



SHIRE OF
WAROONA
SEA TO SCARP

MINUTES

ORDINARY COUNCIL MEETING

Tuesday 28 November 2023
(Held at the Lake Clifton Community Centre)

UNCONFIRMED

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 10 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited unless the prior approval of the Council has been given.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

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

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Cr Mike Walmsley	Shire President
Cr Naomi Purcell	Deputy Shire President
Cr Charlie Clarke	Councillor
Cr John Mason	Councillor
Cr Karen Odorisio	Councillor
Cr Naomi Purcell	Councillor
Cr Larry Scott	Councillor
Mark Goodlet	Chief Executive Officer
Ashleigh Nuttall	Director Corporate & Community Services
Kirsty Ferraro	Manager Corporate Services
Bradley Oborn	Manager Works & Waste Services
Merrin Kirk	Executive Assistant

APOLOGIES

Karen Oborn Director Infrastructure & Development Services

There was one member of the public present at the commencement of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Dion Pisconeri for the period 1 – 30 November 2023 inclusive.

APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

Cr Scott left the room, the time being 4.02pm
 Cr Scott returned to the room, the time being 4.02pm

4. PUBLIC QUESTION TIME

Graeme Wyatt
317 Tuart Grove Avenue
Lake Clifton WA 6215

Re: 11.1.2 Road Verge Development and Maintenance Policy

What consideration has been given to the severely increased fire risk in rural residential areas resulting from the proposed cessation of verge mowing?

There is mention in the proposal of mowing lawns but there are no lawns in this area. However, there are very dense, waist high weeds which are at risk of catching fire through discarded cigarettes, blown out tyres and numerous other risks. The fire in 2011 which burned 10 houses in Lake Clifton was started by a blown tyre on Forrest Highway and we frequently have hoons doing burn outs that could easily do it again.

One of the issues identified in the report on the 2016 fire was that it followed the unkempt verges. It may have been possible to control that fire if all the verges were mowed.

As retirees, my wife and I have the time to ensure that our verges are managed but there are many FIFO workers, single ladies and others who are time poor or don't have the physical ability to look after verges on top of the high work load of looking after a large block.

The relationship between many residents and the Shire is poor but is gradually being improved by some of the Shire's newer staff. There is a generally held view in this area that we receive very little service from the Shire and the removal of this service would set back that improvement process, particularly as the money saved is proposed to be spent on a project that will only benefit residents of the town.

Would Council consider deferring a decision on this proposal in order to allow time for a thorough review? The Lake Clifton Herron Residents Association would be happy to assist with this review.

Answer

The Chief Executive Officer verbally noted Mr Wyatt's question and stated that Director of Infrastructure & Development Services Karen Oborn would contact Mr Wyatt and provide a response. Karen Oborn provided the below response to Mr Wyatt by email.

Re: 11.1.2 Road Verge Development and Maintenance Policy

Consideration of fire risk in rural residential areas is ongoing and included in all land use deliberations.

The proposal to cease verge mowing for rural residential properties is to achieve equitable service, as other residents do not have their verges mowed at no cost. Therefore, those ratepayers are paying for a select few properties to get this service. It is also designed to enhance the 'sustainable' use of Shire resources for the whole districts public good. Additionally, properties in the rural residential and agricultural zones are typically required to have their fire breaks in place by the 30 November 2023. It is envisaged that they should also attend to their property verges as a part of this annual process. The proposal refers to both mowing lawns and verge mowing (slashing). This includes verges which have very dense,

waist high weeds. Residents are responsible of mitigating these risks and again it is envisaged that verge mowing can become a part of their annual fire season preparations.

Regarding one of the issues identified in the report on the 2016 fire, being the unkempt verges, any level of vegetation is likely to add to a potential fuel load in the event of a fire. Further, the verge areas referred to in the report in general, are likely to contain Federal and State legislated 'threaten ecological community' species. As such, totally clearing the verge of all potential threats, is prohibited. Residents who are time poor or don't have the physical ability to look after verges, still have the option of engaging contractors or the Shire through 'private works' (if resourcing available) to do the work, as part of their annual fire preparation requirements. Similar, to all other residents throughout the rest of the Shire.

Whilst it is pleasing to hear that the relationship between many residents and the Shire is gradually being improved by some of the Shire's newer staff, the Shire is a local government agency. As such, the Shire is required by law, to make decisions in line with a range of regulations in the interests of the common good, and that may not always suit a particular group, area, or an individual nor align with how people may perceive things should be. In this case it is not equitable, to give a service to some residents when the shire does not have the resourcing to provide it to all residents. This is why throughout Western Australia, other Local Governments do not typically maintain the verges adjoining private property.

Regarding the view that Lake Clifton residents received very little service from the Shire, that perception is not uncommon. This arises as the Shire's such as Waroona who are small Shires with limited resources, still have a very high service demand level. In addition, Shire Rates are used to fund many things that are for the benefit of the whole community and not just individuals or certain areas. Such as local roads, as well as services including but not limited to waste landfill sites and environmental services, sport and recreational services, community facilities and services, and other civic infrastructure, along with a myriad of mandatory regulated requirements such as animal control, land use management, development and building compliance and environmental health services. All of these services are delivered in balance with minimising rate increases, striving for the best value for money in expenditure decisions, providing appropriate services and quality assets to the community, paying staff at an appropriate level, as well as meeting the regulatory requirements of local government agencies in WA.

In summary, the reallocation of the verge mowing resources to the civic parks benefit all residents, not only the residents in the town areas. These facilities are freely available for use by all residents throughout the Shire. In addition, enhanced civic facilities increase tourism and other economic opportunities, which have been demonstrated to benefit the whole district.

It is also noted that the resolution of Council was to approve the Road Verge Development and Maintenance Policy for the purpose of public consultation. Therefore, a deferral on a final decision is not required, as a public consultation and review period is currently underway, and the Lake Clifton Herron Residents Association are very welcome to make a submission during this period. In addition, Mr. Wyatt's question will be considered in this consultation process.

5. PETITIONS AND APPROVED DEPUTATIONS

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting – 24 October 2023

COUNCIL RESOLUTION

OCM23/11/149

Moved: Cr Mason

Seconded Cr Odorisio

That the Minutes of the Ordinary Council Meeting held 24 October 2023 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Cr Walmsley announced that he has recently been appointed as Chair of the Peel Alliance and Deputy State Councillor of Peel Country Zone.

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 a proximity interest in item 11.1.1 as he is a property owner on South Western Highway.

Cr Odorisio declared an interest affecting impartiality in item 11.1.1 as a family member is a property owner on South Western Highway.

Cr Purcell declared an interest affecting impartiality in confidential item 16.1.1 as she is an organiser of the All Australian Car Day and a Life Member of the Just Cruizin Street Machiners.

Cr Purcell declared an interest affecting impartiality in confidential item 16.1.1 as her direct supervisor at paid employment is a nominator of a candidate.

10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES

10.1 Alcoa Waroona Sustainability Committee Unconfirmed Minutes – meeting held 13 November 2023

COUNCIL RESOLUTION

OCM23/11/150

Moved: Cr Scott

Seconded Cr Clarke

- 1. That Council receives and notes the Minutes of the Alcoa Waroona Sustainability Committee meeting held 13 November 2023 (as per Appendix 10.1); and**
- 2. approves the recommendations of the Committee to appoint Victor Muller as a third Community Representative on the Advisory Committee, effective from 1 December 2023 for a two-year term, ending 1 December 2025.**

CARRIED 6/0

UNCONFIRMED

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

Cr Walmsley declared a proximity interest in item 11.1.1 as he is a property owner on South Western Highway.

Cr Odoriso declared an interest affecting impartiality in item 11.1.1 as a family member is a property owner on South Western Highway.

Cr Walmsley left the room, the time being 4.07pm and Deputy Shire President Cr Purcell assumed the Chair.

COUNCIL RESOLUTION**OCM23/11/151****Moved: Cr Clarke****Seconded: Cr Mason**

That Standing Orders be suspended for the purpose of open and frank discussion, the time being 4.08pm

CARRIED 5/0**COUNCIL RESOLUTION****OCM23/11/152****Moved: Cr Clarke****Seconded: Cr Scott**

That Standing Orders be resumed, the time being 4.20pm

CARRIED 5/0

11.1.1 Waroona Town Centre Greenery and Landscaping Plan	
File Ref:	CP.36 – Council Properties – Urban Design – Public Spaces
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer:	Senior Safety and Development Officer and Director Infrastructure and Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.1 - 23-310 Waroona Town Centre D6 231010 – FINAL

COUNCIL RESOLUTION**OCM23/11/153****Moved: Cr Mason****Seconded Cr Scott**

That Council adopts in-principle the Waroona Town Centre Greenery and Landscaping Plan, subject to consultation, required approvals and final review.

CARRIED 5/0

IN BRIEF

- The Waroona Town Centre Revitalisation Strategy 2021 recommends that a highway landscaping strategy is prepared to introduce more landscaping and greenery throughout the town centre and introduce shade and amenity for pedestrians.
- In response to this recommendation, Shire officers engaged Element to assist with the preparation of the Waroona Town Centre Greenery and Landscaping Plan (the plan).
- The plan focuses on reserved land rather than private land and the improvements listed in the plan are the responsibility of Council. The improvements listed in the plan have not been costed.

BACKGROUND

Element was briefed on the project in July where they were requested to ensure the plan could deliver on the following objectives:

- Transform the character of the town centre pedestrian spaces from a concrete dominated landscape to a greener environment that has a high tree canopy cover and provides shade.
- Encourage people to stop and linger in the town centre by providing places to sit and garden beds with interesting and colourful plant species.
- Ensure pedestrian spaces abutting the streets are accessible, open and inviting.
- Provide a sense of arrival into the town centre and an interest at street level between precincts.
- Ensure new landscaping is fit for purpose and coordinated in terms of design, species and materials to reinforce and define Waroona's identity.
- Retain existing mature vegetation, particularly the iconic spotted gums adjacent to the Waroona Historical Society building and the Ficus trees on the western side of Fouracre Street.
- Ensure new landscaping areas incorporate Water Sensitive Urban Design methods.

The Plan went through several drafts before being agreed upon by relevant staff. A copy of the plan is attached at 11.1.1 - 23-310 Waroona Town Centre D6 231010 – FINAL

REPORT DETAIL

The plan focuses on the section of South Western Highway between Elli Mac Salon and the War Memorial whilst also taking in the northern section of Fouracre Street. This area is considered the heart of Waroona and attracts the highest volume of vehicle and pedestrian movements. The plan breaks down this area into six precincts, each with their own recommended improvements from a landscaping and greenery perspective.

Most of the improvements to each precinct focus on the addition of new trees, planter boxes, garden beds and new pavement/paths. Other improvements proposed in the Plan include:

- Providing the two four-way intersections either side of the Main Strip Precinct with their own unique paving and street trees so that people entering the Main Strip Precinct by foot or car are aware they are entering the very centre of Waroona.
- Reworking the old visitor's information bay adjacent to the War memorial with improved landscaping and a meandering footpath.
- Providing more median strip kerbing within South Western Highway in the Main Strip Precinct so low-level garden beds can be installed for beautification purposes.

- Beautifying the parking area adjacent to the Men’s Shed.

Each precinct would need further detailed planning, which may result in changes to the plan itself. For example, it may not be feasible to plant some trees in the locations shown on the plan and some proposed improvements will require consultation with adjacent landowners. Detailed precinct plans will also need support from Main Roads Western Australia for those precincts involving the South Western Highway. Implementation of the plan, however, will improve the image of the Waroona town centre and also significantly improve the amenity for pedestrians. At present, the town centre is dominated by road pavement and there is not enough greenery to break up the massing of the pavement.

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	2.3 Create a vibrant, inviting and thriving town centre and maximise Waroona’s natural assets, cultural and heritage as drivers for tourism development
Strategy	2.3.1 Encourage community and business initiatives to refresh the appearance of the town centre
Action	

OTHER STRATEGIC LINKS

The Waroona Town Centre Revitalisation Strategy 2021 lists highway landscaping as an important component of revitalising Waroona.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

A more attractive town centre will invite motorists passing through to stop and potentially use the local businesses.

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

More trees and greenery in the town centre will reduce the heat island effect, provide shade for pedestrians and allow pedestrians to sit and enjoy a more pleasant environment.

Environment – (Impact on environment’s sustainability)

More trees and greenery in the town centre will increase the urban tree canopy.

Policy Implications

Nil.

Risk Management Implications

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

<i>Theme</i>	Project - Delays to start or completion, variations to scope or budget, insufficient funds
<i>Description</i>	The primary risk associated with the plan is the inability to fund the proposed landscaping and greenery works.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	It is expected that Shire officers will apply for grants to fund the implementation of the plan to reduce financial burden on Council to fund the project.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Project manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

The Waroona Town Centre Revitalisation Strategy 2021 underwent significant community consultation in 2020 (online surveys, workshop and stakeholder conversations). At the time community listed the below in respect to highway landscaping:

- More trees
- Keep landscaping simple as there is a lot of large machinery coming through town
- Use local native plants
- Lots of colour
- Create a standard and stick to it

The plans generally adhere to the community's comments. Further community consultation may be necessary when further detailed planning for each precinct is undertaken.

RESOURCE IMPLICATIONS

Financial

Preparation of the plan to date was funded under the Shire's endorsed 2022/23 and 2023/24 budgets.

Workforce

Shire staff has assisted Element in the preparation of the plan to date.

OPTIONS

Council has the option of:

1. endorsing the plan as proposed;
2. endorsing an amended version of the plan; or
3. not endorsing the plan.

CONCLUSION

Adding more trees and greenery will assist in turning Waroona into a destination, which will drive tourism and economic growth by encouraging passer-by to stop in town. Implementation of the plan is just a small part of transforming and revitalising Waroona, but landscaping and greenery is integral to driving renewal and promoting the town.

UNCONFIRMED

Mark Goodlet left the room, the time being 4.22pm.

Mark Goodlet returned to the room, the time being 4.22pm.

Cr Walmsley returned to the room and resumed his seat as Presiding Member, the time being 4.22pm.

11.1.2 Road Verge Development and Maintenance Policy	
File Ref:	PR.7 Parks And Reserves Maintenance Street Trees/Verges
Previous Items:	Nil
Applicant:	Nil
Author and Responsible Officer:	Director Infrastructure and Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.2 A – Road Verge Development and Maintenance Policy 11.1.2 B – Road Verge Development and Maintenance Guidelines 11.1.2 C – Communication Strategy

COUNCIL RESOLUTION

OCM23/11/154

Moved: Cr Mason

Seconded Cr Clarke

That Council:

- 1. adopts the Road Verge Development and Maintenance policy; and**
- 2. endorses the Road Verge Development and Maintenance Guidelines;**

for the purpose of public consultation.

CARRIED 6/0

IN BRIEF

Excluding trees and any sites actively managed by the Shire, the owner of the property adjoining a road verge is responsible for the maintenance of verge vegetation. Where a verge adjoins land owned by the Shire, the Shire will maintain the vegetation on that verge.

However, currently a select few ratepayers are still getting their verges maintained by the Shire of Waroona at the cost of the other ratepayers, which is not equitable nor sustainable. The Road Verge Development and Maintenance policy and guidelines are to standardise and clarify the delivery of the related Shire services.

Their implementation will result in the discontinuance of 'free' verge mowing from the 01/12/2023 in line with other Local Government Authorities across Western Australia.

BACKGROUND

To maintain services which are both equitable and sustainable, consideration is requested with regards to discontinuing the mowing of front lawn verges of the select properties that receive this service for free, to the detriment of other Rates payers as providing this service costs the Shire of Waroona considerable levels of wage and plant operating costs.

Excluding trees and any sites actively managed by the Shire, the owner of the property adjoining a road verge is responsible for the maintenance of verge vegetation. Where a verge adjoins land owned by the Shire, the Shire will maintain the vegetation on that verge.

However, currently a select few ratepayers are still getting their verges maintained by the Shire of Waroona at the cost of the other ratepayers, which is not equitable nor sustainable.

Other ratepayers are required to pay for private works if they want the Shire to mow their road verges. The Road Verge Development and Maintenance policy and guidelines are to standardise and clarify the delivery of the related Shire services.

The Road Verge Development and Maintenance policy and guidelines are to standardise and clarify the delivery of the related Shire services.

Their implementation will result in the discontinuance of 'free' verge mowing from the 01/12/2023 in line with other Local Government Authorities across Western Australia.

REPORT DETAIL

This change is motivated by a commitment to enhancing our community's well-being and sustainability, while utilising our resources more efficiently. The reasons for the change include:

- I. **Resource Reallocation:** Our community's needs have evolved over time. We are reallocating the resources previously dedicated to verge mowing - to creating and maintaining a new community precinct that will serve as a vibrant hub for our residents. This new precinct will include recreational spaces, social amenities, and green areas, significantly enhancing the quality of life in our community.
- II. **Environmental Impact:** In an era of growing environmental awareness, it is our responsibility to make sustainable choices. By reducing mowing, we are taking a modest yet crucial step toward reducing our carbon footprint and promoting a greener, more eco-friendly community. This aligns with our commitment to environmental stewardship and will encourage homeowners to transition to waterwise verges in the longer term.
- III. **Efficiency & Equity:** Efficient resource allocation is essential to responsible governance. Focusing on delivering our whole communities service needs, optimises our budget, ensuring that ratepayer funds are spent wisely and equitably. This reallocation allows us to invest in other community projects and services that will benefit a broader cross-section of our residents. As opposed to the broader community subsidising services only provided to a select few.
- IV. **Community Engagement:** by encouraging residents to take ownership of their front verges, we can foster a stronger sense of pride and community engagement.

As residents have the opportunity to design and maintain their verges, thereby contributing to the character and identity of their area.

The decision to discontinue verge mowing and redirect resources toward the new community precinct offers several key benefits:

- I. The resources are needed for the community precinct which will become a central point for recreational and social activities, enriching the lives of all of our residents.
- II. In the future we will be introducing a "Verge Beautification Program" that empowers residents to create distinctive, sustainable, and waterwise verges. Guidance, resources, and incentives will be provided to support residents in this endeavour.
- III. This reallocation of resources will go to equitable services and will encourage homeowners to transition to waterwise verges in the longer term.

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

- The Shire of Waroona "Townscape Policy"
- The Shire of Waroona "Strategic Community Plan"

STATUTORY ENVIRONMENT

- The Local Government Act 1995 and the associated subsidiary legislation provide the broad framework within which this policy operates.
- The Shire of Waroona "Activities on Thoroughfares and Trading in Thoroughfares and Public Places", Local Law.
- DPLH Deemed Planning Provisions

SUSTAINABILITY & RISK CONSIDERATIONS

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

Efficient resource allocation is essential to responsible governance. Focusing on delivering our whole communities service needs, optimises our budget, ensuring that ratepayer funds are spent wisely and equitably. This reallocation allows us to invest in other community projects and services that will benefit a broader cross-section of our residents. As opposed to the broader community subsidising services only provided to a select few.

The policy will realise operational cost saving, which will be diverted to the maintenance of the new community precinct and "Railside Park". The affected landowners will incur the costs associated with maintaining their property verges.

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

By encouraging residents to take ownership of their front verges, we can foster a stronger sense of pride and community engagement. As residents have the opportunity to design and maintain their verges, thereby contributing to the character and identity of their area.

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

In an era of growing environmental awareness, it is our responsibility to make sustainable choices. By reducing mowing, we are taking a modest yet crucial step toward reducing our carbon footprint and promoting a greener, more eco-friendly community. This aligns with our commitment to environmental stewardship and will encourage homeowners to transition to waterwise verges in the longer term.

Policy Implications

The proposed new policy is attached to this item titled: “Road Verge Development and Maintenance Policy”.

Risk Management Implications

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

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	Those properties currently receiving a free service, may elect to not covert to mowing their own verges or developing them in an appropriate manner. This is likely to lead to complaints for all sectors of the community around amenity and fire safety.
Consequence	3 - Moderate
Likelihood	4 - Likely
Rating	High (10-19)
Controls / Review	A communication strategy and educational information has been prepared to inform the community about the changes and the benefits associated with them. The associated operational practice will be monitored for effectiveness.
Review Frequency	Semi-annually
Risk Owner	Director
Acceptance	Monitor - Risk acceptable with adequate control

CONSULTATION

- The CEO and Executive Team
- Shire Councillors
- Other LGA’s

RESOURCE IMPLICATIONS

Financial

The policy implementation will realise operational cost savings, which will be diverted to the maintenance of the new community precinct and “Railside Park”.

Workforce

The policy implementation will enable staff time to be diverted to the maintenance of the new community precinct and “Railside Park”.

OPTIONS

Council has the option of:

1. adopting the recommendation;
2. modifying the recommendation; or
3. rejecting the recommendation.

CONCLUSION

There is a significant need to standardise and clarify the delivery of the related Shire services in relation to property verges, in addition to what residents can and cannot do on their property verge, The Road Verge Development and Maintenance policy and guidelines are designed to achieve these outcomes. In addition, the discontinuance of 'free' verge mowing from the 01/12/2023, is in line with other Local Government Authorities across Western Australia, as well as supports the delivery of Shire services which are equitable and sustainable.

UNCONFIRMED

The member of the public left the meeting, the time being 4.26pm

11.1.3 Buller Road Reserve	
File Ref:	RO.11 – Roads – Planning – Resumption/Realignment/New Road
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer	Senior Technical and Waste Officer; Manager of Works and Waste Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.3 A – Buller Road Reserve Aerial View 11.1.3 B – Buller Road Reserve Proposed Info 11.1.3 C – Buller Road Reserve Survey Certificate

COUNCIL RESOLUTION

OCM23/11/155

Moved: Cr Scott

Seconded Cr Odorisio

That Council:

- 1. supports in principle the partial rededication of the closed road on deposited plan 157706 and its inclusion into existing Buller Road on deposited plan; and**
- 2. supports an application being made to Department of Planning Lands and Heritage for the partial rededication of the closed road on deposited plan 157706 to include it into the existing Buller Road reserve.**

CARRIED 6/0

IN BRIEF

The Shire is proposing to lodge an application with Department of Planning Lands and Heritage for permission for partial rededication of closed road on deposited plan 157706 to obtain a 201m² to include into the existing Buller Road Reserve, allowing the road reserve to increase to the standard 20m width.

BACKGROUND

Majority of Buller Road Reserve has a width of 20m, which is the standard guideline for road reserves. The formation of Buller Road within straight line kilometre (SLK) 11.63 to 12.50 does not conform to the general guidelines and has a narrow road reserve on two bends. The narrow road reserve has no allowance for the formation of the road shoulder. Additionally, the narrow road reserve doesn't allow for any future road improvements on the bends. (See Appendix 11.1.3 B)

To allow the Shire to access adequate road reserve at this location, the Shire will need to acquire 201m² of land to widen the road reserve. The acquisition of the 201m² will come from the impacted property boundary of Unallocated Crown Land, which is part of the South West Land Settlement.

REPORT DETAIL

Originally Buller Road reserve within SLK 11.63 to 12.50 was aligned to go through the wet area as highlighted in Appendix 11.1.3 A and portion 3 of Appendix 11.1.3 B. To avoid constructing the road within the designated wet area, Buller Road reserve was realigned south of the wet area. This resulted in the old alignment being portion 3 of Appendix 11.1.3 B being closed in 1947. This portion is now classified as Unallocated Crown Land and subject to the South West Land Settlement.

The construction of SLK 11.63 to 12.50 on Buller Road didn't follow the realignment and required a further readjustment of the road reserve being 9,340m² known as portion 4 of Appendix 11.1.3 B.

As part of the 2019/20 financial year the Shire allocated funds for Coronation Road reconstruction which included the Coronation Road and Buller Road intersection. The scheduled reconstruction works required acquisition of land from Lot 1011 Buller Road, Waroona. The Shire commenced negotiations with the landowner in 2019 and this highlighted a request from the landowner to obtain portion 4. In June 2023 the landowner requested financial assistance to obtain portion 4. Being as this portion was closed and no longer under the authority of the Shire of Waroona and therefore subject to Department of Planning Land and Heritage agreement the process and costs associated to acquire the land meant the Shire was not in a position to offer any financial assistance.

Being as portion 3 and 4 have been resolved the Shire only had to make a decision on portion 1 and 2 of Appendix 11.1.3 B which will increase the road reserve from 15.603m on the west to 20m and 18.148m on the east to 20m as per Appendix 11.1.3 B. To acquire the total 201m² into the Buller Road reserve the Shire must make an application to Department of Planning Lands and Heritage for a partial rededication of closed road on deposited plan 157706 as shown in Appendix 11.1.3 C.

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

Nil

STATUTORY ENVIRONMENT

- Land Administration Act 1997
A local government can only take land under Part 9 of the *Land Administration Act 1997* if it is in, or is to be regarded as being included in, its own 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)

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
Description	The reduced road reserve will limit the ability to manage the Shire formed road. It will also limit the ability for any future road upgrades within the impacted area, which could cause delays and create a poor level of service.
Consequence	1 - Insignificant
Likelihood	2 - Unlikely
Rating	Low (1-3)
Controls / Review	By applying to increase the road reserve to the general standard the risk is mitigated.
Review Frequency	Annually
Risk Owner	Director
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

- Senior Technical and Waste Officer
- Manager Works and Waste Services
- Director Infrastructure Development Services
- DeNada Surveys
- Department of Planning Lands and Heritage

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. supporting the acquisition of the partial rededication of closed road on deposited plan 157706 and inclusion into existing Buller Road Reserve on deposited plan;

2. modifying the recommendation to proceed further with the proposed partial rededication of closed road on deposited plan 157706, and leaving the existing Buller Road Reserve at the current width; or
3. declining to proceed further with the proposed partial rededication of closed road on deposited plan 157706 and leaving the existing Buller Road Reserve at the current width.

CONCLUSION

The acquisition of the partial rededication of closed road on deposited plan 157706 ensures the road reserve has an adequate width to manage the road formation including the road shoulders.

UNCONFIRMED

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the months of October 2023	
File Ref:	FM.3 – Financial Management – Creditors
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 – October 2023

COUNCIL RESOLUTION

OCM23/11/156

Moved: Cr Mason

Seconded Cr Odorisio

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

Municipal	Cheque	10173 - 10184	\$	18,658.37
	EFT	39374 – 39559	\$	2,063,532.31
Direct wages		01/010/2023 – 31/10/2023 inclusive	\$	335,389.70
Direct Debit		01/10/2023 – 31/10/2023	\$	225,905.66
Trust	Cheque		\$	-
	EFT	39450 - 3951	\$	25,000.00
GRAND TOTAL			\$	2,668,486.04

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 October 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 October 2023; or

2. not receiving the listing of payments presented for the month of October 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 October 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.

UNCONFIRMED

11.2.2 Monthly Statement of Financial Activity for the period ending 31 October 2023	
File Ref:	FM.1 – Financial Management – Creditors
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 23-24 October 2023

COUNCIL RESOLUTION

OCM23/11/157

Moved: Cr Purcell

Seconded Cr Odorisio

That Council receives the **Monthly Statement of Financial Activity for the period ending 31 October 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 2023/24 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 1995*, section 6.4 and *Local Government (Financial Management) Regulations 1996*, section 34.

11.2.3 2022/2023 Annual Report and Financial Statements	
File Ref:	FM.9 – Financial Management – Audit – Reports CM.4 Corporate Management – Planning – Business Plans
Previous Items:	Nil
Applicant:	Nil
Author and Responsible Officer	Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	11.2.3 – 2022/2023 Annual Report

COUNCIL RESOLUTION

OCM23/11/158

Moved: Cr Mason

Seconded Cr Purcell

That Council:

1. receives the Shire of Waroona 2022/23 Annual Report including the Annual Financial Statements as per Appendix 11.2.3;
2. receives the audit report relating to the Annual Financial Statements for the financial year ending 30 June 2023; and
3. gives local public notice of the availability of the 2022/23 Annual Report.

CARRIED 6/0**IN BRIEF**

Council is requested to consider and adopt the Shire of Waroona Annual Report (including the audited Annual Financial Statements) for the 2022/23 financial year.

BACKGROUND

In accordance with the Local Government Act 1995, local governments are required to accept the annual report by absolute majority no later than 31 December after the relevant financial year. The annual report must be accepted no earlier than 56 days prior to the Annual General Meeting of Electors, which is proposed to be held on Tuesday 19 December 2023 at 5.30 pm.

Council is also required to prepare and submit to its auditor the Shire's annual financial statements by September 30 each year. This is followed by formal acceptance of the audit report by Council and subsequent incorporation of the audit report into the Annual Report which is to be presented to electors.

REPORT DETAIL

The annual report and audited annual financial statements are presented to Council in one document in Appendix 11.2.3.

The Annual Report is a comprehensive account of the Shire's activities throughout the 2022/2023 financial year which highlights the progression and achievements towards the strategic objectives detailed in Council's Strategic Community Plan. The annual report is prepared in accordance with the Local Government Act 1995 and the Local Government (Administration) regulation 1996.

The annual financial statements are prepared in accordance with the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and the Australian Accounting Standards.

The auditing firm Dry Kirkness contracted by the Office of the Auditor General (OAG) proposed an audit timetable to Shire Officers that requested to have the annual financial statements balanced and submitted to them prior to the statutory date of 30th September. This would then in return lead to the completed audited financial statements being returned to the Shire before the November Ordinary Council meeting (OCM).

The Shire's finance staff were able to meet this proposed timetable and have since been presented with the completed audited financial statements.

The OAG has advised that the accounts have been presented to a very high standard with no areas of concern in relation to statutory compliance. Details of management procedural suggestions are contained within a separate management report and are addressed on an ongoing basis. Officers are pleased to advise that no issues requiring Council's attention were identified during the audit.

Following the adoption of the Annual Report (including the annual financial statements and official audit report), the document will be presented to electors at the Annual General Meeting of Electors proposed to be held on Tuesday 19 December 2023 at 5.30 pm. It is also a requirement that a copy of the audit report and Annual Financial Statements be forwarded to the Department of Local Government, Sport and Cultural Industries.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.
- (2) The annual report is to contain —
 - a. a report from the mayor or president; and
 - b. a report from the CEO; and
[(c), (d)deleted]
 - e. an overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year; and
 - f. the financial report for the financial year; and
 - g. such information as may be prescribed in relation to the payments made to employees; and
 - h. the auditor's report prepared under section 7.9(1) or 7.12AD(1) for the financial year; and
 - ha. a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and
 - hb. details of entries made under section 5.121 during the financial year in the register of complaints, including —
 - i. the number of complaints recorded in the register of complaints; and
 - ii. how the recorded complaints were dealt with; and
 - iii. any other details that the regulations may require; and
 - i. such other information as may be prescribed.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.
*Absolute majority required.
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.55A. Publication of annual reports

The CEO is to publish the annual report on the local government's official website within 14 days after the report has been accepted by the local government.

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —

- (a) be prepared and presented in the manner and form prescribed; and
 - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
- (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
 - (b) the annual financial report of the local government for the preceding financial year.

7.12A. Duties of local government with respect to audits

- (1) A local government is to do everything in its power to —
 - a. assist the auditor of the local government to conduct an audit and carry out the auditor's other duties under this Act in respect of the local government; and
 - b. ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government must —
 - (aa) examine an audit report received by the local government; and
 - (a) determine if any matters raised by the audit report, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government must —
 - (a) prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

Local Government (Administration) Regulation 1996

Division 2 Section 19B prescribes the information to be included in the annual report.

Local Government (Financial Management) Regulations 1996

Regulations 36 to 50 inclusively detail the content of the Annual Financial Report.

r.51. Annual financial report to be signed etc. by CEO and given to Department

- (1) After the annual financial report has been audited in accordance with the Act the CEO is to sign and append to the report a declaration in the form of Form 1.

- (2) A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government’s CEO of the auditor’s report on that financial report.

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

CGP013 – Legislative Compliance – The officers’ recommendation is supported by this policy which aims to ensure that the Shire of Waroona complies with legislative requirements and has appropriate processes and procedures to ensure such compliances occur. The desired objective is to formally support the achievement of 95+% legislative compliance within the relevant timeframes.

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	Failing to complete the legislated requirements of annual reports and financial statements would result in a breach of legislation.
Consequence	4 - Major
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect
Review Frequency	Annually
Risk Owner	Operational manager
Acceptance	Accept - Risk acceptable with adequate controls

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	Failing to complete the legislated requirements of annual reports and financial statements could result in scrutiny and loss of reputation due to the inability to demonstrate transparency and accountability.
Consequence	4 - Major
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect
Review Frequency	Annually
Risk Owner	Operational manager

Acceptance	Accept - Risk acceptable with adequate controls
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CONSULTATION

Community consultation is not required when preparing the annual report and annual financial statements. Shire officers throughout the organisation were invited to provide submissions for inclusion in the annual report where appropriate or required.

The Shire is required to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government. The Chief Executive Officer is required to publish the annual report on the local government's official website within 14 days after the report has been accepted.

RESOURCE IMPLICATIONS

Financial
Nil

Workforce
Nil

OPTIONS

Council has the option of:

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

CONCLUSION

The Annual Report (including the annual financial statements) is the final component of the Shire's Integrated Planning & Reporting Framework and is a mechanism for communicating with the community and key stakeholders in a transparent and accountable way.

If accepted, the 2022/23 Annual Report will be presented to electors at the Annual General Meeting of Electors proposed to be held on Tuesday 19 December 2023 at 5.30 pm.

11.2.4 2022/23 Annual General Meeting of Electors	
File Ref:	CR.2 – Community Relations – Meetings – Annual Electors Meeting
Previous Items:	Nil
Applicant:	Not Applicable
Author and Responsible Officer	Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

COUNCIL RESOLUTION

OCM23/11/159

Moved: Cr Scott

Seconded Cr Mason

That Council holds the Annual General Meeting of Electors on Tuesday 19 December 2023 at 5.00 pm at the Waroona Council Chamber, 52 Hesse Street, Waroona and gives local public notice of this meeting.

CARRIED 6/0

IN BRIEF

Council is requested to consider holding the 2022/23 Annual General Meeting of Electors on Tuesday, 19 December 2023 at 5.00 pm.

BACKGROUND

In accordance with the Local Government Act 1995, a general meeting of the electors of a district is to be held once every financial year, not more than 56 days after the local government accepts the annual report for the previous financial year.

REPORT DETAIL

The date of the 2022/23 Annual General Meeting of Electors has been proposed to meet the requirements of the Local Government Act 1995 and coincide with the Ordinary Council Meeting scheduled for Tuesday 19 December 2023 at 5.00 pm.

Matters to be discussed at the Annual General Meeting of Electors are, firstly, the contents of the annual report for the previous financial year and then any other general business.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

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

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time the notice is first given and is to continue in the prescribed way until the meeting has been held.

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	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Description	Failing to complete the legislated requirements of the annual report would result in a breach of legislation.
Consequence	4 - Major
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect
Review Frequency	Annually
Risk Owner	Director
Acceptance	Accept - Risk acceptable with adequate controls

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	Failing to complete the legislated requirements of the annual report could result in scrutiny and loss of reputation due to the inability to demonstrate transparency and accountability.
Consequence	4 - Major
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect
Review Frequency	Annually
Risk Owner	Director
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

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

CONCLUSION

The holding of the Annual General Meeting of Electors will not only meet the requirements of the Local Government Act 1995 but will also provide Council with the opportunity to demonstrate transparency and accountability to electors.

UNCONFIRMED

11.2.5 2024 Ordinary Council Meeting Dates	
File Ref:	CR.1 – Community Relations – Marketing – Advertising; GO.3 – Governance - Reporting
Previous Items:	Nil
Applicant:	Not Applicable
Author and Responsible Officer	Corporate Planning & Governance Officer; Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

COUNCIL RESOLUTION

OCM23/11/160

Moved: Cr Clarke

Seconded: Cr Purcell

That Standing Orders be suspended for the purpose of open and frank discussion, the time being 4.34pm

CARRIED 6/0

COUNCIL RESOLUTION

OCM23/11/161

Moved: Cr Mason

Seconded: Cr Scott

That Standing Orders be resumed, the time being 4.36pm

CARRIED 6/0

COUNCIL RESOLUTION

OCM23/11/162

Moved: Cr Clarke

Seconded Cr Mason

That Council adopts and advertises the dates and locations for the 2024 Ordinary Council Meetings as follows, all to commence at 4pm:

February	Tuesday 27 February	Council Chamber
March	Tuesday 26 March	Preston Beach Community Centre
April	Tuesday 23 April	Council Chamber
May	Tuesday 28 May	Council Chamber
June	Tuesday 25 June	Council Chamber
July	Tuesday 23 July	Council Chamber
August	Tuesday 27 August	Council Chamber
September	Tuesday 24 September	Council Chamber
October	Tuesday 22 October	Preston Beach Community Centre
November	Tuesday 26 November	Council Chamber
December	Tuesday 17 December	Council Chamber

CARRIED 6/0

Note that the Officer recommendation differed from the above with the October OCM being proposed to be located at Lake Clifton Community Centre, but was substituted with Preston

Beach by Council due to lack of attendance at the Lake Clifton meeting by residents over the last few years.

IN BRIEF

Council is requested to consider the proposed time, dates and locations for the 2024 Ordinary Council Meetings.

BACKGROUND

In accordance with the *Local Government (Administration) Regulations 1996*, local governments, at least once each year, are required to give local public notice of the date, time and place at which the Ordinary Council Meetings are to be held in the next 12 months.

To promote the function of Council meetings, and to assist with the accessibility of community members from outside of the Waroona townsite, Council may consider holding one meeting a year in each Lake Clifton and Preston Beach at the respective community centres/halls.

REPORT DETAIL

Shire of Waroona Ordinary Council Meeting dates are historically scheduled for the fourth Tuesday of each month, with the exception of January where no meeting is held, and December where the meeting date is brought forward by one week due to Christmas and New Year holidays.

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	Not applicable

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.

- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

Local Government (Administration) Regulations 1996

r.12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) In this regulation —
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
 - a. ordinary council meetings;
 - b. committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
- (3) Any change to the meeting details for a meeting referred to in sub regulation (2) must be published on the local government’s official website as soon as practicable after the change is made.
- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

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

Policy Implications
 Nil.

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

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Failing to adopt and give notice of the date, time and location of the 2024 Ordinary Council Meetings would result in non-compliance with the <i>Local Government (Administration) Regulations 1996</i> .
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	1 - Rare

<i>Rating</i>	Low (1-3)
<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

The Shire has considered local events and national public holidays when proposing these meeting dates, times and locations.

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

In accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*, the CEO is required to publish on the Shire's website the meeting details for the Ordinary Council Meetings to be held in the next 12 months before the beginning of the year in which the meetings are to be held.

11.2.6 CGP028 – Habitual and Vexatious Complainants Management policy	
File Ref:	CU.1 – Customer Service – Public Relation - Complainants
Previous Items:	Nil
Applicant:	Not applicable
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.6 – Proposed CGP028 Habitual and Vexatious Complainants Management policy

COUNCIL RESOLUTION

OCM23/11/163

Moved: Cr Clarke

Seconded Cr Mason

That Council adopts policy CGP028 Habitual and Vexatious Complainants Management as presented in Appendix 11.2.6 of this item.

CARRIED 6/0**IN BRIEF**

- Currently, no legislation exists that allows the Chief Executive Officer (CEO) to declare a complainant as vexatious.
- The Ombudsman Western Australia Guidelines - *Dealing with unreasonable complainant conduct* provides ethical options and guidance for how habitual or vexatious type complainants shall be contended with.
- Policy CGP028 - Habitual and Vexatious Complainants Management, has been developed using recommendations set out in the WA Ombudsman's guidelines to enable the complaints officer (CEO) and/or Council to deal with such complainants in a fair and efficient manner.

BACKGROUND

There is currently no legislation in place that allows the Chief Executive Officer (CEO) to declare a complainant as vexatious.

WALGA has advised that the Department of Local Government, Sport, and Cultural Industry (DLGSC) have proposed for Vexatious Complainant Referrals to form part of the *Local Government Act 1995* Reform proposals. Unfortunately, DLGSC cannot confirm whether this proposal will progress in the next tranche of LG Amendments.

To cover the management of habitual, vexatious and unreasonable complainants, many local governments have adopted a policy that largely follows the Ombudsman Western Australia Guidelines - *Dealing with unreasonable complainant conduct*, to identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be "habitual or vexatious" and ways of responding to these situations.

The Ombudsman Western Australia classifies unreasonable complaint conduct into three broad categories:

1. Habitual or obsessive conduct

This includes behaviour by a person who:

- cannot 'let go' of their complaint;
- cannot be satisfied despite the best efforts of the agency; and/or
- makes unreasonable or trivial demands on the agency where resources are substantially and unreasonably diverted away from its other functions or unfairly allocated (compared to other complainants).

2. Rude, angry, and harassing conduct

This behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of a personal or general nature, or complaints which are delivered in a hostile, intimidating, or malicious manner.

3. Aggressive Conduct

This includes complaints made by way of threatening or offensive behaviour, physical violence against property or physical violence against a person.

To address the lack of a policy position, a Habitual and Vexatious Complainants Management Policy (the Policy) has been developed, as presented at **Appendix 11.2.6**, following guidelines set out by the Ombudsman Western Australia and using policies that other local governments have adopted to manage complaints of the same or a similar nature.

REPORT DETAIL

The two objectives of the proposed Policy are:

- to identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious'; and
- formalise the actions to be taken by the Shire of Waroona in response to persons whose complaint conduct is considered unreasonable, vexatious, or habitual in nature.

The policy informs where a complaint is considered unreasonable, vexatious, or habitual in nature by the Complaints Officer and the Council in accordance with this Policy, one or a combination of the following actions are suggested:

- Cease consideration and remove priority of all similar complaints;
- Return of abusive or intimidating material or Termination of telephone calls;
- Limitations on communication and/or access to Shire facilities; and/or
- Shire may seek legal advice (in extreme circumstances).

It is recommended that Council adopts the proposed policy, as presented at **Appendix 11.2.6**, CGP028 Habitual and Vexatious Complainants Management to enable the Shire Complaints Officer (CEO) and/or Council to deal with complainants considered habitual or vexatious, fairly, and efficiently.

In the absence of a policy position on dealing with such complaint types, officer time is potentially misspent on seeking legal advice for every new unreasonable complaint or complainant as it arises.

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	5.3 Actively increase the level of engagement with the community, and respond efficiently and effectively to the evolving needs of the community
Strategy	5.3.2 Deliver efficient and effective Council services to the community
Action	N/A

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)

By implementing a policy which informs the complaints officer and/or Council how to manage unreasonable complainants, officers can devote more time and resources to assisting those members of the community who express reasonable or legitimate concerns or complaints.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

The proposed new policy, once adopted, will be a Corporate & Governance Policy, known as: *CGP028 Habitual and Vexatious Complainants Management*.

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>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Inefficient use of officer time and resources spent responding to habitual or vexatious complainants.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	4 - Likely

<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>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

- WALGA governance advisory team
- Other Local Governments' policies on dealing with unreasonable complaints and complainants.
- Ombudsman Western Australia's Guidelines - Dealing with unreasonable complainant conduct.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer's recommendation to adopt policy CGP028 Habitual and Vexatious Complainants Management; or
2. amending or rejecting the officer's recommendation.

CONCLUSION

It is recommended that Council adopts the proposed policy, as presented at **Appendix 11.2.6**, CGP028 Habitual and Vexatious Complainants Management to enable the Shire Complaints Officer (CEO) and/or Council to deal with complainants considered habitual or vexatious fairly and efficiently.

11.2.7 Policy CGP022 – Social Media – Update	
File Ref:	CM.7 – Corporate Management – Policy – Policy Register, Policy Reviews
Previous Items:	OCM21/06/071 Major Policy Review
Applicant:	Nil
Author and Responsible Officer	Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.7 A – CGP002 – Social Media (changes tracked) 11.2.7 B – CGP002 – Social Media (proposed no markups)

COUNCIL RESOLUTION

OCM23/11/164

Moved: Cr Mason

Seconded Cr Scott

That Council Item 11.2.7 – Policy CGP002 – Social Media be laid on the table for further consideration at a Councillor Briefing Session.

CARRIED 6/0**IN BRIEF**

The Shire of Waroona has a social media policy to establish protocols for using social media to undertake official Shire of Waroona communications with the community and provides guidance for elected members and employees on how to use social media in the course of their official duties.

BACKGROUND

Shire of Waroona documents which address social media protocols are designed to reflect the intent of the Local Government Act. The Shire of Waroona uses social media to facilitate information sharing with our community. Official social media activity will be consistent with relevant legislation, policies, standards and the positions adopted by Council. Our communications via social media will always be respectful and professional.

In addition to the social media policy, the Shire of Waroona's interactions with social media are influenced by the following key documents:

- Local Government Act 1995
- Local Government (Model Code of Conduct) Regulations 2021
- State Records Act 2000
- Shire of Waroona Code of Conduct for Council Members, Committee Members and Candidates
- Shire of Waroona Code of Conduct for Employees and Volunteers

The Shire documents which address communication and media protocols are designed to reflect the intent of the Local Government Act.

REPORT DETAIL

The Shire of Waroona has established a social media policy to ensure a unified and well-coordinated approach to engaging with social media platforms. This updated policy aims to maintain the accuracy and professionalism of the Shire’s communications.

Social media platforms offer valuable avenues for the Shire to connect with and update the community on various activities, programs, events, services, and initiatives. These channels collectively play a crucial role in promoting transparency, accountability, and fostering public trust.

Councillors, employees, volunteers and contractors associated with the Shire of Waroona are expected to uphold conduct and behaviour standards that align with pertinent legislation, regulations, policies and relevant codes of conduct.

The updated social media policy serves as a guide for elected members, employees, volunteers and contractors. It outlines the appropriate use of social media platforms to inform and engage the community regarding the Shire’s activities. Additionally, the policy addresses the handling of media inquiries and outlines guidelines for the personal use of social media when the Shire of Waroona becomes a topic of online discussion.

The Act states that the role of the President includes, providing leadership and guidance to the community, carrying out civic and ceremonial duties and speaking on behalf of the local government. Each of these responsibilities may include a need to interact with the media or to be represented in social media.

The Councillor’s Code of Conduct states an elected member must ensure that their use of social media and other forms of communication complies with the code of conduct and that only factual material is to be published. Additionally, a council member must deal with the media in a positive and appropriate manner and in accordance with any relevant policies of the local government.

The above applied to the Deputy President when performing the functions of the President when authorised to do so.

Councillors are free to discuss matters with the media however, in accordance with CGP002 Social Media Policy, Councillors expressing independent views through the media must make it clear that any comment is their personal view and may not represent the position of Council.

The Employees and Volunteers Code of Conduct ensures that communications by Officers involving the Shire’s activities are to reflect the status, values and objectives of the Shire of Waroona, and those communications should be accurate, polite and professional. Officers must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Waroona, it’s Council Members, employees or contractors, which breach the code of conduct. A breach of the code and/or policy may constitute disciplinary action or dismissal from the Shire of Waroona.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

2.8. Role of mayor or president

(1) The mayor or president —

- (b) provides leadership and guidance to the community in the district; and
- (c) carries out civic and ceremonial duties on behalf of the local government; and
- (d) speaks on behalf of the local government;

2.9. Role of deputy mayor or deputy president

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

5.41. Functions of CEO

The CEO's functions are to —

- (f) speak on behalf of the local government if the mayor or president agrees;

Code of Conduct for Council Members, Committee Members and Candidates

8. Personal integrity

(1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct

9. Relationship with others

A council member, committee member or candidate —

- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and

- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and

Code of Conduct for Employee and Volunteers -

3.3 Personal Behaviour

Employees will:

- a) act, and be seen to act, properly, professionally and in accordance with the requirements of the law, the terms of this Code and all policies of the Shire of Waroona;
- b) perform their duties impartially and in the best interests of the Shire of Waroona uninfluenced by fear or favour;
- c) act in good faith (i.e., honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire of Waroona and the community;
- d) make no allegations which are improper or derogatory (unless true and in the public interest);
- e) refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- f) always act in accordance with their obligation of fidelity to the Shire of Waroona.

3.13 Personal Communications and Social Media

- a) Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media, have the potential to be made public, whether intended or not.
- b) Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Waroona, its Council Members, employees or contractors, which breach this Code.
- c) Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure, may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the Corruption, Crime and Misconduct Act 2003.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Clear guidelines on social media communication can help present the Shire as a professional and reliable entity, facilitate discussions surrounding projects events and operations, acquire valuable input from the community and foster a sense of collaboration.

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

A well-structured social media policy encourages transparent and timely communication with the community, increasing awareness of events, services, and initiatives. The policy aids to ensure that essential updates, services, and relevant news is shared with the community, enabling residents to stay informed and engaged.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Update of existing Policy CGP022 – Social Media

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	Policies establish protocols for using social media to undertake official Shire of Waroona communications with the community and provides guidance for elected members and employees on how to use social media in the course of their official duties.
Consequence	3 - Moderate
Likelihood	3 - Possible
Rating	Moderate (4-9)
Controls / Review	Policy should be monitored and elected members and officers to be aware of the requirements.
Review Frequency	Annually
Risk Owner	Director
Acceptance	Accept - Risk acceptable with adequate controls

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	Policies establish protocols for using social media to undertake official Shire of Waroona communications with the community and provides guidance for elected members and employees on how to use social media in the course of their official duties.
Consequence	3 - Moderate
Likelihood	3 - Possible
Rating	Moderate (4-9)
Controls / Review	Policy should be monitored and elected members and officers to be aware of the requirements.
Review Frequency	Annually
Risk Owner	Director
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

External consultation was conducted with Local Government Professionals WA Communications Network as well as industry best practice.

Internal Consultation was undertaken with Elected Members, Chief Executive Officer, Director Corporate & Community, Manager Community & Communication and Manager Corporate Services.

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Elected Members and Officers are required to follow all adopted policies and codes of conduct.

OPTIONS

Council has the option of:

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

CONCLUSION

It is recommended that Council approve the updated social media policy to ensure that clear guidance is documented for elected members, employees, volunteers and contractors of the Shire of Waroona and the use of social media.

UNCONFIRMED

11.2.8 Water Corporation Licence and Indemnity Agreement - Preston Beach CCTV	
File Ref:	LD245 - Preston Beach CCTV - Water Corporation License; WS.1 - Water Supply - Service Providers – Water Corporation; ET.1 - Energy Supply And Telecommunications - Service Providers – Telecommunications Two Way Radios, Telephones, NBN & CCTV.
Previous Items:	28 November 2017 Item 9.2.1 OCM17/11/113
Applicant:	Nil
Author and Title:	Corporate Planning & Governance Officer
Responsible Officer:	Director Corporate & Community Services
Declaration of Interest:	Nil.
Voting Requirements:	Simple Majority
Appendix Number	11.2.8 – Licence and Indemnity Agreement - Lot 356 Beachcast Close Preston Beach - Shire of Waroona

COUNCIL RESOLUTION

OCM23/11/165

Moved: Cr Mason

Seconded Cr Purcell

That Council:

1. enters into the proposed Licence and Indemnity Agreement with Water Corporation (the Licensor), for the licence to access Lot 356 on Plan 10667, 28 Beachcast Close, Preston Beach, as per Appendix 11.2.8;
2. authorises the application of the Shire of Waroona Common Seal to the Licence and Indemnity Agreement; and
3. authorises the Shire President and Chief Executive Officer to sign and execute all matters relating to the Lease Agreement.
4. nominates the Chief Executive Officer to approve all renewals of this Licence and Indemnity Agreement with Water Corporation (Licensor), for the licence to access Lot 356 on Plan 10667, 28 Beachcast Close, Preston Beach.

CARRIED 6/0

IN BRIEF

- In 2016, with the assistance of a grant from the WA Police, the Preston Beach Progress Association (PBPA) arranged for the installation of a CCTV security system at Preston Beach.
- To gain a strong communications signal to relay CCTV footage to WA Police, the CCTV communications equipment was installed onto a mast located within Water Corporation's water tower compound. A Licence Agreement was put in place to manage this arrangement.
- Following transfer of ownership of the CCTV system from PBPA in 2018, Water Corporation has comprised a new Licence Agreement to reflect the change in

ownership of and responsibility for the Preston Beach CCTV system, to the Shire of Waroona.

- Council's adoption of the presented Licence and Indemnity Agreement is recommended to maintain the Preston Beach community's trust and ensure their continued safety and security.

BACKGROUND

In 2016, with the assistance of a grant from the WA Police, the Preston Beach Progress Association (PBPA) arranged for the installation of two Dome-type CCTV camera and one Licence Plate Recognition camera on the corner of Mitchell Road and Panorama Drive, Preston Beach, directly in front of the Preston Beach General Store, facing Mitchell Road, the main Preston Beach traffic thoroughfare.

To support the communications of this CCTV footage, a CCTV antenna and radio communications box was installed onto the mast located within Water Corporation's elevated water tower compound, located at 28 Beachcast Close, Preston Beach. This location was chosen as it provided a strong line-of sight communications signal to relay CCTV footage to the Waroona Police Station, for access by WA police if/when required.

A Licence Agreement between Water Corporation and the PBPA was established to formalise this arrangement. A condition of this Licence Agreement was to install an additional CCTV camera onto the mast within the water tower compound, to the benefit of Water Corporation for security over their compound.

At the Ordinary Council Meeting held 28 November 2017, Council resolved to transfer the ownership of the CCTV system to the Shire of Waroona:

COUNCIL RESOLUTION

OCM17/11/113

MOVED: CR SNELL

SECONDED: CR WRIGHT

That in relation to the request from the Preston Beach Progress Association to transfer the Preston Beach Closed-Circuit Television (CCTV) system ownership and maintenance to the Shire of Waroona, Council resolves that:

1. *The transfer of the existing CCTV system at Preston Beach in the 2018/2019 financial year, be approved subject to the following:*
 - a. *The necessary funding allocation be made in the 2018/2019 budget.*
 - b. *A suitable location be found where the recorder and required infrastructure can be stored to the satisfaction of the Chief Executive Officer;*
 - c. *The Preston Beach Progress Association obtain approval from the Water Authority Corporation for the existing CCTV equipment and infrastructure to be retained on the existing water tower on Lot 356 (A2302).*
2. *A policy pertaining to the dissemination of any CCTV footage captured by the system be prepared.*

CARRIED 6/0

According to Shire records, the transfer of ownership occurred between July and September 2018. In 2019, the CCTV data recorder, as referred to in the above council resolution was transferred from the Water Corporation tower location to the new Preston Beach Community Centre.

All CCTV infrastructure and equipment is inspected and serviced regularly by Sapio, who also inspect and service the Preston Beach carpark CCTV system (owned by the Shire of Waroona).

In August 2023, the PBPA treasurer was contacted by Water Corporation requesting a renewal of the Licence and Indemnity Agreement that previously existed between the PBPA and Water Corporation, for access to 28 Beachcast Close, to serve the Preston Beach CCTV system.

As the CCTV system is no longer owned or affiliated with the PBPA, Water Corporation has comprised a new Licence Agreement to reflect the change in ownership of and responsibility for the Preston Beach CCTV system, to the Shire of Waroona.

REPORT DETAIL

Given its suitably elevated location, the tower situated within the Preston Beach Water Corporation-owned water tank compound, holds the main CCTV radio communication equipment which relays CCTV footage to Waroona Police station when access is required. Therefore, if the Shire would like the whole CCTV system to be accessible by WA Police, this system needs to remain in place.

Responsibilities around the access, use and maintenance of existing CCTV communications equipment is covered in the presented Licence and Indemnity Agreement between Water Corporation (Licensor) and Shire of Waroona (Licensee).

By accepting the terms and conditions of the Licence, the Shire of Waroona agrees to the following:

- The licence shall commence on 1 January 2024, and expire in five years on 31 December 2028.
- The licenced premises, being 28 Beachcast Close, Preston Beach shall be accessed for the following purposes only:
 - Housing of two communications antennae on the communications mast.
 - Housing of one CCTV camera on the mast.
 - Housing of cables internally installed in the communications mast and conduit communications mast and the switchboard location.
 - Installation of additional CCTV communications equipment if required as agreed by both parties.
 - Access to Water Corporation's two switched supplies.
 - Access for maintenance on installed assets.

In addition to the above, the Shire of Waroona is obliged to:

- maintain and keep the areas directly surrounding the communications mast and premises in a good, clean and tidy condition; and
- to not erect or construct any additional structures on the Land and Premises without the Licensor's written permission other than those in existence at the Commencement Date of the Agreement.

Upon signing of the Licence and Indemnity Agreement by both parties, a copy will be forwarded to Sapio, the current CCTV servicing and maintenance contractor to ensure that they are aware of the Shire's licence conditions.

Council's adoption of the Licence and Indemnity Agreement, as presented at **Appendix 11.2.8** is recommended to ensure that Preston Beach CCTV footage remains accessible to WA Police if and when required.

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
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)

Maintain the Preston Beach community's trust and ensure their safety and security by continuing to provide an effective and accessible 24-hr CCTV security system.

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>	Heightened frequency of illegal activity at Preston Beach by non-residents/ tourists through failing to provide an effective and accessible 24-hr CCTV security system to deter crime.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	4 - Likely
<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
- Manager Works & Waste Services

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

Following transfer of ownership of the Preston Beach central CCTV system from Preston Beach Progress Association in 2018, Water Corporation (Licensor) has comprised a new Licence and Indemnity Agreement with the Shire of Waroona (Licensee). This agreement grants permission to access and maintain CCTV communications equipment, housed within Water Corporation's compound at 28 Beachcast Close, Preston Beach. This location remains the most suitable for direct transmission of CCTV footage to WA police (via Waroona Police Station) by radio communications, if and when required, due to its elevation.

Council's adoption of the presented licence agreement is recommended to allow the Shire of Waroona to continue to provide an effective and accessible 24-hr CCTV security system for Preston Beach community in an effort to deter crime and criminal activity.

11.3 CHIEF EXECUTIVE OFFICER

11.4 ITEMS FOR INFORMATION

11.4.1 Report on LG Professionals WA – 2023 Conference	
File Ref:	PE.8 – Personnel Liaison Professional Associations Local Government Professionals Australia
Previous Items:	Nil
Applicant:	N/A
Author and Responsible Officer:	Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	For noting only
Appendix Number	APP 11.4.1 AI and Leadership Presentation by Component6

COUNCIL RESOLUTION

OCM23/11/166

Moved: Cr Purcell

Seconded Cr Mason

Council notes the information report of the LG Professionals Conference 2023.**CARRIED 6/0****IN BRIEF**

The Director of Infrastructure and Development Services, and the Corporate Planning and Governance Officer, attended the LG Professionals WA 2023 Conference, on the 8th and 9th November 2023.

BACKGROUND

The LG Professionals WA, hold an annual conference for local government officers. This provides an opportunity for two days of incentive professional development and sector wide networking, as well as enhancing learning, about State Government and other matters that are impacting on local governments.

REPORT DETAIL

Again, the team at Local Government Professionals WA, put together an informative and insightful Local Government Professionals Conference. Their efforts were much appreciated, as it was an enjoyable and worthwhile 2 days, providing all attendees with lots to think about and new strategies to improve the services we deliver to our communities.

- **Johnathan Pain – Geopolitical landscapes impact locally** ([The Pain Report – An independent and global perspective of the financial markets and the world economy](#))

Provided an excellent broad perspective on what's happening in the geopolitical sphere, and how that may impact our communities and the decisions we need to make. In particular, the spread of "Autocracies" fueled by China, Russia, and Iran. Resulting in the growing and urgent need for robust and flexible, National as well as organizational, cybersecurity and proactive regulatory frameworks. Along with ethical policy and practices around AI.

- **A presentation on cybersecurity and AI is attached in Appendix 11.4.1**

“Dan Hookham ... presented the AI session ... put together a pack that includes the notes he used and at the back of this pack is a QR code... it will create an email addressed to him asking for a 30-minute slot to talk anything AI. This offer is without a catch in a bid to raise the education around AI and remove some of the stigma without creating risk”. I intend to take Dan up on this offer – please see presentation attached.

In summary “the world is like a giant jigsaw puzzle and the pieces keep changing”. So, the advice is that our operational frameworks and strategies, need to be able to adapt quickly and as objectively as possible, as the only constant is change. Below is an “Organisational Self-Assessment”, matrix by Dr David Weiss, which provides a basic concept of what that would look like:



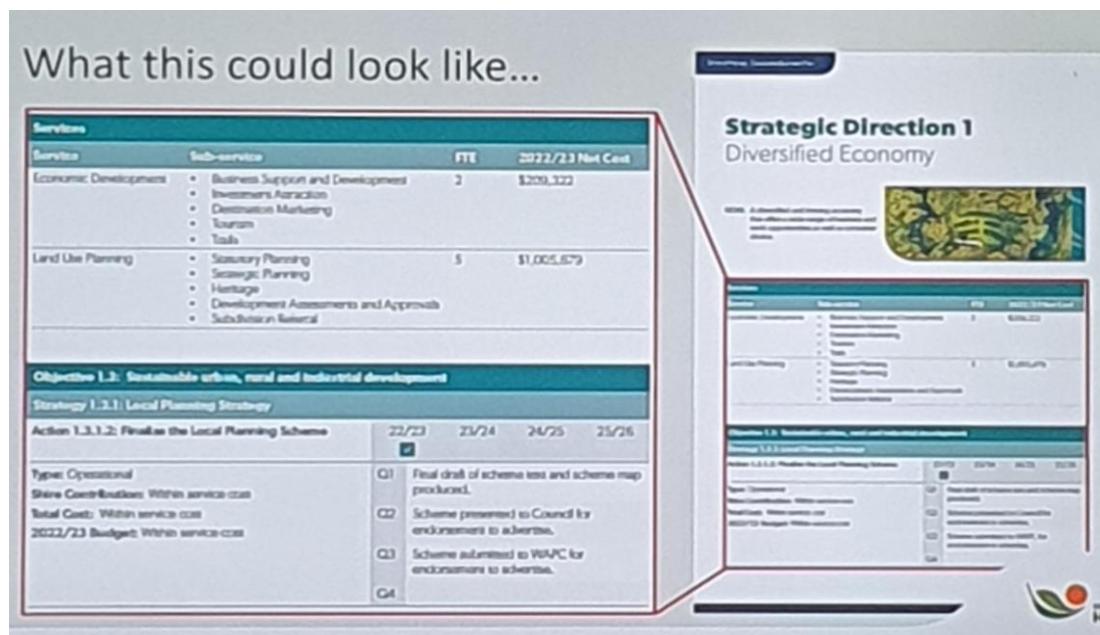
https://www.linkedin.com/posts/drdauidweiss_infographics-questionsworthasking-innovation-activity-7128713017709510656-u4Uk/?utm_source=share&utm_medium=member_android

- **Roanna Edwards - ‘Bridging the Gap’**

Provided great insights into our communities’ journeys, as we seek pathways to reconciliation. By hearing about her life as the child of a Country CEO and an Aboriginal Mother who was an amazing teacher, the audience got a glimpse into regional LG’s and the issues facing Aboriginal people in the wider community. Including the requirement to give up culture in order to get ‘conditional citizenship’ in the past. Highlighting why the need to reclaim and recognize ‘culture’ is so important. There was also lots to consider around, ‘who is speaking’, ‘who is listening’ and ‘who should be speaking’, along with the need for ‘place-based decision making’. Great points to consider when addressing matters impacting Aboriginal people and the local community.

- **Service Planning for Integrated Reporting**

Updates and examples from local governments already moving towards ‘service’ performance reporting. As well as an update from the DLGSC regarding the reforms, the tools kits, templates, and guidelines the Department will be providing to the sector. The Shire of Harvey presented a great example of their service reporting using Excel, to create the documents in the framework, providing an example of a low cost and effective structure – shown in the photo below;



However, the proposed reforms raised some concerns for me, primarily:

- **Restructuring the CoA and reporting practices to a ‘services’ focused reporting structure** – does not meet the regulatory required criteria for LG. To do this could mean doing the financial reports twice: Which is a significant resource issues for smaller Shires without the software capability needed to do this.
- **Shifting towards populist services and KPIs** - developed and prioritized by Community ‘wants’, shifts us away from being a regulatory agency, providing for the ‘public’s common best interest’ and regulatory requirements to provide for the ‘good governance’ of the district. For example, potentially a Shire could be publicly scrutinized and held to account by the department and OAG, for not holding a newly desired community event wanted by a politically active group, because the Shire was unable to divert resources from its compliance activities, which are not desired by many in the community but are regulatory requirements.
- **LGIS LG Safety & psychological injury** – some concerning statistics on the increase of psychological injury from work demands and workplace harassment. In particular for agencies like us where our staff are heavily invested in achieving outcomes for the community, so are highly motivated. When this is coupled with low reward – being things like negative/unconstructive feedback, vexatious customers and workplace harassment, the risk of injury dramatically increases.
- **Flexible workplaces - panel session**
Useful insights to other LG’s policy and practices and the potential benefits for staff and the organization. Along with the perception left over from past management styles, *that if you’re*

not there you're not working. However, history has shown there are those who sit at their desk and do nothing – as well as people who are always travelling around with laptops and phones and who are constantly working. Hence, it was good to have the discussion and get a range of perspectives.

Flexible working arrangements is something Waroona already does very well already, as we have contemporary and community friendly work practices in place.

- **Damien Mander’s - ‘Akashinga’**

Although sometimes the wicked problems we deal with as local government can seem insurmountable at times, Damien Mander’s presentation on the amazing ‘Akashinga’ Rangers who are expanding across Africa and stopping poaching through local patrols, as well as social impact programs - really motivated me to keep seeking new strategies and approaches to deal with the complexity of Local Government.

[Akashinga: The Brave Ones | National Geographic Documentary Films](https://www.akashinga.org/about-us/akashinga-rangers)
<https://www.akashinga.org/about-us/akashinga-rangers>

- **Dr Simon Longstaff AO, - the Ethics Centre** Dr Simon Longstaff, delivered one of the most memorable presentations on ethics I have ever heard. I really enjoyed the addition of the memory cues. A block of chocolate will never be the same again! However, Dr Longstaff’s explanation on the differences between the market, public service, and politics, did get me wondering about the possible direction of the ‘Integrated Planning and Reporting’ reforms. One of Local Governments core function is to provide for the ‘good governance’ of the district. So, I wonder if the shift towards KPIs developed and prioritized by Community ‘wants’, shifts us away from being a regulatory agency, providing for the ‘public’s common best interest’? A distinction that Dr Longstaff explained delineates ‘public services’, from the ‘market economy’ and ‘political populism’.
<https://ethics.org.au/about/>

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

CONSULTATION

- Mark Goodlet, Chief Executive Officer
- Shire of Waroona Councillors

RESOURCE IMPLICATIONS

Financial

Officers time is covered by salary package.

Workforce

Nil.

OPTIONS

For Council noting only.

UNCONFIRMED

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. MEETING CLOSED TO THE PUBLIC**COUNCIL RESOLUTION****OCM23/11/167****Moved: Cr Purcell****Seconded Cr Scott**

That Council proceeds behind closed doors as per Section 5.2.3(2) of the Local Government Act for the purpose of considering Items 16.1 to 16.3.

CARRIED 6/0

Cr Purcell declared an interest affecting impartiality in confidential item 16.1.1 as she is an organiser of the All Australian Car Day and a Life Member of the Just Cruizin Street Machiners.

Cr Purcell declared an interest affecting impartiality in confidential item 16.1.1 as her direct supervisor at paid employment is a nominator of a candidate.

Cr Scott left the room, the time being 4.52pm

Cr Scott returned to the room, the time being 4.54pm

16.1 Confidential Minutes – Awards Committee Advisory Working Group – Meeting held 15 November 2023 – Provided under separate Confidential Cover

COUNCIL RESOLUTION**OCM23/11/168****Moved: Cr Odorisio****Seconded Cr Purcell**

That the Confidential Minutes of the Awards Committee Advisory Working Group meeting held 15 November 2023 be received and noted.

CARRIED 6/0

Ashleigh Nuttall left the room, the time being 5.09pm

Ashleigh Nuttall returned to the room, the time being 5.09pm

16.1.1 Confidential Item – Shire Of Waroona 2024 Australia Day Citizen of the Year and Meritorious Community Service Awards	
File Ref:	RC.1 – Recreation And Cultural Services - Event Management - Australia Day; CR.7 Community Relations Awards (Honours)
Previous Items	Nil
Author and Responsible Officer	Executive Assistant; Chief Executive Officer
Declaration of Interest	N/A
Voting Requirement	Simple Majority
Appendix Number	16.1.1 A - Confidential Item - Nominations Received by the Community 16.1.1 B - Confidential Item - Nominations Received by the Awards Committee Advisory Working Group 16.1.1 C – Confidential Item - Past Successful & Unsuccessful Nominations

A confidential report is provided under separate cover.

COUNCIL RESOLUTION

OCM23/11/169

Moved: Cr Clarke

Seconded Cr Mason

Confidential.

CARRIED 6/0

17. MEETING OPENED TO THE PUBLIC

COUNCIL RESOLUTION

OCM23/11/170

Moved: Cr Clarke

Seconded Cr Mason

That the meeting resume in public.

CARRIED 6/0

18. CLOSURE OF MEETING

There being no further business, the Presiding Member closed the meeting, the time being 5:18 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 19 December 2023 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE

UNCONFIRMED