



Date: 12 December 2023

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

**ORDINARY COUNCIL MEETING
NOTICE AND AGENDA**

An Ordinary Council meeting of the Shire of Waroona will be held at the Shire of Waroona Council Chamber at 4.00 pm Tuesday 19 December 2023 to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in blue ink, consisting of the letters 'MG' followed by a long, sweeping underline that extends to the right.

**MARK GOODLET
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

1. The order of business allows for a Public Question time at the beginning of the Meeting.
2. If you wish to ask a Question about an Agenda Item before it is considered then it is recommended to be made at the Public Question Time at Item 4 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited unless the prior approval of the Council has been given.

TABLE OF CONTENTS

| | | |
|--------|--|----|
| 1. | DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS | 4 |
| 2. | ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE..... | 4 |
| 3. | RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE..... | 4 |
| 4. | PUBLIC QUESTION TIME | 4 |
| 5. | PETITIONS AND APPROVED DEPUTATIONS..... | 4 |
| 6. | CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS..... | 4 |
| 6.1 | Ordinary Council Meeting – 28 November 2023 | 4 |
| 7. | ANNOUNCEMENTS BY THE PRESIDING MEMBER | 4 |
| 8. | ANNOUNCEMENTS BY MEMBERS..... | 4 |
| 9. | DISCLOSURES OF INTEREST | 4 |
| 10. | EXTERNAL COMMITTEES, ASSOCIATIONS AND ADVISORY GROUPS | 4 |
| 10.1 | Peel Harvey Catchment Council | 4 |
| 10.2 | Peel Development Commission Board..... | 4 |
| 11. | REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS..... | 5 |
| 11.1 | DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES..... | 5 |
| 11.1.1 | Environmental Management Strategy..... | 5 |
| 11.1.2 | Adoption of Proposed Volunteer Bush Fire Brigade Policies | 10 |
| 11.2 | DIRECTOR CORPORATE & COMMUNITY SERVICES | 13 |
| 11.2.1 | Listing of Payments for the month of November 2023 | 13 |
| 11.2.2 | Monthly Statement of Financial Activity for the period ending 30 November 2023 | 16 |
| 11.2.3 | Shire of Waroona Cat Amendment Local Law 2023 | 19 |
| 11.2.4 | Waroona Bush Fire Brigades Local Law 2023 | 26 |
| 11.2.5 | Policy CGP022 – Social Media | 33 |
| 11.2.6 | 2023 Register of Delegations – Annual Review and Amendments | 39 |
| 11.3 | CHIEF EXECUTIVE OFFICER | 45 |
| 11.3.1 | Waroona North Sport & Recreation Precinct | 45 |
| 11.3.2 | Automatic Teller Machine Location Update and Offer | 54 |
| 11.3.3 | Community Partnership Agreement | 58 |
| 11.4 | ITEMS FOR INFORMATION | 62 |
| 12. | BUSINESS LEFT OVER FROM A PREVIOUS MEETING..... | 62 |
| 13. | ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN..... | 62 |
| 14. | NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING | 62 |
| 15. | NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING..... | 62 |
| 16. | MEETING CLOSED TO THE PUBLIC..... | 62 |
| 16.1 | Honorarium Proposal | 62 |
| 17. | MEETING OPENED TO THE PUBLIC | 62 |
| 18. | CLOSURE OF MEETING..... | 62 |

AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**
2. **ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **PETITIONS AND APPROVED DEPUTATIONS**
6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 6.1 **Ordinary Council Meeting – 28 November 2023**

RECOMMENDATION

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

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**
8. **ANNOUNCEMENTS BY MEMBERS**
9. **DISCLOSURES OF INTEREST**

(Disclosure of interest MUST ALSO be made by the member or officer immediately prior to a matter, for which an interest is being disclosed, is dealt with.)
10. **EXTERNAL COMMITTEES, ASSOCIATIONS AND ADVISORY GROUPS**
 - 10.1 **Peel Harvey Catchment Council**

RECOMMENDATION

That council accepts the appointment of Cr _____ to the Peel Harvey Catchment Council.

- 10.2 **Peel Development Commission Board**

RECOMMENDATION

That council accepts the nominations of Cr _____ and Cr _____ to the Peel Development Commission Board.

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS

11.1 DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

| | |
|---|---|
| 11.1.1 Environmental Management Strategy | |
| File Ref: | EM.10 – Environmental Management – Planning |
| Previous Items: | Nil |
| Applicant: | Shire of Waroona |
| Author and Responsible Officer: | Director Infrastructure & Development Services |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendix Number | 11.1.1 A – Environmental Management Strategy 2023-2033 11.1.1 B - WALGA Draft Climate Change Policy Statement 11.1.1 C - Local Government Emissions Inventory Guide (ID-660583) |

RECOMMENDATION

That Council endorses the “Environmental Management Strategy 2023-2033”, as attached in Appendix 11.1.1 A, for the purposes of public advertising.

IN BRIEF

Many Local Governments in Western Australia have Environmental Management Plans, as an informing strategy in their Integrated Planning and Reporting framework. The objective of the Strategy is to present information about the Shire’s natural and land assets, provide evidence of responsible management and compliance, and summarise required resourcing to meet the communities’ environmental goals, in addition to the Shire of Waroona’s legislated obligations.

BACKGROUND

Many Local Governments in Western Australia have Environmental Management Plans, as an informing strategy in their Integrated Planning and Reporting framework. The Integrated Planning and Reporting guidelines, contain a document hierarchy which has the informing strategies providing guidance to the Asset Management Framework. Which includes annual work programs and long- term financial programs. This plan also forms ‘Appendix J’ of the Shire’s Asset Management Strategy.

The Environmental Management Strategy incorporates all the functions and land related asset classes as a part of an overall framework that provides for the sustainable management of the natural environment.

The objective of the Strategy is to present information about the Shire’s natural and land assets, provide evidence of responsible management and compliance, and summarise required resourcing to meet the communities’ environmental goals, in addition to the Shire of Waroona’s legislated obligations.

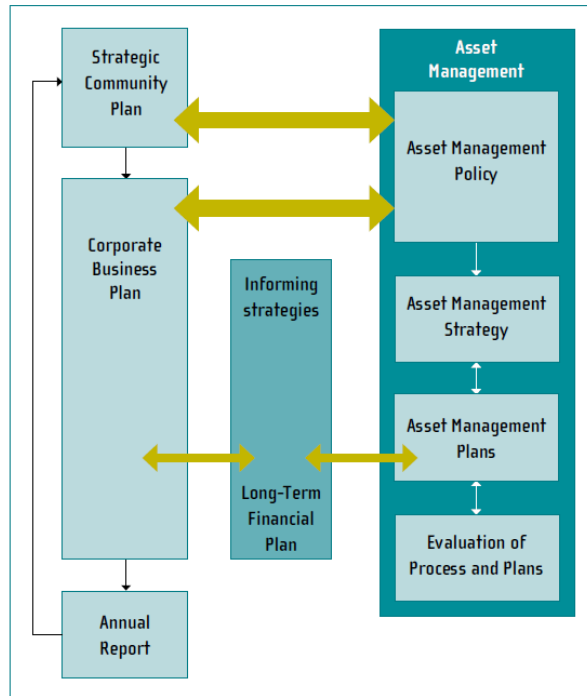


Figure 1: Elements of the Integrated Planning & Reporting Framework. Source: Department of Local Government, Sport & Cultural Industries.

REPORT DETAIL

The Environmental Management Strategy incorporates all the functions and related land use asset classes, as part of an overall framework that provides for the sustainable management of the environment. The objective of the Strategy is to present information about the Shire’s natural and land assets, provide evidence of responsible management and compliance, and summarise required resourcing to meet the communities’ environmental goals, in addition to the Shire of Waroona’s legislated obligations.

The purpose of the Environmental Management Strategy is two- fold:

1. To plan for and implement Strategic Community Objectives:
 - a. SCP Objective 3.1: Protect and Enhance our existing Natural Assets, Waterways, Bushland, and Biodiversity.
 - b. SCP Objective 3.2: Proactively manage resources and practice sustainability through responsible management of water, energy, fire control and waste.

And

2. To plan for and implement as Federal State and Regional Environmental priorities within the Local Governments remit.

The strategy provides strategic and operational structure and guidance, in achieving the implementation of aligned deliverables, with regard to Environmental Management objectives. This Environmental Management Strategy encompasses various facets of sustainability and environmental stewardship, aiming to make the Shire of Waroona a model for sustainable living and development in Western Australia. Regular monitoring and evaluation should be conducted. To ensure ongoing progress and to maximise effectiveness, toward achieving the outlined objectives and actions, collaboration with relevant stakeholders, agencies, and the community will be essential for the successful implementation. Hence, the organisational structure for the

environmental portfolio, is designed to be customer centric, with four thematic sub-portfolios, focused on who is coordinating the related objectives.

Each theme is further divided into focus areas, as well as objectives, work programs and initiatives, which are outlined in the Environmental management Strategy. These four themes within the Environmental Management Strategy are –

1. Shire Council Strategic Environmental Management Objectives

- a. Decarbonisation
- b. Revenue generating enterprises from Actuated Carbon Credit programs
- c. Waste Minimization
- d. Waste 2 Energy and e-waste recycling programs (rare earth recovery)
- e. Resource Efficiency

2. Sustainable Business and Green Industry

- a. Renewable Energy
- b. Green Industry
- c. Conversion of existing industries

3. Other Agency and NGO Environmental Partnerships

- a. Environmental Conservation
- b. Biodiversity and Biosecurity
- c. Coastal Care and Conservation

4. Community Environmental Management and Sustainability

- a. Water-Wise Initiatives
- b. Climate Change Mitigation
- c. Sustainable Development
- d. Community Education and Eco-Tourism
- e. Bush Fire Mitigation and Vegetation Management

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

| | |
|-------------------|---|
| Focus Area | Our Environment |
| Aspiration | To continually care for, protect and enhance our environment for the generations to come |
| Objective | 3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity |
| Strategy | 3.1.2 Develop future plans and strategies to protect and enhance Preston Beach and the Yalgorup National Park |

OTHER STRATEGIC LINKS

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

STATUTORY ENVIRONMENT

- Department of Local Government, Sport and Cultural Industries Integrated Planning and Reporting (IP&R) Framework regulations.
- Federal and State Government Environmental Legislative Frameworks.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Breaches of environmental compliance regulations can result in significant financial penalties, in addition to irreparable damage to the natural environment.

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

Sustainable Environmental Management, supports the foundation of our health and wellbeing as well as shaping our quality of life, providing recreation opportunity, economic sustainability, social values, visual aesthetics, amenity and also by connecting us with our cultural history.

Environment – (Impact on environment’s sustainability)

Breaches of environmental compliance regulations can result in significant financial penalties, in addition to irreparable damage to the natural environment.

Policy Implications

The Environmental Management Plan informs the Shire of Waroona’s Integrated Planning and Reporting (IP&R) Framework and work programs.

Risk Management Implications

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

| | |
|--------------------------|---|
| <i>Theme</i> | Environmental - Regulatory compliance, contamination, inadequate processes |
| <i>Description</i> | Breaches of environmental compliance regulations can result in significant financial penalties, in addition to irreparable damage to the natural environment. |
| <i>Consequence</i> | 4 - Major |
| <i>Likelihood</i> | 3 - Possible |
| <i>Rating</i> | High (10-19) |
| <i>Controls / Review</i> | Council’s endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect. |
| <i>Review Frequency</i> | Annually |
| <i>Risk Owner</i> | Director |
| <i>Acceptance</i> | Monitor - Risk acceptable with adequate control |

CONSULTATION

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

RESOURCE IMPLICATIONS

Financial

Environmental management related tasks are included in the annual budget process and LTFP.

Workforce

Environmental management related tasks are a component of officers existing roles.

OPTIONS

Council has the option of:

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

CONCLUSION

The “Environmental Management Strategy 2023-2033” is intended to provide guidance and direction on the prioritisation, risk levels and actions needed for sustainable environmental management related activities and programmed works. Whilst mitigating the potential risk of resourcing not being available for managing natural assets in a consistent and sustainable manner.

| 11.1.2 Adoption of Proposed Volunteer Bush Fire Brigade Policies | |
|---|---|
| File Ref: | ES.7 – Emergency Services – Service Provision – Bushfire Brigades |
| Previous Items: | N/A |
| Applicant: | N/A |
| Author and Responsible Officer: | Senior Safety and Development Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendix Number | 11.1.2 A - Volunteer Bush Fire Brigade Policy No. 1 – DFES Policies, Directives, Standard Operating Procedures and Standard Administrative Procedures 11.1.2 B - Volunteer Bush Fire Brigade Policy No. 2 - Catering |

RECOMMENDATION

That Council adopts the following proposed Volunteer Bush Fire Brigade Policies:

- **Volunteer Bush Fire Brigade Policy No. 1 – *DFES Policies, Directives, Standard Operating Procedures and Standard Administrative Procedures*; and**
- **Volunteer Bush Fire Brigade Policy No. 2 – *Catering*.**

IN BRIEF

Council is requested to consider adopting two proposed policies relating to the operation of the Shire's Volunteer Bush Fire Brigades.

BACKGROUND

Currently there are no adopted policies or procedures to guide the operations of the Shire's Volunteer Bush Fire Brigades. Policies are required to ensure volunteers have an understanding of how to undertake their role safely and ensure risk can be mitigated to an appropriate degree. Policies are also required to ensure staff dealing with volunteers are aware of their duties to assist volunteers so they can perform their roles safely and comfortably.

REPORT DETAIL

Proposed Volunteer Bush Fire Brigade Policy No. 1 – *DFES Policies, Directives, Standard Operating Procedures and Standard Administrative Procedures* requires the brigades to operate in accordance with a range of DFES policies and procedures. It is not considered appropriate for the Shire to write its own set of policies and procedures where DFES have already provided them for career firefighters. It should be noted that only those DFES policies and procedures have been selected where they relate to volunteers. There are many DFES policies and procedures that are not relevant, and these have been left out of the proposed policy. The policies and procedures are both operational and administrative in nature. A copy of the proposed policy is at Appendix 11.1.2 A

Proposed Volunteer Bush Fire Brigade Policy No. 2 – *Catering* sets out the requirements for the supply of food and refreshments on the fire ground to ensure volunteers are nourished appropriately. A copy of the proposed policy is at Appendix 11.1.2 B.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

NA

STATUTORY ENVIRONMENT

Work Health and Safety Act 2020
Local Government Act 1995

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

Environment – (Impact on environment’s sustainability)
Nil

Policy Implications
Nil

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

| | |
|--------------------------|--|
| <i>Theme</i> | Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge |
| <i>Description</i> | Without the policies in place, there is no “manual” for local brigade members (and Shire staff) to follow in respect to various matters regarding the operation and function of a volunteer bush fire brigade. |
| <i>Consequence</i> | 4 - Major |
| <i>Likelihood</i> | 3 - Possible |
| <i>Rating</i> | High (10-19) |
| <i>Controls / Review</i> | The policies will be reviewed at least annually or as required. |
| <i>Review Frequency</i> | Annually |
| <i>Risk Owner</i> | Chief executive officer |
| <i>Acceptance</i> | Accept - Risk acceptable with adequate controls |

CONSULTATION

The proposed policies were referred to each of the three volunteer bush fire brigades and to the Chief Bush Fire Control Officer for comment. A period of 30 days was allocated to consultation. The Preston Beach Volunteer Bush Fire Brigade advised the Shire that it had no comments. No other responses were received.

In regard to proposed Volunteer Bush Fire Brigade Policy No. 1 – *DFES Policies, Directives, Standard Operating Procedures and Standard Administrative Procedures*, officers based the list of DFES-prepared policies and procedures on the Shire of Murray’s list, who have adopted a similar approach and used DFES-prepared policy to guide their respective Volunteer Bush Fire Brigades.

RESOURCE IMPLICATIONS

Financial

There are no costs associated with the preparation and adoption of the policies.

Workforce

The preparation of the proposed policies was undertaken within existing staff resource levels. No external resourcing was required.

OPTIONS

Council has the option of:

1. adopting the policies as proposed;
2. adopting amended versions of the policies;
3. adopting one of the policies and not the other; or
4. not adopting either of the policies.

CONCLUSION

The proposed policies are the first step in setting up a “manual” for the volunteer bush fire brigades to follow. It is considered the policies will particularly assist new volunteers.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

| 11.2.1 Listing of Payments for the month of November 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 – November 2023 |

RECOMMENDATION

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

| | | | | |
|---------------------|--|----------------------|-----------|---------------------|
| Municipal | Cheque | 10185 – 10196 | \$ | 29,288.66 |
| | EFT | 39560 – 39776 | \$ | 1,485,704.56 |
| Direct wages | 01/11/2023 – 30/11/2023 inclusive | | \$ | 345,497.41 |
| Direct Debit | 01/11/2023 – 30/11/2023 | | \$ | 210,446.60 |
| Trust | Cheque | | \$ | - |
| | EFT | | \$ | - |
| GRAND TOTAL | | | \$ | 2,070,937.23 |

as per Appendix 11.2.1.

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire’s Municipal and Trust funds throughout the month of November 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 November 2023; or
2. not receiving the listing of payments presented for the month of November 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 November 2023. All expenditure is accordance with the 2022/23 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

| 11.2.2 Monthly Statement of Financial Activity for the period ending 30 November 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 November 2023 |

RECOMMENDATION

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

IN BRIEF

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

BACKGROUND

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

REPORT DETAIL

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

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

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances

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

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona 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 Shire of Waroona Cat Amendment Local Law 2023 | |
|---|---|
| File Ref: | LE.1 – Laws And Enforcement – Local Laws – Cats |
| Previous Items: | OCM February 2023 Item 11.2.6 OCM23/02/015 OCM May 2023 Item 11.2.5 OCM21/05/064 SCM September 2023 Item 5.1.1 SCM23/09/112 |
| Applicant: | Not applicable |
| Author and Responsible Officer | Corporate Planning & Governance Officer Director Corporate & Community Development |
| Declaration of Interest: | Nil |
| Voting Requirements: | Absolute Majority |
| Appendix Number | 11.2.3 – Proposed Shire of Waroona Cat Amendment Local Law 2023 |

RECOMMENDATION

That Council:

1. adopts the *Shire of Waroona Cat Amendment Local Law 2023*, as detailed at Appendix 11.2.3 in accordance with section 79 of the *Cat Act 2011* and section 3.12 of the *Local Government Act 1995*; and
2. approves for the Chief Executive Officer to –
 - a. publish in the Government Gazette the *Shire of Waroona Cat Amendment Local Law 2023*, as adopted;
 - b. forward a copy of the adopted local law to the Minister for Local Government;
 - c. give local public notice of the adoption of the local law; and
 - d. complete and submit an explanatory memorandum, statutory procedures checklists and other supporting information on the local law to the Joint Standing Committee on Delegated Legislation.

IN BRIEF

- The Shire of Waroona Cat Local Law 2023 (Cat Local Law) was adopted by Council on 23 May 2023.
- The Cat Local Law was then gazetted in June 2023.
- Following the adoption of the Cat Local Law the Joint Standing Committee on Delegated Legislation (Committee) highlighted a number of minor matters with the Cat Local Law and sought an undertaking that they would be addressed.
- On 5 September 2023, Council resolved for the Shire President to provide the requested undertaking and commence the process to make a proposed Shire of Waroona Cat Amendment Local Law 2023 to correct errors in the principal local law.
- The intended result of the ‘Amendment’ Local Law is to cause the principal local to be clearer to understand, apply and enforce.

BACKGROUND

At the Special Council Meeting held 5 September 2023, Council resolved the following to progress the development of a Cat Amendment Local Law:

COUNCIL RESOLUTION

SCM23/09/112

Moved: Cr Vitale

Seconded: Cr Pisconeri

That Council:

1. *in respect to the Shire of Waroona Cat Local Law 2023, resolves to undertake to the Joint Standing Committee on Delegated Legislation that it will:*
 - a. *within 6 months:*
 - i. *delete clause 4.4(f);*
 - ii. *delete clause 2.2, Part 3 and Schedule 3;*
 - b. *not enforce the Local Law to the contrary before it is amended in accordance with undertaking 1;*
 - c. *ensure all consequential amendments arising from the undertakings will be made;*
 - d. *where the Local Law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking;*
2. *approves for the Shire President to provide a written undertaking to the Joint Standing Committee;*
3. *approves the making of the proposed Shire of Waroona Cat Amendment Local Law 2023 (Cat Local Law), as detailed at Appendix 5.1.1 C, in accordance with section 79 of the Cat Act 2011;*
4. *requests the Presiding Member to give notice to this meeting in accordance with section 3.12(2) of the Local Government Act 1995 of the purpose and effect of the proposed Shire of Waroona Cat Amendment Local Law 2023, that being:*
 - a. *The purpose of the local law is to correct errors in the Shire of Waroona Cat Local Law 2023; and*
 - b. *The effect of making the proposed local law is that the Shire of Waroona Cat Local Law 2023 is clearer to understand, apply and enforce;*
5. *in accordance with sections 3.12(3)(a) and (b) of the Local Government Act 1995, approves for the Chief Executive Officer to –*
 - a. *undertake local advertising, and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks;*
 - b. *make copies of the proposed local law available to the general public;*
 - c. *forward a copy of the proposed local law to the Minister for Local Government; and*

- d. *prepare a further report on the proposed local law for Council consideration after the closing date for submissions.*

CARRIED 5/0

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

REPORT DETAIL

The proposed Shire of Waroona Cat Amendment Local Law 2023 was advertised locally in the Harvey-Waroona Reporter on Tuesday, 19 September 2023. The advertisement invited public submissions for more than the statutory minimum of 6 weeks, with submissions due by Friday, 10 November 2023. Copies of the advertisement were displayed on the Shire Administration Office and Library public notice boards and on the Shire website.

On 27 September 2023, a copy was sent to the WA Minister for Local Government, and the Department of Local Government, Sport and Cultural Industries (DLGSC).

No submissions were received from the public during the submission period. Comments were received from the DLGSC on 17 October 2023 with some minor grammatical edits suggested. These changes have been applied to the proposed Local Law as found at Appendix 11.2.3.

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

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona Corporate Business Plan “Towards Waroona 2030
 Action 5.1.1.2 – Review all local laws

STATUTORY ENVIRONMENT

Local Government Act 1995

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

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

Table 1 - Timeline for making local law.

| Task | LGA Section | Effective Date |
|--|--------------------|--|
| Report to Council for approval to advertise proposed new Local Laws. <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i> | 3.12(2) | Tuesday, 5 September 2023 - complete |
| Give local public notice and make copies available to the general public. | 3.12(3)(a) | <u>Harvey Waroona Reporter</u> – Tuesday, 19 September 2023 - complete |
| Closing date for submissions to be received (not less than 6 weeks). | 3.12(4) | Friday, 10 November 2023 (51 days) - complete |
| Give copy of the proposed local law and the public notice to the Minister for Local Government. | 3.12(3)(b) | Wednesday, 27 September 2023 - complete |
| Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required). | 3.12(4) | Tuesday, 19 December 2023 - as presented |
| Publish Local Laws in Government Gazette and give copy to the Minister for Local Government. | 3.12(5) | <i>Scheduled for:</i> Tuesday 2 January, 2024 |
| Give local public notice advising that the new laws have been made, the title, and make copies available to the general public. | 3.12(6) | <i>Scheduled for:</i> Tuesday 16 January, 2024 |
| Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation. | 3.12(6) | <i>Scheduled for:</i> Thursday 18 January, 2023 |

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

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give local public notice stating that –
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

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

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

Section 3.13 states that if during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Nil.

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

Nil.

Policy Implications

Nil.

Risk Management Implications

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

| | |
|--------------------------|--|
| <i>Theme</i> | Environmental - Regulatory compliance, contamination, inadequate processes |
| <i>Description</i> | <ul style="list-style-type: none"> • Failure to adhere to the Committee’s request to provide an undertaking to correct the Cat Local Law within 6 months may result in the Committee resolving to report to the Parliament recommending the disallowance of the Shire of Waroona Cat Local Law 2023 in the Legislative Council. • Non-compliance with the local law review requirements stipulated by the Local Government Act 1995. |
| <i>Consequence</i> | 3 - Moderate |
| <i>Likelihood</i> | 2 - Unlikely |
| <i>Rating</i> | Moderate (4-9) |
| <i>Controls / Review</i> | Provide an undertaking to the Committee and fulfil all terms of the undertaking and Committee’s recommendations within 6 months, will mitigate the likelihood of this risk coming into effect. |
| <i>Review Frequency</i> | Annually |
| <i>Risk Owner</i> | Chief executive officer |
| <i>Acceptance</i> | Accept - Risk acceptable with adequate controls |

CONSULTATION

- Local notice of the proposed local law and invitation for public submissions were advertised in the Harvey Reporter on Tuesday, 19 September 2023.
- The proposed local law and invitation for public submissions were advertised online on the Shire website and copies made available in hard copy at the Shire Administration Office.
- A copy of the proposed local law and copies of the advertisements were sent to the Minister for Local Government.
- One response was received from DLGSC.

RESOURCE IMPLICATIONS

Financial

The cost of making the proposed local law which includes re-advertising and gazettal is approximately \$300. Funds are available in the 2023/2024 budget for the project cost.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer’s recommendation to complete the process to make the proposed Shire of Waroona Cat Amendment Local Law 2023; or

2. amending or rejecting the proposal to make the Cat Amendment local law.

CONCLUSION

It is recommended that Council completes the process under *the Local Government Act 1995* to update the proposed Shire of Waroona Cat Amendment Local Law 2023 as per council's commitment to the Joint Standing Committee in September 2021.

| | |
|---|---|
| 11.2.4 Waroona Bush Fire Brigades Local Law 2023 | |
| File Ref: | LE.19 – Laws And Enforcement – Local Laws – Bushfire Brigades |
| Previous Items: | OCM13/10/106 Local Law - Repeal of Local Laws 2013 OCM13/12/144 Local Law - Repeal of Local Law - Bushfire Brigades OCM22/07/86 Election of Officers for the 2022/2023 Fire Season OCM23/02/019 Waroona Bush Fire Brigades Local Law. |
| Applicant: | N/A |
| Author and Responsible Officer | Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendix Number | 11.2.4 – Draft Waroona Bush Fire Brigades Local Law |

RECOMMENDATION

That Council:

1. approves the making of the proposed Shire of Waroona Bush Fire Brigades Local Law 2023 (Local Law), as detailed at APPENDIX 11.2.4 in accordance with section 62 of the *Bush Fires Act 1954*;
2. requests the Presiding Member to give notice to this meeting in accordance with section 3.12(2) of the *Local Government Act 1995* of the purpose and effect of the proposed Local Law, that being;
 - a. The purpose of the proposed Shire of Waroona Bush Fire Brigades Local Law 2023 is to establish and maintain bush fire brigades and enable the bush fire brigades to carry out normal brigade activities under the *Bush Fires Act 1954*, its Regulations, and the Waroona Bush Fire Brigades Local Law; and
 - b. The effect of the proposed Shire of Waroona Bush Fire Brigades Local Law 2023 is to;
 - i) equip each bush fire brigade so established with appliances, equipment, and apparatus;
 - ii) provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade and prescribe their respective duties;
 - iii) provide for the appointment, employment, payment, dismissal, and duties of bush fire control officers;
 - iv) provide for the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
 - v) provide for any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by the *Bush Fires Act 1954*; and

3. In accordance with section 3.12(3) of the *Local Government Act 1995*, approves for the CEO to –
- a) undertake local advertising, and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks;
 - b) forward a copy of the proposed local law and a copy of the notice to the Minister for Local Government and Minister for Emergency Services;
 - c) make copies of the proposed Local Law available to the general public;
 - d) prepare a further report on the proposed local law for Council consideration after the closing date for submissions.

IN BRIEF

- This report seeks the introduction of a Bush Fire Brigades local law under the *Bush Fires Act 1954* following advice that a Bush Fire Brigades local law is necessary for the lawful establishment and maintenance of bush fires brigades, ensuring that volunteers are acting lawfully, are authorised, and are protected under law.
- The effect of the recommendation to Council is to initiate the local law and follows the procedure provided in the *Local Government Act 1995* for new local laws.
- Following the public notice and consultation period, feedback received has been incorporated into the revised draft local law. This report seeks Council's authorisation to re-advertise the amended draft local law.

BACKGROUND

The Shire of Waroona resolved to prepare and adopt a repeal local law (OCM13/12/144, Local Law - Repeal of Local Law - Bushfire Brigades) to get rid of its Bush Fires Local Law. The rationale for this was:

“This existing Local Law was made in 2001, under the Bush Fires Act 1954, and seemed relevant at that time. The Bushfire Brigades Local Law relates to various ‘Administrative’ issues, which have now been superseded by State Government involvement, which was FESA, and now include items from the Department of Fire and Emergency Services [DFES].

The genesis of this advice is not provided in the report, though it appears that the involvement of DFES gave the impression that the Bush Fires Local Law was no longer relevant. In March 2022, the Work Health and Safety Act 2020 provided clarity that volunteer bush fire brigade members, were “workers” of the local government and that all of the provisions of this Act applied to them and to the local government as the “person conducting the business or undertaking”.

REPORT DETAIL

Relevant Legislation

The Bush Fires Act 1954 provides that a local government is to establish and maintain bush fire brigades through local law. Despite the reconfiguration of the State Government emergency services portfolio to form DFES, the Bush Fires Act 1954 was not amended to

shift responsibility for the bush fire brigades to DFES, meaning the responsibility remained with local government. Accordingly, the enabling local law remains relevant and essential. While ever local governments retain responsibility for the volunteer bush fire brigades under the Bush Fires Act 1954, then the local law is essential for the establishment and maintenance of the bush fire brigades.

In response to the implemented Work Health and Safety Act 2020, the legal underpinnings of the bush fire brigades have been scrutinised to ensure that they are established and management in accordance with the Bush Fires Act 1954 and operating in a manner that is compliant with the Work Health and Safety Act 2020.

McLeods Lawyers (McLeods) provided advice to the Shire of Waroona indicating that it was necessary to have a bush fire brigades local law in place. WALGA's position with respect to the need for a bush fire brigades local law coincides with that advice provided by McLeods.

Appointment of Bush Fire Control Officers

The advice provided by WALGA for short term action where no Local Law is in place, is to ensure bush fire control officers have been appointed by Council.

This has occurred as per the ordinary meeting of Council, decision OCM22/07/86 for election of officers for the 2022/2023 fire season.

In February 2023, Council resolved to advertise the Draft Bush Fire Brigades Local Law. In doing so, valuable feedback was provided by the brigades and by DFES which led to a number of changes. While none of the changes fundamentally altered the intent of the draft local law, collectively there were enough minor changes to warrant recommencing the local law-making procedure in accordance with section 3.13 of the Local Government Act 1995. The most prominent of these changes included:

- Paring back the PCBU officer's role so that it only pertains to health and safety rather than operational matters; and
- In changing the composition of the bush fire advisory group so that voting members include each of the brigade bush fire control officers, meaning the Waroona town brigade has a voting member of this advisory group.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

| | |
|-------------------|---|
| Focus Area | Our Community |
| Aspiration | To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning |
| Objective | 1.1 Create a connected, safe, and cohesive community with a strong sense of community pride |
| Strategy | 1.1.6 Ensure the safety of our community |
| Action | Implementation of a new Local Law. |

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Bush Fires Act 1954, section 41. Bush Fire Brigades

(1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.

Bush Fires Act 1954, section 43. Election and duties of officers of bush fire brigades

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade and prescribe their respective duties.

Bush Fires Act 1954, section 62. Local government may make local laws

(1) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to —

- (a) the appointment, employment, payment, dismissal and duties of bush fire control officers; and
- (b) the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
- (c) any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

Local Government Act 1995, section 3.12. Procedure for making local laws

... (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

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

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

Table 2 - Timeline for making local law.

| Task | LGA Section | Effective Date |
|---|--------------------|---|
| Report to Council for approval to advertise proposed new Local Laws. <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i> | 3.12(2) | Tuesday, 19 December 2023 |
| Give local public notice and make copies available to the general public. | 3.12(3)(a) | <u>Harvey Waroona Reporter</u> – Tuesday, 16 January 2024 |
| Closing date for submissions to be received (not less than 6 weeks). | 3.12(4) | Friday, 8 March 2024 <i>(51 days)</i> |
| Give copy of the proposed local law and the public notice to the Minister for Local | 3.12(3)(b) | Wednesday 17 January 2024 |

| Task | LGA Section | Effective Date |
|--|-------------|-------------------------|
| Government. | | |
| Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required). | 3.12(4) | Tuesday, 12 March 2024 |
| Publish Local Laws in Government Gazette and give copy to the Minister for Local Government. | 3.12(5) | Friday 5 April, 2024 |
| Give local public notice advising that the new laws have been made, the title, and make copies available to the general public. | 3.12(6) | Tuesday 16 April, 2024 |
| Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation. | 3.12(6) | Thursday 17 April, 2023 |

Local Government Act 1995, section 3.13. Procedure where significant change in Proposal

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

Work Health and Safety Act 2020, section 7. Meaning of worker

(1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as — ... (h) a volunteer...

Work Health and Safety Act 2020, section 27. Duty of officers

(1) If a person conducting a business or undertaking has a duty or obligation under this Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Implementation of a new Local Law provides protection for the volunteers involved in the brigades while ensuring they are able to carry out their roles lawfully and with the full authority of the law.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

CP019 – Volunteer Bush Fire Brigades will be reviewed once the Local Law is in place.

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

| | |
|--------------------------|---|
| <i>Theme</i> | Environmental - Regulatory compliance, contamination, inadequate processes |
| <i>Description</i> | Non-compliance with the Bush Fires Act 1954 through unlawful establishment of bush fire brigades and appointment of brigade officers. |
| <i>Consequence</i> | 4 - Major |
| <i>Likelihood</i> | 5 - Almost certain |
| <i>Rating</i> | Extreme (20-25) |
| <i>Controls / Review</i> | Adoption of new Local Law. |
| <i>Risk Owner</i> | Chief executive officer |
| <i>Acceptance</i> | Accept - Risk acceptable with adequate controls |

CONSULTATION

Extensive local government consultation has occurred in relation to the need for a local law and the WALGA advice captures the results of this consultation.

The bush fire brigades are to be provided with a detailed discussion on the new Local Law, why it is needed and how it operates once a decision by Council to initiate this local law occurs.

There is a statutory consultation process to be undertaken including the relevant Ministers, and the public through local public notice.

Adoption of this recommendation by Council will trigger a second round of consultation ensuring that process compliance is maintained.

RESOURCE IMPLICATIONS***Financial***

To be dealt with through budgeted services.

Workforce

To be dealt with through existing workforce

OPTIONS

Council has the option of:

1. rejecting the initiation of the Local Law;
2. amending the recommendation; or
3. approving the recommendation.

CONCLUSION

In considering the bush fire brigades as a portfolio of local government it is noteworthy that this area presents as an extreme risk undertaking. It is imperative that in providing this service local government is underpinned by legislative mechanisms that ensure the bush fire brigades are lawfully enabled, authorised, and protected in carrying out their activities. An essential component of this is the provision of a Waroona Bush Fire Brigades Local Law.

| 11.2.5 Policy CGP022 – Social Media | |
|--|---|
| File Ref: | CM.7 Corporate Management – Policy – Policy Register Policy Reviews |
| Previous Items: | OCM21/06/071 Major Policy Review OCM23/11/164 Policy CGP022 – Social Media – Update |
| Applicant: | Nil |
| Author and Responsible Officer | Director Corporate & Community Services |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendix Number | 11.2.5 A – CGP022 – Social Media - with Tracked changes 11.2.5 B – CGP022 – Social Media – PROPOSED |

RECOMMENDATION

That Council adopts the revised Policy CGP022 – Social Media.

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, its 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.

A reviewed and amended version of CGP022 – Social Media was presented to council at the Ordinary Council Meeting on 28 November 2023. At this meeting, Council resolved to lay the policy 'on the table' for further consideration and discussion at Council Briefing Session held 5 December 2023.

Following a Council discussion, suggested amendments have been incorporated into proposed policy CGP022 – Social Media, as presented at Appendix 11.2.5 B.

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

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

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 | 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.

| 11.2.6 2023 Register of Delegations – Annual Review and Amendments | |
|---|--|
| File Ref: | GO.4 – Governance - Authorisations – Ministerial Delegation |
| Previous Items: | Nil |
| Applicant: | Not applicable |
| Author and Responsible Officer: | Corporate Planning & Governance Officer; Director Corporate & Community Services |
| Declaration of Interest: | Nil |
| Voting Requirements: | Absolute Majority |
| Appendix Number | 11.2.6 A – Register of Delegations - with Tracked Changes 11.2.6 B – Register of Delegations - Proposed |

RECOMMENDATION

That Council:

- 1. revokes the existing Register of Delegations; and**
- 2. endorses the revised and amended Register of Delegations as per Appendix 11.2.6 B.**

IN BRIEF

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

BACKGROUND

The aim and purpose of delegated authority is to assist with the efficiency of the Local Government's activities by way of quicker decisions. Under the *Local Government Act 1995* and other legislation, Council may delegate its functions, duties, and powers to the Chief Executive Officer (CEO) to assist with efficient and timely decision making. The CEO may then sub delegate functions, duties, and powers to other staff.

Delegations are a proven effective organisational tool that enhances productivity and supports effective customer service and timely decision making.

REPORT DETAIL

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

- Background
Changes have been made to the list of Other Legislation on page 11 to add the recently adopted Shire of Waroona Cat Local Law 2023.

The following amendments are recommended following a review of Local Government (Council)’s express powers and duties delegated under three Shire of Waroona local laws.

- Delegation 2.13.2 Application of Shire of Waroona Cat Local Law 2023

The Shire of Waroona Cat Local Law 2023 has been added under Other Legislation on page 10 following its gazettal in June 2023. Subsequently, delegation 2.13.2 has been inserted to reflect express powers and duties delegated under the Cat Local Law.

As a result of the addition of delegations under the Cat Local Law at clause 2.13.2, all succeeding clauses have been re-numbered.

- Delegation 2.13.3 Application of Shire of Waroona Dog Local Law 2023

Delegation 2.13.2 has been amended to add relevant express powers or duties delegated, in line with the Dog Local Law which was recently reviewed and published in the *Government Gazette* in July 2023.

- Delegation 2.13.7 Application of Shire of Waroona Health Local Law 2021

The 38 clauses currently in the list of express powers or duties delegated, have been reviewed. It is apparent that all clauses that merely mention *Local Government* are included in this list. To correct this, an amendment to change the list to include only clauses from the Health local law which specifically include an express power or duty of the Local Government, is recommended. Amendments are set out below:

| Proposed list of express powers or duties delegated | Clauses to be removed from list of express powers or duties delegated |
|---|---|
| cl.4.9 Burning of rubbish or refuse cl.4.14 Removal of refuse and disused materials c.4.15 Removal of unsightly overgrowth of vegetation cl.5.5 Dust management cl.5.6 Emission or reflection of light cl.5.7 Car parks cl.5.13 Bird scaring devices cl.5.19 Keeping of approved animals and provision of stables cl.6.10 Local government may execute work and recover costs cl.7.4 Authorised Officer may disinfect or disinfest the premises cl.7.5 Insanitary houses, premises and things cl.7.7 Persons in contact with an infectious disease sufferer cl.7.8 Declaration of infected house or premises cl.7.11 Local government may carry out work and recover costs | cl.2.2 Dwelling house cl.2.12 Bathrooms cl.2.13 Laundries cl.3.3 Disposal of rainwater cl.4.3 Disposal of liquid waste cl.4.10 Suitable enclosure cl.4.13 Unauthorised storage of materials cl.5.2 Escape of smoke etc. cl.5.12 Commercial vehicles cl.5.16 Slaughter of animals cl.5.25 Roosters, geese, turkeys, peafowl and gamebirds cl.5.31 Premises to be approved cl.6.9 Drainage of land cl.8.2 Accommodation not to be kept unless registered cl.8.5 Renewal of registration cl.8.29 Room occupancy cl.9.2 Consent to establish an offensive trade cl.9.7 Alterations to premises |

| | |
|--|--|
| cl.8.4 Certificate of Registration of Accommodation cl.8.7 Revocation of registration cl.8.21 Furnishing etc. of sleeping arrangement cl.8.26 Keeper report cl.9.5 Certificate of Registration of Premises for Offensive Trade cl.10.3 Other enforcement actions | |
|--|--|

The sub-delegated functions have been reviewed concurrently and will be presented by the CEO as a separate process at the conclusion of this annual review.

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 | Nil |

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.5.42 – Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
 - (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

s.5.43 – Limits on delegations to CEO

- A local government cannot delegate to a CEO any of the following powers or duties —
- (a) any power or duty that requires a decision of an absolute majority of the council;
 - (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
 - (c) appointing an auditor;

- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

s.5.44 – CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
 - (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) — conditions includes qualifications, limitations or exceptions.

s.5.45 – Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
 - (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
 - (a) a local government from performing any of its functions by acting through a person other than the CEO; or
 - (b) a CEO from performing any of his or her functions by acting through another person.

s.5.46 – Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

Local Government (Administration) Regulations 1996

r.18G – Delegations to CEOs, limits on (Act s.5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

r.19 – Delegates to keep certain records (Act s.5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Other Legislation

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

- Shire of Waroona Cat Local Law 2023
- Shire of Waroona Dog Local Law 2023
- Shire of Waroona Health Local Law 2021

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 legislation and potential consequences from the relevant State Government department. |
| <i>Consequence</i> | 3 - Moderate |
| <i>Likelihood</i> | 2 - Unlikely |
| <i>Rating</i> | Moderate (4-9) |
| <i>Controls / Review</i> | Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect. |
| <i>Review Frequency</i> | Annually |
| <i>Risk Owner</i> | Chief executive officer |
| <i>Acceptance</i> | Accept - Risk acceptable with adequate controls |

CONSULTATION

Nil.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

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

OPTIONS

Council has the option of:

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

CONCLUSION

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

11.3 CHIEF EXECUTIVE OFFICER

| 11.3.1 Waroona North Sport & Recreation Precinct | |
|---|--|
| File Ref: | RC.13 – Recreation And Cultural Services – Planning – Shire Of Waroona Local Sport And Recreation Plan |
| Previous Items: | OCM22/02/014 - Waroona Sport and Recreation Precinct Master Plan Draft |
| Applicant: | Shire of Waroona |
| Author and Responsible Officer | Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendix Number | 11.3.1 A – Draft Sport and Recreation Master Plan 11.3.1 B – S&R Master Plan Update 11.3.1 C - Waroona North Structure Plan 11.3.1 D – Clubs Waroona North Feedback 11.3.1 E - Waroona North Sport and Recreation Concept Plan |

RECOMMENDATION

That Council:

- 1. approves the Waroona North Sport and Recreation Concept Plan (Appendix 11.3.1 E); and**
- 2. requests the Chief Executive Officer (CEO) to;**
 - a. integrate this Plan into the Waroona Sport and Recreation Master Plan; and**
 - b. to negotiate with the land owner and the State Government in order to secure an appropriate tenure for this land.**

IN BRIEF

The purpose of the Waroona Sport and Recreation Master Plan is to guide the sustainable development of sport and recreation infrastructure in the town of Waroona based on the principles of co-location, shared use, and multi-purpose design, using an evidence-based approach.

Following development of a draft Master Plan a further exploration of co-location options has been carried out at the request of the clubs. An opportunity for another co-location site has also arisen in Waroona north. This opportunity has been explored with the landowner, the clubs and with an architect who has developed a concept plan.

The concept plan is presented to Council for in-principle support ahead of further negotiations to secure the site tenure and then incorporate this into the final Master Plan for its completion.

BACKGROUND

Draft Waroona Sport and Recreation Master Plan

A detailed history of the development of the Waroona Sport and Recreation Masterplan can be found in the Ordinary Meeting Minutes of Council dated 22 February 2022, item 11.3.2. In summary, the report identifies that the Shire's sporting facilities are starting to age and that there is wisdom in planning for their future replacement to secure the medium and long term future for sport and recreation in Waroona. In doing so the Shire engaged 'A Balanced View (ABV) Leisure Consultancy Services' in September 2020 to develop the 'Waroona Sport and Recreation Precinct Master Plan and Report (the Master Plan)'.

Several options were explored, and the draft Masterplan intended to settle on a two-site future for the sport & recreation needs of Waroona Town, based on their current location, but with combined facilities at each site. Consultation with the clubs ensued with a presentation of the draft two-site proposal on 4th Nov 2021. At the February 2022 ordinary meeting of Council, the following was resolved:

That Council:

1. *Notes the information contained in the draft Sport and Recreation Master Planning report as per Appendix 11.3.2 A;*
2. *Acknowledges the completion of the consultancy work by A Balanced View (ABV) Leisure Consultancy Services;*
3. *Notes the structural assessments of the bowling club and golf club, as well as the buildings conditions ratings for all Shire buildings, being undertaken to inform cost, facilities life expectancy and likely replacement timetable;*
4. *Agrees to proceed with the sport and recreation master planning on the basis of two precincts in the Town of Waroona;*
5. *Agrees to continue to work towards a colocation model, but provides approval to consider solo location on the basis of agreement by the stakeholder clubs and groups that their opportunity for capital funding is limited by this option;*
6. *Requests the Chief Executive Officer (CEO) to engage further with the stakeholder clubs and groups to seek direction on;*
 - a. *Items 4 & 5 above; and*
 - b. *Progressing to a consensus, or near consensus concept plan for each site;*
7. *Approves a budget amount of \$10,000 for coordination and assistance for completion of the consultation and drafting of the next stage of the Sport & Recreation Master Plan; and*
8. *Requests the CEO to report back to Council with a draft Sport and Recreation Master Plan which incorporates findings on the further consultation and implications of the facilities fair value, condition ratings and structural assessments, in a CEO KPI revision from April to June 2022.*

Current Recreation Centre as a Single Site Option

Following this the CEO was approached by the clubs to further explore the option for a single site. This led to detailed consideration of the current Recreation Centre site with the constraints of fit, earthworks, overhead power and trees being the major factors in play. A

presentation (Appendix 11.3.1 B – S&R Master Plan Update) was made to the Councillors on 11th July 2023 and to the Recreation Advisory Working Group on 12th July 2023, summarising why the Recreation Centre land was unsuitable for a single co-located site. In short, the costs of heavy earthworks, layout separation issues with the facilities, cost to relocate the transmission power lines and the removal of a significant number of trees, accumulated as obstacles to this location being the single site.

Waroona North as a Single Site Option

In early 2023 another site, referred to here as the Waroona North site, came to the CEO’s attention as part of the work on the new Waroona Planning Strategy, but also as a result of communications with the major landowner in this area, Iluka, indicating its intention to close out its mine holding and divest itself of its land.

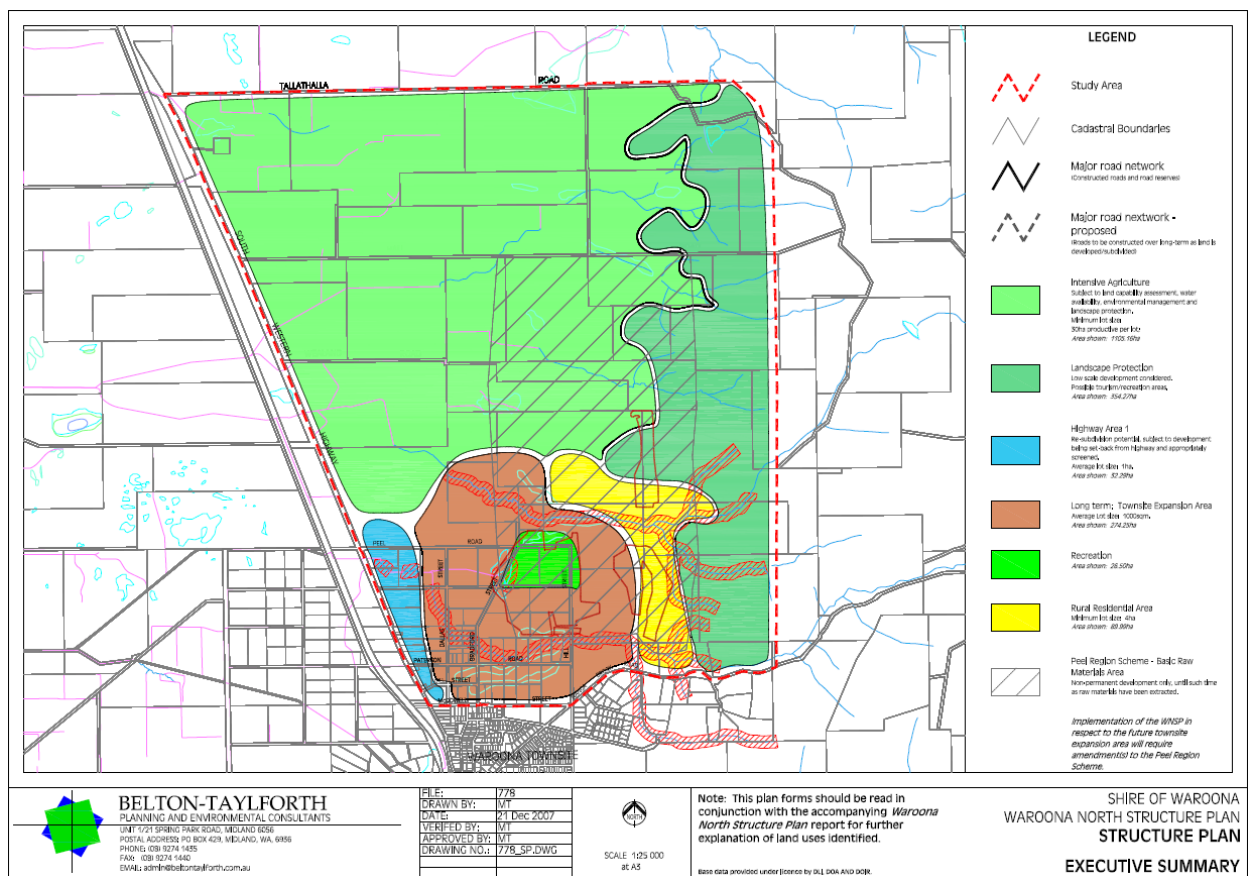


Figure 1. Waroona North Structure Plan

This Structure Plan (Appendix 11.3.1 B – Waroona North Structure Plan), adopted by Council in December 2007, assesses the potential for expansion of Waroona Town to the north as well as for adjacent land uses. It provides analysis of a full range of factors that influence town planning for this location.

There is a bright green recreation area within the (Fig. 1) brown coloured long term townsite expansion area. It is proposed to move this bright green recreation area closer to town to a site more suitable for a recreation precinct, being more level and closer to the Town centre, as shown in Figure 2.



Figure 2. Relocation of recreation area

This preferred site has a number of advantages over the present location:

- Much more tailored solution and more functional outcomes - uncomplicated green field site;
- One major landowner willing to cooperate;
- Recreation Reserve already in Shire vesting, though not freehold. No cost to purchase and no forfeited opportunity costs (i.e., civic facilities on civic land);
- Opens up existing Recreation Centre Site for redevelopment as freehold land;
- Leads to opportunities for utilities extensions to Waroona North;
- Good timing with new Town Planning Scheme under development allowing for appropriate land zoning to occur; and
- May free up the Waroona Oval for a future as a Community Hub.

REPORT DETAIL

Implementation Components

There are a number of moving parts to this proposal. In chronological order these include:

1. In-principle support of this proposal by Council (this report)
2. Shire and Iluka agreement to be struck
3. Shire, Iluka and State Government agreement to be struck
4. Finalisation of the Sport & Recreation Master Plan
5. Approval of the Shire’s Planning Strategy and Local Planning Scheme in alignment with this proposal

6. Execution of land tenure deals
7. Development of a detailed concept plan and staging plan (grant funded)
8. Development of a utilities plan
9. Estimate of costs
10. Development of the supporting documentation for grant applications
11. Grant applications to support Plan implementation

Implementation Timetable

An analysis of the depreciation of the present sporting facilities has been undertaken, as shown in Figure 3. It shows the first major facilities revamp cost occurring in year 18 (from last year - 2023), meaning relocating to Waroona North is say year 15 (2038) will be the optimal point in time to relocate, as this scenario extracts the remaining value of the present facilities before a large expenditure occurs. It also allows significant time to prepare the land for utilities extensions and major development grants to be prepared by the Shire ahead implementation.

Depreciation on S&R Facilities (excl. S&R Centre)

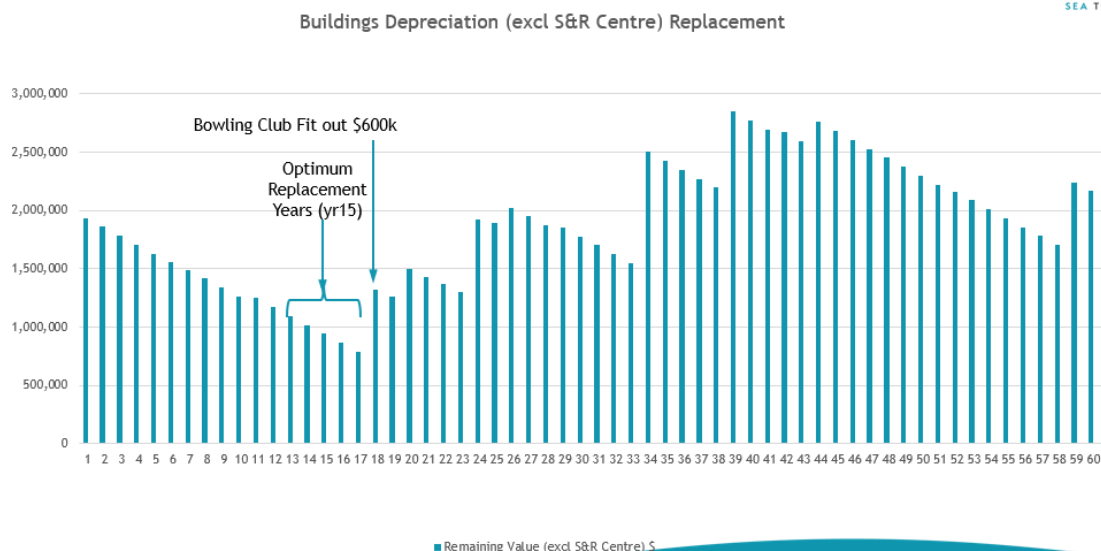


Figure 3. Depreciation on Shire S&R Facilities

Where this program may need to be accelerated is in the event that the current facilities become unfit for purpose, for example, should one of the major sporting codes mandate new and separate areas for women for instance. If this occurs, then the project timeline may need to be reduced. Because of this it is important to undertaking the work starting now.

The second significant variable in planning a timeline is the availability of grants, which may arise as opportunities from the State and Federal Governments at times that don't necessarily align with the depreciation schedule of the facilities. There is a clear advantage in having documents prepared and ready to support major grant opportunities.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

| | |
|-------------------|------------------|
| Focus Area | Our Built Assets |
|-------------------|------------------|



| | |
|-------------------|---|
| Aspiration | To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning |
| Objective | 4.1 Public spaces and infrastructure that are accessible and appropriate for our community, and meet the purpose and needs of multiple users |
| Strategy | 1.4.2 Support local community, sporting and recreational groups and initiatives |

OTHER STRATEGIC LINKS

Community Sporting and Recreation Facilities Fund

The Department of Local Government, Sport & Cultural Industries administers the Community Sporting and Recreation Facilities Fund (CSRFF). Under this grant scheme, “priority will be given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability. The program is not designed to provide facilities to meet a club’s ambitions to compete in a higher grade” (https://www.dlgsc.wa.gov.au/funding/sport-and-recreation-funding/community-sporting-and-recreation-facilities-fund/csrff-guidelines#Priority_consideration).

It is common practice now for local governments to align with this priority on the basis that it will enrich the opportunity to access this grant funding, as well as provide a more economical solution for the Shire of Waroona ratepayers.

This priority direction of the State Government coincides with the goal of the Waroona clubs to co-locate to a common facility, thus improving their chance of being supported by the State Government in terms of capital works funding.

Sport and Recreation Facilities, Plan Peel and South West 2021-2031

Once adopted, the Waroona Sport and Recreation Master Plan will underpin the Shire’s contribution to the Department of Local Government, Sport and Cultural Industries’ Sport and Recreation Facilities Plan, Peel and South West 2021-2031.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 5.56. Planning for the future

(1) A local government is to plan for the future of the district.

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

SUSTAINABILITY & RISK CONSIDERATIONS

Our Community

A Strategic Community Plan objective is to have a connected and involved community that improves our quality of life through developing quality places. Also, to support local community, sporting and recreational groups and initiatives. Public spaces and infrastructure that are accessible and appropriate for our community and meet the purpose and needs of multiple users.

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

The provision of sport and recreation facilities has an indirect economic impact on the Shire in that they are a lifestyle attractant for people considering moving to Waroona. The provision of regional standard facilities will also bring economic activity to the Shire.

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

Improved sport and recreation facilities will encourage an active and healthy community with an improved quality of life.

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

New facilities must meet current sustainability standards.

Policy Implications

The Sport and Recreation Master Plan supports the Shire’s Asset Management Policy by assisting to ensure that services delivered by the Shire of Waroona continue to be sustainably delivered.

In making informed decisions in relation to infrastructure assets, the Shire will consider the following key principles:

- *Philosophy of renewing assets before acquiring new assets and, where possible, rationalising assets that are no longer used or do not provide the necessary level of service required to sustainably deliver the service for which the asset was acquired.*
- *Prior to consideration of any major refurbishment or improvement to an asset, a critical review of the following shall occur as part of the evaluation process:*
 - o *Need for facility (short and long term)*
 - o *Legislative requirements*
 - o *Opportunities for rationalisation*
 - o *Future liability including ultimate retention/disposal*
 - o *Opportunities for multiple use*

The selection of the Waroona North location is a medium to long-term solution for the Shire, planned well ahead of the next major facility renewal action scheduled for approximately 15 years’ time. This allows the Shire to secure the site, plan the facility in detail and then position itself strategically for supporting State and Federal Government grants as and when they arise.

Risk Management Implications

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

| | |
|--------------------------|--|
| <i>Theme</i> | Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources |
| <i>Description</i> | Inefficient use of funds through lack of advanced planning for sport and recreation facilities |
| <i>Consequence</i> | 4 - Major |
| <i>Likelihood</i> | 3 - Possible |
| <i>Rating</i> | High (10-19) |
| <i>Controls / Review</i> | Develop Sport & Recreation Master Plan |
| <i>Risk Owner</i> | Chief executive officer |
| <i>Acceptance</i> | Treat - Risk acceptable with excellent controls |

CONSULTATION

The Appendix 11.3.1 B – Waroona North Structure Plan was consulted to the community and to Government Agencies as part of the development of this Plan. It was adopted by Council in December 2007. Locating the multi-function centre in Waroona North, aligns with the Structure Plan, albeit with the recreation precinct in a slightly more suitable position.

Consultation with Council and the Recreation Advisory Working Group, on the Waroona North Sport & Recreation Plan is detailed in the Background section of this report.

Further direct consultation with the clubs has occurred and their feedback is provided in Appendix 11.3.1 D Clubs Waroona North Feedback. The clubs support the Waroona North proposal.

The Appendix 11.3.1 E - Waroona North Sport and Recreation Concept Plan was developed with MCG Architects on the basis of the feedback provided and the concept appended to this report is the third iteration of this Plan, taking into account the needs and ideas of the sporting groups.

Negotiations with the landowner and with the State Government are underway regarding this proposal. The landowner will need to agree to the proposal and when a firm proposal is settled this will be brought to Council for its decision. The State Government represents the Crown reserve land that is proposed to be relocated. As such they too will need to agree to the proposal, which will also be brought to Council.

RESOURCE IMPLICATIONS

Financial

This report deals fundamentally with the concept of relocating the various facilities to Waroona North. The land exchange process will involve legal fees needed to effect agreements with the parties. This may cost in the order of \$10k to \$15k.

The concept design has utilised architectural services from the already budgeted business case account.

The land exchange itself is not proposed to require payment by the Shire. The essential components of the land exchange are that the Shire agrees to support upcoding of the Waroona north land, consistent with the principle of northward town growth in the Waroona North Structure Plan and agrees to waive the requirement for the landowner to reinstate a road from Peel Road to the northeast corner of the Shire's reserve. In return the landowner agrees to swapping the reserve lot and ceded the adjacent lots as Crown reserves. The land area balances are:

| | |
|---|-----------------------------|
| Crown reserve to transfer to landowner | 72,718 m ² |
| Lot 276 to transfer to Crown reserve vested to the Shire | 54,461 m ² |
| Lot 270 to transfer to Crown reserve vested to the Shire | 73,244 m ² |
| Lot 271 to transfer to Crown reserve vested to the Shire | <u>70,296 m²</u> |
| | 198,001 m ² |
| Net land transferred to Crown reserve vested to the Shire | 125,283 m ² |

Workforce

Nil.

OPTIONS

Council has the option of:

1. Accepting the recommendation with or without amendments; or
2. Not accepting the recommendation.

CONCLUSION

An opportunity to locate the Waroona sporting clubs in a multi-function facility has arisen, brought about by the desire for Iluka to sign off its mining site in the land holdings in Waroona north. This has coincided with the Shire's investigation on its new planning strategy which considers the long term future of Waroona Town. At present the focus is on securing the land tenure in a way that benefits the Shire and the present land owner. Once secured the medium to long term future of the sports clubs for Waroona can be developed based on a co-location multi-function centre.

| 11.3.2 Automatic Teller Machine Location Update and Offer | |
|--|---|
| File Ref: | FM.10 – Financial Management – Service Providers – Banking Services |
| Previous Items: | OCM23/08/106 |
| Applicant: | N/A |
| Author and Responsible Officer: | Chief Executive Officer |
| Voting Requirements: | Simple Majority |
| Declaration of Interest: | Nil |
| Appendices: | APP 11.3.2 – Consultation and ATM Requirements |

RECOMMENDATION

That Council:

- 1. notes that the Banking working group has endorsed the National Australia Bank’s (NAB)’s stated intention to keep an Automatic Teller Machine (ATM) in Waroona located on South Western Highway and that they support contacting Highway businesses to investigate the opportunity of hosting the NAB ATM;**
- 2. offers the Visitor Centre as a potential ATM site; and**
- 3. requests the Chief Executive Officer (CEO) to negotiate with the National Australia Bank (NAB) on the terms of an agreement for this site should this option be preferred by NAB.**

IN BRIEF

The purpose of this report is to provide an update on the Shire’s efforts to retain the NAB ATM in Waroona Town and to seek approval to present an offer to the NAB for location of an ATM at the Waroona Visitor Centre.

BACKGROUND

NAB closed its Waroona branch office on 17th November 2023. The Shire President and Chief Executive Officer met with the NAB representatives, and it was confirmed that despite the bank closure the NAB is aiming to retain the ATM in Town. This has been welcomed by the Bank Working Group. The NAB has been proactively engaging with the CEO on this matter.

The ATM is remaining in its present location for now, however the NAB has indicated that it needs to find a permanent location for its ATM.

REPORT DETAIL

The NAB and Shire have put together a scope of requirements for the ATM, which are listed in Appendix 11.3.2 Consultation and ATM Requirements. This has been circulated to potential businesses with shop fronts on the South Western Highway in Waroona Town. As a result, three centrally located business has already been in contact with NAB to explore the ATM option.

The Shire has also considered its land holdings on the Highway and has identified the Visitor Centre as a potential location for an ATM. Refer to the Consultation section of this report for a Visitor Centre appraisal of the advantages and disadvantages of this arrangement.

It is hoped that between interest shown by businesses on the Highway, including the Shire, and the NAB, a suitable location will be secured for an ATM.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

| | |
|-------------------|---|
| Focus Area | Our Economy |
| Aspiration | To create a diverse economy base that supports opportunity and employment |
| Objective | 2.2 Develop a locally supported resilient, stable and innovative business community that embraces creativity, resourcefulness and originality |
| Strategy | 2.2.1 Support local businesses, Waroona Business Support Group and initiatives |
| Action | Proactively engage with NAB and Waroona highway businesses to retain the ATM in Town. |

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 3.1 General function

(1) The general function of a local government is to provide for the good government of persons in its district.

(1A) Without limiting subsection (1), the general function of a local government must be performed having regard to the following —

(a) the need —

(i) to promote the economic, social and environmental sustainability of the district...

SUSTAINABILITY & RISK CONSIDERATIONS

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

A close of the bank constricts the number of ways customers can interact with a bank, by forcing the customer to an online service. This is proving to be the case in the Waroona NAB bank closure. However, the Post Office has stepped up to provide direct person to person banking services filling some of the gaps in service felt by NAB customers, particularly the elderly. Ultimately the economic impact of this aspect of the bank's branch departure may be small.

There may nevertheless be some "economic domino effect", particularly in such a small town as Waroona. Residents from Lake Clifton, Preston Beach, Hamel, Yarloop and Coolup may regularly travel into Waroona to do their banking and while they're in town, shop at other local businesses. If residents are forced to travel to larger urban areas to attend bank branches,

the opportunity for subsequent shopping in Waroona is minimised, thereby reducing the income for the town.

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> | Reputation - Public perception, poor customer service, sub standard work, corruption |
| <i>Description</i> | Failing to support the Shire of Waroona by actively pursuing retention of the ATM, potentially contribute to a poorer economic outcome for the Shire. |
| <i>Consequence</i> | 3 - Moderate |
| <i>Likelihood</i> | 4 - Likely |
| <i>Rating</i> | High (10-19) |
| <i>Controls</i> | Engagement with NAB and local businesses to secure an ATM site. |
| <i>Risk Owner</i> | Chief executive officer |
| <i>Acceptance</i> | Accept - Risk acceptable with adequate controls |

CONSULTATION

Bank Working Group

The Bank Working Group continues to meet approximately fortnightly to monitor progress on the future of banking in Waroona, including seeking alternative banks to provide branch or other services, liaising with businesses to enable a smoother transition to alternative arrangements, and advising on the potential for ATM sites.

Visitor Centre

The Visitor Centre has provided the following comments on advantages and disadvantages of providing an ATM at the Visitor Centre, albeit in concept and without full knowledge of the details of the proposal.

Advantages

1. Income – should the Shire receive a commission on transactions (*it is understood that income is rent based, not transaction based*)
2. Parking – ample if the machine isn’t high-use
3. Access for tourists – not far from the northern tourist bay
4. Visibility – highway location
5. Visitor Centre Numbers - possibly a slight increase in numbers although external facilities such as the toilets do not increase numbers significantly

Disadvantages

1. Location – not situated in the main shopping precinct and may disadvantage some businesses
2. Accessibility – evaluation needed for suitability for elderly, individuals with disabilities, or mobility scooter users, especially locals who are likely the main audience.
3. Security Risk – increased risk of robbery, posing a security risk to staff and volunteers
4. Image – Shire’s reputation may suffer if there are problems with the ATM
5. Complaints – staff and volunteers may face dissatisfaction or complaints if the machine malfunctions and this would be especially concerning for volunteers.
6. Aesthetics – size, access requirements, design, etc.
7. Information – less effective delivery of information if notice board and after-hours brochure box are moved (also affecting aesthetics) or removed

Item 1 is certainly less advantageous if there is a more prominent location nearer to the centre of Town. For this reason, the Shire is seeking other business interests as well to put to NAB. The remaining disadvantages aren’t necessarily disadvantages of the Visitor Centre over other locations. Rather they are items that will need to be considered at every site and not just at the Visitor Centre.

RESOURCE IMPLICATIONS***Financial***

Should the Shire successfully negotiate the location of an ATM at the Visitor Centre then there will be a nominal income from this arrangement with the Shire as landlord. NAB also takes care of install, operations, removal and make good once any service arrangement ends.

Workforce

Protocols would need to be established at any business, including the Visitor Centre for compatibility of operations between the business and the ATM. This is not expected to add extra workforce costs.

OPTIONS

Council has the option of:

1. approving the recommendation with or without amendment; or
2. not approving the recommendation.

CONCLUSION

The Shire’s leadership in facilitating the continuing provision of the NAB ATM in Waroona Town is a role that the Shire can undertake to support the economic life of the Shire. Offering a site provides further evidence of the Shire’s commitment to this endeavour and brings with it the opportunity of a small additional income to the Shire.

| 11.3.3 Community Partnership Agreement | |
|---|--|
| File Ref: | ED.1 – Economic Development – Industries – Mining and Extractive Industries – Alcoa Of Australia |
| Previous Items: | Nil |
| Applicant: | Shire of Waroona |
| Author and Responsible Officer | Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Simple Majority |
| Appendix Number | 11.3.3 – Community Partnership Agreement |

RECOMMENDATION

That Council:

- 1. approves the Community Partnership Agreement between Alcoa and the Shire of Waroona, at Appendix 11.3.3, subject to any minor variations; and**
- 2. authorises the Chief Executive Officer to execute the Agreement on behalf of the Shire of Waroona.**

IN BRIEF

The current Community Partnership Agreement between Alcoa and the Shire of Waroona provides approximately \$222,000 plus consumer price index (CPI) increases of financial support by Alcoa, to the Shire of Waroona to assist with the running of the Waroona Recreation Centre. This agreement is due to expire. This report brings a new five-year Agreement to Council for ratification.

BACKGROUND

The current Community Partnership Agreement between Alcoa and the Shire of Waroona is a three-year agreement due to expire at the end of December 2023. In the agreement Alcoa provides financial support to the Shire of Waroona to assist with the running of the Waroona Recreation Centre. In return the Shire of Waroona provides sponsorship acknowledgement to Alcoa in the following ways:

- Alcoa logo to be placed in marketing collateral and promotional materials produced relating to the Waroona Recreation Centre.
- Alcoa to be acknowledged as a Major Sponsor of the Waroona Recreation Centre in marketing collateral and promotional materials related to the facilities.
- Minimum two articles published per annum in Shire newsletters acknowledging Alcoa as a ‘Major Partner’ of the Waroona Recreation Centre. Alcoa to be provided with an opportunity to provide a comment/quote in any statements.
- Signage to be placed at the Waroona Recreation Centre acknowledging Alcoa as a Major Partner and include the Alcoa logo. Alcoa agrees to fund this signage and collaborate with the Shire in its design.

Each year the amount of the financial support increases by CPI and in its final year Alcoa's contribution ins \$222,143 (excluding GST).

REPORT DETAIL

The new agreement in Appendix 11.3.3 has the following differences between it and the previous agreement:

- Five year term, up from three years, ending in 2028;
- The contribution continues to increase at CPI from the starting base of \$222,143;
- An additional benefit is provided by the Shire as follows –
 - Alcoa employees will be offered a 50% discount on annual membership of the Waroona Recreation Centre's swim, gym, group fitness or these combined activities, based on providing evidence of current employment with Alcoa at the time of payment.
- Due to Alcoa's membership of several international standards for mining companies, minor additional acquittal requirements will be in place including the following social metrics data;
 - Visitation/use of the community facilities
 - Gender breakdown of beneficiaries (number)
 - Ethnicity - Indigenous and Non-Indigenous beneficiaries (number)
 Alcoa acknowledges that some constraints to gathering exact data may exist, where this is the case organisations are requested to provide their best reasonable estimates.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

| Focus Area | Our Built Assets |
|-------------------|---|
| Aspiration | To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning |
| Objective | 4.1 Public spaces and infrastructure that are accessible and appropriate for our community, and meet the purpose and needs of multiple users |
| Strategy | 1.4.2 Support local community, sporting and recreational groups and initiatives |

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 3.1. General function

(1) The general function of a local government is to provide for the good government of persons in its district.

(1A) Without limiting subsection (1), the general function of a local government must be performed having regard to the following —

(a) the need —

(i) to promote the economic, social and environmental sustainability of the district...

SUSTAINABILITY & RISK CONSIDERATIONS

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

The financial support from Alcoa directly benefits the Shire through assisting with significant running costs of the Waroona Recreation Centre.

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

The support from Alcoa directly benefits the community as it comes together at the Waroona Recreation Centre.

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 | Financial viability of the Waroona Recreation Centre |
| Consequence | 3 - Moderate |
| Likelihood | 4 - Likely |
| Rating | High (10-19) |
| Controls / Review | Enter into Community Partnership Agreement with Alcoa |
| Review Frequency | Annually |
| Risk Owner | Chief executive officer |
| Acceptance | Accept - Risk acceptable with adequate controls |

CONSULTATION

The Shire and Alcoa have been in discussion regarding the renewal this Agreement since June 2023. Alcoa have indicated that they are ready to sign the agreement.

RESOURCE IMPLICATIONS

Financial

Annual running costs of the Recreation Centre are in the order of \$600,000. The 1/3rd cost support in exchange for certain sponsorship rights represents good value to the Shire.

The addition of a 50% discount for annual subscriptions of Alcoa workers to the swim, gym or group fitness activities provides a healthy incentive for Alcoa workers. While the financial impacts of this incentive is not quantified, it may increase the Shire’s income through attracting new members and their families to the Centre.

Workforce

Nil

OPTIONS

Council has the option of:

1. approving the recommendation with or without amendments; or
2. not approving the recommendation.

CONCLUSION

The Waroona community has benefitted from the financial support provided by Alcoa for the operation of the Recreation Centre. The offer of a five-year extension provides some certainty to the Shire about its future income against this ongoing cost and it represents an extension of an ongoing relationship with Alcoa.

11.4 ITEMS FOR INFORMATION

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

RECOMMENDATION

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.

| | |
|---------------------------------------|---|
| 16.1 Honorarium Proposal | |
| File Ref: | ES.7 – Emergency Services – Service Provision – Bushfire Brigades |
| Previous Items: | Nil |
| Applicant: | Shire of Waroona |
| Author and Responsible Officer | Chief Executive Officer |
| Declaration of Interest: | Nil |
| Voting Requirements: | Absolute Majority |
| Appendix Number | Nil |

RECOMMENDATION

Confidential

17. MEETING OPENED TO THE PUBLIC

RECOMMENDATION

That the meeting resume in public.

18. CLOSURE OF MEETING