government is a party to the novated lease agreement and provides administrative input to establish the agreement.

OPTIONS

Council has the option of:

1. accepting the recommendation as it stands;

2. accepting the recommendation subject to modification; or
3. not accepting the recommendation.

CONCLUSION

A novated lease is a useful employee incentive and is proposed here as a policy position of the Shire of Waroona organisation. They are widely used and providing reputable firms are providing the service then they can be successfully implemented in an organisation. As such WALGA, with its preferred supplier scrutiny, is able to mediate a valued service for local government.

Mark Goodlet returned to the meeting, the time being 4.46pm

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 4.46pm

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 25 July 2023 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE