



MINUTES

ORDINARY COUNCIL MEETING

Tuesday 27 February 2024
(Held in the Shire of Waroona Council Chamber)

PUBLIC QUESTION TIME

1. The order of business allows for a Public Question time at the beginning of the Meeting.
2. If you wish to ask a Question about an Agenda Item before it is considered then it is recommended to be made at the Public Question Time at Item 10 on the Agenda Notice Paper in accordance with Council's Procedures and Guidelines for Public Question Time.
3. The visual or vocal recording of Council meeting proceedings is expressly prohibited unless the prior approval of the Council has been given.

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AGENDA**1. DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

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

2. ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

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

APOLOGIES

Nil

There were thirteen (13) members of the public present at the commencement of the meeting. A total number of 20 members of the public attended the meeting during the course of the meeting.

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

APPLICATIONS FOR LEAVE OF ABSENCE**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

OCM24/02/001

Moved: Cr Clarke

Seconded: Cr Mason

That Leave of Absence be granted to Cr Dion Pisconeri for the period 27 February – 27 July 2024 inclusive.

CARRIED 4/2

For the motion: Crs Walmsley, Clarke, Mason and Scott.

Against the motion: Crs Purcell and Odorisio

OFFICER RECOMMENDATION / COUNCIL RESOLUTION**OCM24/02/002****Moved: Cr Mason****Seconded: Cr Purcell**

That Leave of Absence be granted to Cr Larry Scott for the period 12 – 17 March 2024 inclusive.

CARRIED 6/0**OFFICER RECOMMENDATION / COUNCIL RESOLUTION****OCM24/02/003****Moved: Cr Odorisio****Seconded: Cr Scott**

That Leave of Absence be granted to Cr John Mason for the period 22 April – 5 May 2024 inclusive.

CARRIED 6/0

Merrin Kirk left the meeting, the time being 4.04pm

Merrin Kirk returned to the meeting, the time being 4.04pm

Seven (7) members of the public entered the meeting, the time being 4.04pm

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME**4.1 Alan Branchi – 91 Paterson Road, Waroona**

Alan Branchi provided the following comments, in writing:

- Paterson Road, Bradford & Dallas Streets do not meet standard road widths for town residential streets.
- Paterson road shoulders are not to standard and in places very difficult for larger vehicles to pass.
- Culverts are close to the road seal in places.
- Street lighting only at west end of Paterson Road.
- Guard rails adjacent to deep culverts not in place.
- Entry/Exit off South Western Highway is very tight.
- Open drains on road verges.

Alan Branchi asked the following questions:

Question 1:

From the most recent traffic count it is assumed that the current Paterson Road width is not sufficient to meet Main Roads WA standards even with the new 600mm addition. Can you please explain what will be done to rectify this situation in the short term.

Question 2:

As there is a number of culverts within a close proximity to the sealed road surface, if these do not meet road construction design parameters, what will be done to rectify the situation? Plus who is ultimately liable for any further accidents on this road?

CEO Mark Goodlet provided the following answers:

Answer 1:

The upgrade to a two lane seal for Paterson Road is supported, subject to the inclusion of traffic calming devices. This is because the 85th percentile speed for Paterson Road is already at 56kph, and higher than the desirable speed of 50kph. Widening the road further will lead to even higher speeds on this road without adequate traffic calming.

In the short term, the design for the two lane road will be undertaken to deal with site conditions such as the Water Corporation drain crossings, traffic calming and other design considerations. Once complete the road works can be costed and appropriate grant funding be identified. The matter will also be brought to Council in its budget deliberations for prioritisation.

Answer 2:

There were a number of culverts replaced or added to the most recent works at Paterson Road. Those referred to in this question are those that were placed across the crossovers. They were located in the same place as the existing alignment of the open drain that runs parallel to the pavement. It is not anticipated that this drain, along with the new culverts needs to be relocated further away from the pavement, though further design will examine this matter.

Where there is evidence of a crash history in the drain at Paterson Road this might provide information about the drain and the appropriateness of its location. It is noted that there are service and tree constraints that need consideration in any relocation of the drain.

5. PETITIONS AND APPROVED DEPUTATIONS

5.1 Noel Dew – 92 Panorama Drive, Preston Beach

On behalf of the Preston Beach Volunteer Rangers – Re: 11.1.3 Preston Beach Management Plan.

The Preston Beach Volunteer Rangers would like to take this opportunity to advise that we fully support the proposed development of a beach visitor management strategy, as outlined in Agenda item 11.1.3.

Whilst we may not fully agree with some of the comments provided in the Background /key issues section of this item, we do agree with the intent of this proposal.

Our group is now in its 25th year of caring for this beach and we are fully aware that this beach, under the control of the Shire of Waroona, will continue to see an increase in the number of 4wd vehicles and visitors well into the foreseeable future.

As such, it is vital that we start preparing now and not leave it until the last minute to take the required action.

The agenda item lists eight items that could potentially be investigated in this proposed strategy but we suspect this will just be the starting point! There should be no doubt that this Beach Management Plan will be a somewhat lengthy and arduous process.

Take for example just two of these possible implementation actions:

Item 3. To investigate a paid permit system for visitors with 4wd vehicles. This is an absolute no brainer and will be a vital requirement in caring for and preserving this beach so that it can stay open for many years ahead.

It is a proven and accepted management measure for many beaches around Australia. It is considered to be a highly effective way to control and ensure appropriate beach behaviour. Funds raised go back into projects designed to improve beach related facilities etc. Putting this system in place, however, will be a monumental challenge and will take considerable time to implement. This planning needs to start now.

Item 4. To investigate a paid permit system for what is currently our free R.V camping site. Again, achieving this objective will present numerous challenges but will ultimately be a worthwhile outcome.

The free camp facility that is now in place and has been for a couple of years has proved to be quite successful and in fact it could be said, too successful! Over time, the popularity of this area has increased, especially during the summer months and at times the number of campers was well above what would be deemed an acceptable level.

This in turn did create a degree of angst with some locals, although there were many who felt the opposite and fully support leaving things alone. Reality is, it is difficult to control the numbers currently and having a paid system could well be the answer, whilst at the same time, ensuring that we will still cater for a reasonable number of campers.

We should not lose sight of the fact that by providing a legitimate camp site we will keep campers from illegally camping overnight in the carpark and this, despite what some may feel, is extremely difficult to control.

Thank you for taking the time to listen to our presentation.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting – 28 November 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/004

Moved: Cr Clarke

Seconded: Cr Scott

That the Minutes of the Ordinary Council Meeting held 19 December 2023 be confirmed as being a true and correct record of proceedings.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Cr Walmsley welcomed all the members of public to the meeting and explained that they are welcome to leave the meeting now that the public question and deputation have been presented, or they can stay for the remainder of the meeting.

8. ANNOUNCEMENTS BY MEMBERS

Nil

9. DISCLOSURES OF INTEREST

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

Cr Purcell declared an interest affecting impartiality in item 11.2.7 as her daughter has attended and has inquired about mentorship with the Peel Bright Minds Trail Blazer's Program.

Cr Purcell declared a direct financial interest in item 11.2.10 as she is the President of the Waroona Swimming Club; she is a swimmer at the Waroona Recreation and Aquatic Centre; her daughter is a member of the Waroona Swimming Club; and she is an employee of Alcoa therefore eligible for a 50% discount.

Cr Scott declared a direct financial interest in item 11.2.10 as he is a swimmer at the Waroona Recreation and Aquatic Centre.

10. EXTERNAL COMMITTEES, ASSOCIATIONS AND ADVISORY GROUPS

10.1 Annual Electors Meeting – 19 December 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/005

Moved: Cr Scott

Seconded: Cr Purcell

That Council receives the unconfirmed minutes (Appendix 10.1) of the Annual Electors Meeting held 19 December 2023.

CARRIED 6/0

10.2 Local Emergency Management Committee (LEMC) Meeting – 1 November 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/006

Moved: Cr Mason

Seconded: Cr Odoriso

That Council receives the confirmed minutes (Appendix 10.2) of the Local Emergency Management Committee (LEMC) Meeting held 1 November 2023.

CARRIED 6/0

10.3 Peel Development Commission Board

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/007

Moved: Cr Mason

Seconded: Cr Odorisio

That Council approves the nominations of Cr Walmsley and Cr Clarke to the Peel Development Commission (PDC) Board noting the PDC Board will determine the appointments.

CARRIED 6/0

10.4 Western Australian Local Government Association – Peel Zone

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/008

Moved: Cr Purcell

Seconded: Cr Odorisio

That Council approves the appointment of Chief Executive Officer Mark Goodlet as Proxy to the Western Australian Local Government Association – Peel Zone.

CARRIED 6/0

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:	OCM 23/12/173
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 – Environmental Management Strategy 2023-2033

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/009

Moved: Cr Mason

Seconded: Cr Purcell

That Council adopts the “Environmental Management Strategy 2023-2033”, as per Appendix 1.1.1.

CARRIED 6/0

IN BRIEF

Previously Council endorsed the “Environmental Management Strategy 2023-2033”, (Attachment 11.1.1) for the purposes of public advertising. The consultation period has now closed, and no submissions were received. Council is now asked to adopt the “Environmental Management Strategy 2023-2033”, as attached.

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.

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 - 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)*

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

CONSULTATION

- Mark Goodlet, Chief Executive Officer
- Members of Council (briefing)
- Community Consultation – 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 Road Verge Development and Maintenance Policy	
File Ref:	PR.7 – Parks and Reserves Maintenance Street Trees / Verges
Previous Items:	OCM 23/11/154
Applicant:	Nil
Author and Responsible Officer:	Director Infrastructure and Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.2 A – Submission – (groups) LCHRA & LCBFBFB 11.1.2 B – Submission - Sam Hammington 11.1.2 C – Communication Plan 11.1.2 D – Road Verge Development and Maintenance Policy 11.1.2 E – Road Verge Development and Maintenance Guidelines

COUNCIL RESOLUTION**OCM24/02/010****Moved: Cr Walmsley****Seconded: Cr Clarke**

**That the item lay on the table for further discussion at a Councillor Briefing Session.
CARRIED 6/0**

Reason for different Resolution to Officer's Recommendation. The Council wished to further discuss the Policy and Guidelines.

OFFICER RECOMMENDATION

That Council endorses the Road Verge Development and Maintenance Guidelines (Appendix 11.1.2 E) and the amended Communication Plan (Appendix 11.1.2 C) as attached.

IN BRIEF

Previously Council adopted the Road Verge Development and Maintenance Policy and endorsed the Road Verge Development and Maintenance Guidelines for the purpose of public consultation. OCM 23/11/154. Two submissions were received from citizens in the Lake Clifton Area objecting to the changes, one being a group submission. These are attached (Appendices A & B). The key objection is that the property owners do not believe they should maintain their property verges and the Shire should continue to provide this service, to mitigate fire risk. However, other ratepayers are not offered this free service, nor is the Shire of Waroona able to provide this service to all ratepayers. However, lots in Lake Clifton require firebreak. As such, it may be appropriate to communicate to Lake Clifton residents that, that when undertaking their annual firebreak maintenance, that they should also undertake verge maintenance for the purposes of fire mitigation. Alternatively, the Council could consider implementing a special area rate for Lake Clifton to offset the financial cost of providing this service to the area. Council are now being asked to endorse the Road

Verge Development and Maintenance Guidelines (Appendix E) and the amended communication plan (Appendix C) as attached.

BACKGROUND

To maintain services which are both equitable and sustainable, consideration is requested with regards to discontinuing the mowing / slashing of front verges of the select properties that receive this service for free, to the detriment of other Rates payers as providing this service costs the Shire of Waroona considerable levels of wage and plant operating costs. Excluding trees and any sites actively managed by the Shire, the owner of the property adjoining a road verge is responsible for the maintenance of verge vegetation. Where a verge adjoins land owned by the Shire, the Shire will maintain the vegetation on that verge. However, currently a select few ratepayers are still getting their verges maintained by the Shire of Waroona at the cost of the other ratepayers. Which is not equitable nor sustainable. Other ratepayers are required to pay for private works if they want the Shire to maintain their road verges. The Road Verge Development and Maintenance policy and guidelines are to standardise and clarify the delivery of the related Shire services. Their implementation will result in the discontinuance of 'free' verge maintenance from the 01/03/2024 and will be in line with other Local Government Authorities practices across Western Australia.

REPORT DETAIL

Previously Council adopted the Road Verge Development and Maintenance policy and endorsed the Road Verge Development and Maintenance Guidelines for the purpose of public consultation.

Two submissions were received from citizens in the Lake Clifton Area objecting to the changes, one being a group submission. These are attached (Appendices A & B). The key objection is that the property owners do not believe they should maintain their property verges and the Shire should continue to provide this service, to mitigate fire risk. However, other ratepayers are not offered this free service, nor is the Shire of Waroona able to provide this service to all ratepayers. However, lots in Lake Clifton require firebreak. As such, it may be appropriate to communicate to Lake Clifton residents that, that when undertaking their annual firebreak maintenance, that they should also undertake verge maintenance for the purposes of fire mitigation.

Alternatively, the Council could consider implementing a special area rate for Lake Clifton to offset the financial cost of providing this service to the area and utilise the funds to engage an extra member of the gardening team or engage contractors to undertake the verge maintenance.

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

- I. **Resource Reallocation:** Our community's needs have evolved over time. We are reallocating the resources previously dedicated to verge mowing - to creating and maintaining a new community precinct that will serve as a vibrant hub for our residents. This new precinct will include recreational spaces, social amenities, and green areas, significantly enhancing the quality of life in our community.

- II. **Environmental Impact:** In an era of growing environmental awareness, it is our responsibility to make sustainable choices. By reducing mowing, we are taking a modest yet crucial step toward reducing our carbon footprint and promoting a greener, more eco-friendly community. This aligns with our commitment to environmental stewardship and will encourage homeowners to transition to waterwise verges in the longer term.
- III. **Efficiency & Equity:** Efficient resource allocation is essential to responsible governance. Focusing on delivering our whole communities service needs, optimises our budget, ensuring that ratepayer funds are spent wisely and equitably. This reallocation allows us to invest in other community projects and services that will benefit a broader cross-section of our residents. As opposed to the broader community subsidising services only provided to a select few.
- IV. **Community Engagement:** by encouraging residents to take ownership of their front verges, we can foster a stronger sense of pride and community engagement. As residents have the opportunity to design and maintain their verges, thereby contributing to the character and identity of their area.

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

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

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets

OTHER STRATEGIC LINKS

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

STATUTORY ENVIRONMENT

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

- DPLH Deemed Planning Provisions

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

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

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

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

Environment – (Impact on environment’s sustainability)

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

Policy Implications

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

Risk Management Implications

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

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

CONSULTATION

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

RESOURCE IMPLICATIONS

Financial

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

Workforce

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

OPTIONS

Council has the option of:

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

CONCLUSION

There is a significant need to standardise and clarify the delivery of the related Shire services in relation to property verges, in addition to what residents can and cannot do on their property verge, The Road Verge Development and Maintenance policy and guidelines are designed to achieve these outcomes. In addition, the discontinuance of ‘free’ verge mowing / slashing from the 01/03/2024, is in line with other Local Government Authorities across Western Australia, as well as supports the delivery of Shire services which are equitable and sustainable.

11.1.3 Preston Beach Management Plan	
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	11.1.3 A – Preston Beach 4x4 Management Options Report 11.1.3 B – Extra Christmas Break Costs at Preston Beach

COUNCIL RESOLUTION

OCM24/02/011

Moved: Cr Mason

Seconded: Cr Clarke

That Council endorses the development of a beach visitor management strategy outlined in the body of this report, to effectively manage 4wd access and visitors to Preston Beach, developed in consultation with the community and neighbouring local governments.

Reason for different Resolution to Officer's Recommendation: Council wished to remove the word "implementation" to make it clear that the strategy was in development stage and that development was a consultative process.

OFFICER RECOMMENDATION

That Council endorses the development of a beach visitor management strategy with the implementation actions outlined in the body of this report, to effectively manage 4wd access and visitors to Preston Beach.

IN BRIEF

The numbers of day trippers, campers and 4wd's accessing Preston Beach and their demand on the environment and infrastructure has increased significantly. As a result, a structured and resourced strategy with implementation actions is required to effectively manage the issues increased demand is causing. As this situation is only likely to get worse with the closure of Whitehill's beach access to the North. Along with the future implementation of the DBCA's Yalgorup Master Plan. Which is likely to include doubling the Martins Tank Campsite, increasing visitor numbers further. In addition, the Preston Beach Management Plan recommends managing 4x4 access and visitor numbers. As a result, Council is being asked to endorse the preparation of a beach visitor management strategy with implementation actions outlined in the body of the report, to effectively manage 4wd access and visitors to Preston Beach.

BACKGROUND

Preston Beach is within two hours' drive of Perth and forty-five minutes from Mandurah. People can still drive 4WD's on to the beach and the area is popular with swimmers, families

and recreational fishers. These attributes in combination, make the area very popular with day trippers, campers and 4wd'ers seeking access to Preston Beach. As a result of increasing demands on the coastal environment, as well as infrastructure such as the free camping grounds, car parking, the beach itself, Waste facilities, BBQs, power and ablutions, a structured and resourced beach visitor management strategy with implementation actions, is required to effectively manage these issues. Although predominately reliant on a group of dedicated beach volunteers, the Shire of Waroona lacks the resources to meet increasing demand levels, and maintain Preston Beach's facilities, or continue to protect the environment, as demands continue to grow exponentially.

As an example, over the 23/24 Christmas / New Year break visitor numbers swelled to a point that Shire staff, including staff meant to be on leave, the volunteers, and Rangers in combination, still struggled to keep good order.

Key issues included:

- The ablutions were constantly being blocked, with extra fees needed to be paid for Plumbing services, every couple of days.
- Visitors were using the coastal dune area as ablutions. Rather than the facilities at the Golf Course, available as an alternative.
- The ablutions and BBQs were constantly mistreated, and extra cleaning staff had to be deployed every couple of days.
- The bulk 'skip' bins were overflowing on to the ground. Despite extra bin changes happening every few days. With rubbish being dumped instead.
- The Beach itself was overcrowded and the high number of vehicles made the sand extremely soft. Resulting in people constantly getting bogged in the access tracks. This creates a traffic, as well as a personal, hazard for those digging vehicles out. Whilst more vehicles attempt to continue to drive onto, or off the beach.
- As well as illegal camping and access in the dune system, the RV parking area was over filled and had people sleeping in cars and tents around the area.
- The Beach Carpark was overflowing, with people resorting to parking along both sides of Mitchel Road. Blocking the pedestrian path, forcing people to walk along the middle of the roadway. Which given the traffic levels is dangerous.
- And there was some of the usual instances of stealing signs, speeding on the beach, drunken disorderly, fighting and other anti-social behaviours.

Whilst these are all seasonal and peak demand issues, the risks they pose need managing and resourcing appropriately. Coupled with the fact that at these times, most of the surplus visitors, are from outside of the Shire of Waroona and are largely self-contained. Hence, they are not contributing to the local economy. Instead, it costs Shire of Waroona ratepayers, significant financial resources to accommodate them and address the issues they are causing. For example, the plumbing and extra bin collections alone were an over budget cost of \$6,000 for those few days. On top of the cost of addressing the other issues. This does not include staff time, nor the out of hours responses by those on leave, or not rostered on to work. It is difficult to cover these extra costs with the Shire of Waroona current revenue stream.

REPORT DETAIL

Council is being asked to endorse the preparation of a beach visitor management strategy with implementation actions, like 1 to 8 outlined below. These actions are designed to effectively manage 4wd access and visitors to Preston Beach, as well as effectively resource

the management measures needed to achieve this. Modelled on best practices across Australia with similar matters to be addressed, the management measures proposed for the strategy are likely to include:

1. To install traffic monitoring coils in the access tracks. Linked to an ‘app, that reports both numbers on the beach and any illegal access when beach is closed due to weather conditions etc. or needs to be restricted to high numbers already there.
2. To install CCTV with number plate recognition capacity, at track gates, RV area and Carpark, linked to current security and monitoring systems. To facility control of access and improve security whist deterring anti-social activities.
3. To investigate and implement a paid permit / QR code system for visitors with 4x4’s accessing the beach (Shire of Waroona Rate payers will have passes). To increase the resourcing available to effectively manage visitors to the area.
4. To investigate and implement a paid permit / QR code system for RV camping area to fund and employ a peak season Beach Ranger / caretaker, and upgrade associated areas facilities.
5. To install delineated carparking along Mitchel Road and implement local parking by-laws with infringements. Authorising Shire Rangers and peak season Beach Ranger / caretaker, to fine people blocking the pedestrian pathway.
6. To investigate and implement a paid permit / QR code system for BBQs. To increase the resourcing available to effectively provide and maintain facilities for visitors to the area.
7. Use the extra revenue streams, to upgrade and improve ablutions and dune protection and restoration.
8. Use the extra revenue streams, to upgrade and improve waste facilities and other environmental protection measures.

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

- Shire of Waroona’s Preston Beach Management Plan
- Shire of Waroona’s 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 Preston Beach Management Plan informs the Shire of Waroona’s Integrated Planning and Reporting (IP&R) Framework and work programs. The beach visitor management strategy with implementation actions will support the recommendations in the Preston Beach Management Plan

Risk Management Implications

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

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

CONSULTATION

- Mark Goodlet, Chief Executive Officer
- Brad Oborn, Manager Works & Waste Management
- Rhys Bloxsidge, Senior Infrastructure & Development Officer
- Preston Beach Volunteer Rangers

- Community Consultation – Emailed Community Feedback and Strategic Community Plan

RESOURCE IMPLICATIONS

Financial

Environmental management and Visitor Facilities requires resources over current budget parameters. The proposed strategy will aim to generate revenues to cover the over budget expenses currently being incurred.

Workforce

Environmental management and Visitor Facilities related tasks are a component of officers existing roles. The proposed strategy will likely include the addition of a designated seasonal Beach Ranger / Caretaker.

OPTIONS

Council has the option of:

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

CONCLUSION

The beach visitor management strategy with implementation actions will be designed to provide guidance and direction on the prioritisation, risk levels and actions needed for effective management of beach visitors and the related activities they undertake. Whilst mitigating the potential risk of resourcing not being available for managing assets in a consistent and sustainable manner.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the months of December 2023 and January 2024	
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 Creditors Report - Dec 23 & Jan 24

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/012

Moved: Cr Scott

Seconded: Cr Mason

That Council receives the following payments made throughout the months of December 2023 and January 2024;

Municipal	Cheque	10197 – 10211	\$	16,876.56
	EFT	39777 – 40130	\$	2,568,640.80
Direct wages	01/12/2023 – 31/01/2024 inclusive		\$	452,809.50
Direct Debit	01/12/2023 – 31/01/2024		\$	434,369.17
Trust	Cheque		\$	-
	EFT	40180	\$	24,000.00
GRAND TOTAL			\$	3,496,696.03

as per Appendix 11.2.1.

CARRIED 6/0

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the months of December 2023 and January 2024.

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 months of December 2023 and January 2024; or
2. not receiving the listing of payments presented for the months of December 2023 and January 2024.

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 months of December 2023 and January 2024. 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 Statement of Financial Activity for the period ending 31 December 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 December 2023

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/013

Moved: Cr Odorisio

Seconded: Cr Scott

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

CARRIED 6/0

IN BRIEF

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

BACKGROUND

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

REPORT DETAIL

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

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

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position

- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona 2023/24 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

All financial policies from Policy FIN002 through to Policy FIN035

Risk Management Implications

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

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

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

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

CONCLUSION

That Council receives the monthly financial statements prepared in accordance with the *Local Government Act 1995*, section 6.4 and *Local Government (Financial Management) Regulations 1996*, section 34.

11.2.3 Statement of Financial Activity for the period ending 31 January 2024	
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:	11.2.3 – Monthly Agenda Report 23-24 January 2024

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/014

Moved: Cr Purcell

Seconded: Cr Clarke

That Council receives the Statement of Financial Activity for the period ending 31 January 2024 as per Appendix 11.2.3.

CARRIED 6/0

IN BRIEF

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

BACKGROUND

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

REPORT DETAIL

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

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

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position

- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions
- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona 2023/24 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

All financial policies from Policy FIN002 through to Policy FIN035

Risk Management Implications

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

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

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

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

CONCLUSION

That Council receives the monthly financial statements prepared in accordance with the *Local Government Act 1995*, section 6.4 and *Local Government (Financial Management) Regulations 1996*, section 34.

11.2.4 Local Government Compliance Audit Return – 1 January 2023 to 31 December 2023	
File Ref:	CM.13 Corporate Management Reporting – Statutory Returns
Previous Items:	OCM23/03/032
Applicant:	Nil
Author and Responsible Officer	Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.4 – 2023 Compliance Audit Return

COUNCIL RESOLUTION**OCM24/02/015****Moved: Cr Mason****Seconded: Cr Purcell**

That Council adopts the Compliance Audit Return for the period 1 January 2023 to 31 December 2023, and that the adopted Code of Conduct for Council members, Committee members and Candidates is reviewed and endorsed by the current CEO.

CARRIED 6/0

Reason for different Resolution to Officer's Recommendation: Council wished to ensure that the Code of Conduct was reviewed.

OFFICER RECOMMENDATION

That Council adopts the Compliance Audit Return for the period 1 January 2023 to 31 December 2023.

IN BRIEF

Council is requested to adopt the Compliance Audit Return for the twelve-month period 1 January 2023 to 31 December 2023.

BACKGROUND

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

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

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

REPORT DETAIL

Each year officers complete an annual compliance return which is then submitted to the Finance and Audit committee for endorsement. Once endorsed by the Finance and Audit Committee the return is tabled for Council's consideration. Where there are any areas of non-

compliance officer will make a recommendation on improvements to mitigate these non-compliance issues.

During the 2023 calendar year, there have been no instances of non-compliance.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

7.13. Regulations as to audits

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

Local Government (Audit) Regulations 1996

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

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

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

14. Compliance audits by local governments

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

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

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

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

The compliance return relates to adherence to several Council Policies.

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

CONSULTATION

Internal consultation with officers of the Shire of Waroona.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

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

OPTIONS

Council has the option of:

1. adopting the Compliance Audit Return for the period 1 January 2023 to 31 December 2023; or
2. not adopting the Compliant Audit Return for the period 1 January 2023 to 31 December 2023.

CONCLUSION

It is the Committee's recommendation that the 2023 compliance return be adopted by Council and submitted to the Department of Local Government, Sport and Cultural Industries.

11.2.5 Budget Review for the Period 1 July 2023 to 31 January 2024	
File Ref:	FM.6 – Financial Management – Budgeting
Previous Items:	SCM23/08/093 – Adoption of the Shire of Waroona’s Annual Budget for the 2023/2024 Financial Year
Applicant:	N/A
Author and Responsible Officer	Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	11.2.5 – Budget Review Financial Statements

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/016

Moved: Cr Mason

Seconded: Cr Odorisio

That Council:

- 1. receives the 2023/2024 budget review as per Appendix 11.2.5 for the period 1 July 2023 to 31 January 2024; and**
- 2. adopts the amendments proposed in Appendix 11.2.5 Note 4 to the 2023/2024 budget accordingly.**

CARRIED 6/0

IN BRIEF

- Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- The review must consider the local government’s financial performance for the review period, the financial position at the date of review, and the forecasted position at year end.
- A copy of the review is to be submitted to the Department of Local Government, Sport and Cultural Industries within 14 days of being adopted by Council.

BACKGROUND

Between 1 January and the last day of February of each year, a local government is to review its annual budget for that year. The review is to be submitted to Council on or before the 31 March of that financial year.

The review of the annual budget for the financial year must –

- 1) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- 2) consider the local government’s financial position as at the date of the review; and
- 3) review the outcomes for the end of that financial year that are forecast in the budget; and
- 4) include the following —
 - (i) the annual budget adopted by the local government;
 - (ii) an update of each of the estimates included in the annual budget;

- (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
- (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.

Within 14 days after a council has made a determination, a copy of the review is to be submitted to the Department of Local Government, Sport and Cultural Industries.

Included with the agenda in Appendix 11.2.5 is a detailed financial report (including predicted financial position as of 30 June 2024) pertaining to the 2023/2024 budget. The report covers the 7-month period to 31 January 2024 by which this review is based.

REPORT DETAIL

General Purpose Funding

Rating income is currently sitting at \$12,720 less than what was budgeted for the financial year. The decrease in rating income is due the reclassification of group-rated lots which were applied post raising rates. Interim rates have reduced the overall rates income loss, however, there is an expectation that the total rates will be recovered by year-end.

Federal assistance grant income has been confirmed for the financial year and an additional \$46,521 will be received in untied grants and an additional \$24,811 in roads funding will be received by year end.

Penalty interest on rates is tracking higher than budgeted for the financial year. This will be assessed as a part of the overall rating sub-program and a budget amendment will be proposed if needed.

Governance

Overall election expenses came in under what was budgeted. Staffing costs for the day were taken into account and reduced the overall expense. A budget amendment is proposed to reallocate the funds.

Overall training and conference expense including elected members expenses is tracking well against budget.

Law Order & Public Safety

By year end the expenditure allocated in relation to the Local Government Grants Scheme (Emergency Service Levy) will be over the approved funding for the 2023/24 financial year. Officers have received support and approval from DFES to overspend in accounts associated with the volunteer bushfire brigades which will be reimbursed to the Shire once the end of year acquittal has been completed and submitted.

A budget amendment is not proposed for these accounts as the income and expenditure will span financial years and lead to an unbalanced budget. This over expenditure will however form part of the year end contract assets calculation and sit as an outstanding asset to be collected at year end.

Community Amenities

Refuse site expenditure is tracking well against budget and tipping income is steady. This business unit will be monitored for the remainder of the financial year. Any proposed amendments will be brought to Council for deliberation if needed.

There is a proposed budget amendment from operations expenditure for engineering design to the construction of the E-Waste structure that was fully granted funded. To fully complete this project additional funds needed to be allocated.

Recreation & Culture

The cost of building maintenance activities have increased, particularly costs in relation to cleaning of public ablutions. Although extra expenditure was allowed in comparison to last year, this is already nearly depleted, so a reallocation is required, with deferred work to be pushed out to 2024/25.

An ANZAC Day grant was recently approved which allows the Shire's contribution to be reallocated to other projects. Some remaining funding is being held as Council's contribution due to the grant not covering all the associated expenditure.

Australia day celebration expenses ran under what was budgeted for this financial year and therefore the unspent funds have been reallocated.

Oval expenditure is to increase slightly due to water leaks and the additional expenditure required for RAILSIDE PARK. This is based on estimates and will be monitored over the next few months for accuracy.

Transport

There is a proposed amendment to the transport maintenance program to decrease the overall expenditure, this is to allow for these funds to be reallocated through alternative programs such as capital and building maintenance.

Capital

Overall, the capital expenditure program is tracking well. There are a several proposed amendments to account for price increases and approved additional funding.

Additional funding has been approved by DFES of up to \$40,000 towards the Preston Beach BFB Shed upgrade. A budget amendment has been proposed to account for this additional expenditure and income.

A proposed budget amendment is presented to allocate funding from the library roof repair project to the Playgroup roof repair project. A variation of Local Roads Community Infrastructure (LRCI) funding has also been approved to move funding from the Senior Citizen's building (replacement of fascia and gutters) to the Playgroup roof project. Current request for quotes have been received for maintenance required on the Playgroup building resulting in an increase in funding to complete this job. Therefore, the budget amendment proposal is to reallocate funding from both of these projects and divert it to the Playgroup building so that the full roof project can be completed in one stage.

An overview of the Capital projects and their status as of 31 January 2024 is below:

There is a proposed budget amendment to reallocate Roads to Recovery expenditure. The amendment is due to the increases in contract and material fees for some works, hence others have been scaled back and will be completed in the next round of R2R. These proposed amendments have been pre-approved by the Federal Roads to Recovery program funding body.

A further amendment is proposed for the Johnston Road project as construction costs have increased from budget adoption and further funding from Regional Road Group has been allocated to cover this.

Details	Budget Amount	Actual 31.01.2024	Comments
Admin Building - Disability Access Renovations	\$322,170	\$0	In Progress - RFQ's issued
Repair Records Donga Floor	\$5,000	\$0	Schedule to be completed by May
Records Storage Donga Replacement	\$30,000	\$0	Schedule to be completed by May
Vehicle Changeover P0046 (101WR)	\$53,000	\$0	Quotes Received - PO to follow
Preston Beach Bushfire Brigade Shed Upgrade	\$181,033	\$136,067	In Progress
Digital Fire Danger Rating Sign	\$32,898	\$0	Grant agreement to be signed by DFES, complete by June 2024.
Vehicle Changeover (Rangers) 107WR (P0073)	\$67,916	\$0	In Progress - Outstanding Order Entered
Vehicle Changeover (Rangers) 108WR (P0074)	\$55,000	\$0	RFQ's have been sent out
Replace Volunteer Ranger Polaris Vehicle	\$18,000	\$0	RFQ's have been sent out
CCTV - Drakesbrook Weir	\$20,000	\$21,245	Complete
Replace Air Conditioners - Waroona CRC	\$18,500	\$0	In Progress - Outstanding Order Entered
Roof Leak & Access Restraints	\$12,000	\$9,702	In Progress - Deposit Paid
Senior Citizen Centre - Fascia and Gutter Repairs	\$16,000	\$0	Reallocated to Playgroup roof repairs
Changeover MCD Vehicle (P0037)	\$35,000	\$0	
Refuse Site - Upgrade to CAT compactor P163	\$200,000	\$172,960	In Progress
Transfer Station Construction	\$20,000	\$0	In Progress - Outstanding Order Entered
New Vehicle - Parks & Gardens & Regulatory	\$20,000	\$0	Request for Quote
Preston Beach Carpark Ablutions - Plumbing Upgrade	\$25,000	\$0	Schedule for February - PO Raised
Drakesbrook Cemetery Carpark Upgrade	\$35,000	\$34,680	Complete
Pitt Street - Install Kerbing (US05)	\$20,000	\$10,213	In Progress

Preston Beach Drainage Upgrade (US15)	\$70,000	\$19,156	In Progress
Environmental Centre - Seed Funding and Planning	\$139,346	\$707,202	In Progress
Library Roof Repairs	\$25,000	\$0	Proposed budget amendment
Replace Failed Leach Drains - Centennial Park	\$8,000	\$0	Seeking Quotes
Playground Equipment Refurbishment (PK01)	\$3,000	\$701	In Progress
Lake Clifton Reserve Development	\$10,000	\$0	Seed funding
Drakesbrook Weir Trails Project (PK07)	\$544,520	\$233,744	In Progress
Preston Beach Car Park Accessibility Upgrade (PK08)	\$100,000	\$0	Variation approved by State Member
Waroona Bowling Club - Remedial Works	\$28,000	\$30,400	Complete
Recreation Centre - Ceiling Repairs	\$5,000	\$0	To be completed by June
Recreation Centre - Repair Water Leaks	\$10,000	\$1,576	In Progress
Recreation Centre - Flyscreen	\$1,100	\$800	Complete
Recreation Centre - Basketball Court Resurfacing	\$10,000	\$0	Schedule for February
Recreation Centre - Group Fitness Floor Resurfacing	\$3,000	\$0	Schedule for February
Recreation Centre - Squash Court Floor Resurfacing	\$2,500	\$0	Schedule for February
Changeover MRS Vehicle (P0067)	\$34,000	\$35,724	Complete
Roads to Recovery	\$274,432	\$95,691	In Progress
Road Works Total Construction	\$1,952,395	\$915,184	In Progress
Hesse Street Path - Replace Sections of Path (R094)	\$60,000	\$0	In Progress - Outstanding Orders Entered
Elliott Street Footpath Upgrade (R099)	\$16,000	\$244	In Progress - Outstanding Orders Entered
Replace Minor Plant	\$24,000	\$2,653	In Progress
Vehicle Changeover MWWS P0056 (104WR)	\$44,976	\$44,976	Complete
Changeover Tip Truck (P40)	\$266,000	\$0	In Progress - Outstanding Orders Entered
Changeover Slasher Mower (P0320)	\$20,000	\$0	Request for Quote
Changeover Mazda BT-TO Ute (P0036)	\$40,000	\$45,548	Complete
Changeover Holden Colorado Single Cab Ute (P0112)	\$42,000	\$0	In Progress - Outstanding Orders Entered
Changeover Holden Colorado Ute Mtce WR552 (P0113)	\$40,000	\$37,305	Complete
Changeover Holden Colorado Ute WR150 (P0107)	\$38,987	\$38,987	Complete

Waroona Community Precinct	\$4,614,401	\$3,289,716	In Progress
Preston Beach - 79 Mitchell Road Subdivision	\$100,000	\$0	Attempting to progress
	\$9,713,174	\$5,884,475	

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

Shire of Waroona Corporate Business Plan
 Shire of Waroona Long Term Financial Plan
 Shire of Waroona 2023/24 Adopted Annual Budget

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

33A.Review of budget

- (1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
- (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget; and
 - (d) include the following —
 - (i) the annual budget adopted by the local government;
 - (ii) an update of each of the estimates included in the annual budget;
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;

- (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- *Absolute majority required.
- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Completing the half yearly budget review provides critical insights into the economic performance of the Shire by analysing revenue and expenditure patterns against budget estimates. This enables informed decision-making to optimise resource allocation, stimulate local economic activity through strategic investments, and foster sustainable growth initiatives, thereby enhancing overall economic stability and prosperity within the Shire.

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

By prioritising expenditures based on community needs and feedback, the review ensures equitable access to services, enhances public amenities, and fosters a sense of well-being among residents.

Environment – (Impact on environment’s sustainability)

Through proactive measures and responsible stewardship of resources, the review contributes to safeguarding the environment for current and future generations, fostering resilience and ecological balance within the Shire.

Policy Implications

Nil

Risk Management Implications

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

Theme	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
Description	Failure to manage the Shire’s ongoing expenditure and income against budget estimates would increase the risk of a negative impact on the year-end position. Compliance with legislation is essential to ensure an unqualified audit.
Consequence	3 - Moderate
Likelihood	3 - Possible
Rating	Moderate (4-9)

Controls / Review	Mid-year budget review is conducted in line with legislation. Further budget reviews are conducted at regular intervals following the mid-year review to ensure compliance with predicted income and expenditure levels by year-end. Additional budget amendments may need to be conducted in May/June
Review Frequency	Quarterly
Risk Owner	Chief executive officer
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Consultation with all Shire Officers who are responsible for budget monitoring.

RESOURCE IMPLICATIONS

Financial

Budget reviews assist in maintaining financial sustainability by ensuring that any budget to actual variances are documented and assessed for any potential end-of-year impact. Notwithstanding the above, all amendments proposed for endorsement result in the budget remaining “balanced” as detailed.

Workforce

Nil

OPTIONS

Council has the option of:

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

CONCLUSION

When considering this review, staff are not aware of any circumstances currently which would likely create an adverse financial position at year-end. As with most budget reviews the timing of capital expenditure and the progress of large projects can impact not only the end-of-year position but also the subsequent financial year.

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

11.2.6 Corporate Business Plan – Progress Report July to December 2023	
File Ref:	CM.4 - Corporate Management Planning - Business Plans - Principal Activity Plan
Previous Items:	Nil
Applicant:	Not applicable
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Community
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.6 – 2023.24 Corporate Business Plan Interim Progress Report

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/017

Moved: Cr Clarke

Seconded: Cr Purcell

That Council receives the Corporate Business Plan – Progress Report July 2023 to December 2023 as per Appendix 11.2.6.

CARRIED 6/0

IN BRIEF

Updates have been provided by responsible officers against Towards Waroona 2030 - Corporate Business Plan 2023 - 2027 projects and actions for the period covering 1 July 2023 to 31 December 2023. Council is requested to review and receive the Corporate Business Plan – Progress Report July to December 2023.

BACKGROUND

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

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

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

REPORT DETAIL

The Progress Report structure reflects that set out in the Towards Waroona 2030 – Corporate Business Plan 2023 - 2027. Actions and projects are grouped under objectives, which align with the strategies from the five key focus areas and aspirations in the Strategic Community

Plan: Our Community, Our Economy, Our Environment, Our Built Assets and Our Leadership.

A progress comment has been provided against most projects and actions by the responsible officer and lead department. As a quarterly progress report was not provided following the first quarter of 2023/24 financial year – July to September, this report covers a six-month period.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Towards Waroona 2030 – Corporate Business Plan 2023 - 2027

STATUTORY ENVIRONMENT

Not Applicable

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

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

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

Environment – (Impact on environment’s sustainability)

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

Policy Implications

Nil.

Risk Management Implications

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

Theme	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Description	A councillor may subsequently be uninformed in the event they receive an enquiry from a member of the community regarding

	current Shire projects, as they have not received regular updates against planned corporate business objectives.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Quarterly
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

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

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

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

CONCLUSION

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

Cr Purcell declared an interest affecting impartiality in item 11.2.7 as her daughter has attended and has inquired about mentorship with the Peel Bright Minds Trail Blazer's Program.

11.2.7 Peel Bright Minds Trail Blazers Program	
File Ref:	CS.5 – Community Services – Service Provision – Education and Training
Previous Items:	OCM18/09/081
Applicant:	Regional Development Australia
Author and Responsible Officer	Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	N/A

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/018

Moved: Cr Mason

Seconded: Cr Clarke

That Council:

- 1. agrees to financially support the Peel Bright Minds Trail Blazer's Program for the 2023/24 and 2024/25 financial years in the amount of \$2,000 per year (GST exclusive);**
- 2. requests logo recognition and acknowledgment on promotional and publicity materials;**
- 3. funds the contribution for the 2023/24 financial year from account 125320 – other donations; and**
- 4. authorises the Chief Executive Officer to sign agreements / contracts relating to Council's support of the initiative as approved above.**

CARRIED 6/0

IN BRIEF

Council is requested by Regional Development Australia (RDA) Peel to financially support the Peel Bright Minds Trail Blazer's initiative for a period of 2 years commencing from the 2023/24 financial year.

BACKGROUND

Peel Bright Minds was established in 2018 after it was recognised that the Peel region was trailing urban regions in terms of STEM engagement and failing to encourage an aspirational workforce that is equipped with the skills demanded by growing industries. Prior to the establishment of Peel Bright Minds, Regional Development Australia Peel consulted with stakeholders from government, industry, education, and community, and determined that a STEM hub would be a suitable mechanism to address capability-related labour market challenges.

Peel Bright Minds reports that the Peel Region has historically high levels of social disadvantage, with a SEIFA index of less than 960, and struggles with lower than national average rates of educational attainment and higher than average levels of unemployment. Peel Bright Minds was established to address this disadvantage. At all stages of learning and development there remains a strong and persistent link between a young person's socio-economic status and educational outcomes. To break this cycle, Peel Bright Minds exists as an intervention that is free, accessible and fosters a love for learning without the inherent barriers that exist for those living with disadvantage.

The Trail Blazers Program is a specific science engagement and youth development initiative that aims to ignite and promote young people's passion for learning in the areas of science, technology, engineering, and mathematics (STEM). The program focuses on developing the knowledge, skills and leadership capacity of young people aspiring to a career in STEM.

Trail Blazers runs for six-months, commencing with an intensive six-day camp. The camp itinerary is an intensive schedule of workshops, activities and guest speakers that focuses on the themes of leadership development, developing critical thinking skills and exploring problem solving techniques. The program is facilitated by a team of camp leaders with extensive experience in youth development and are supported by a volunteer support team who oversee camp logistics. Participants also have the opportunity to engage with a range of inspiring speakers from Government and industry. The program continues post camp with a mentorship program that has a dual emphasis of both promoting STEM pathways and building the leadership capacity of participants.

The program is designed with three objectives in mind:

- Empower young aspiring STEM professionals with the life skills needed to thrive in a dynamic work environment.
- Connect young people with the possibilities of STEM and the career pathways available to them.
- Remove barriers for regional young people aspiring to a career in the STEM industries, particularly those from marginalised or disadvantaged backgrounds.

The Shire of Waroona have previously partnered with Regional Development Australia Peel in 2018/19 and 2020/21 in running the Peel Bright Minds initiative for programs that were specifically delivered locally in the Waroona shire.

REPORT DETAIL

RDA (Peel) were successful in receiving unexpected funding to financially support the first two intakes of the Peel Bright Minds Trail Blazers program run from January to July 2022 and July to December 2022, in which six residents of the Shire of Waroona participated.

RDA (Peel) are now seeking funding from local governments in the Peel region to continue running Peel Bright Mind Trail Blazers for 2023/24 and 2024/25 in the amount of \$2,000 per year (GST exclusive). There will be two intakes of Trail Blazers in each year with the third intake currently open.

The program is aimed at people aged 13 – 17 living in the Peel Region of Western Australia and is designed for young people who are considering a STEM career pathway, or who have been identified by their school as having skills and abilities that would benefit from

participation in the program. Peel Bright Minds will work with Peel schools to identify suitable participants, or participants can self-nominate. There are no minimum academic requirements for participation. Home schoolers, TAFE students, job seekers and any young people within the age range are also encouraged to nominate.

Survey results from the participants from the previous two intakes of Trail Blazer’s report participants:

- Are more likely to be pursuing STEM careers following school.
- Have a better understanding of STEM career opportunities available to them.
- Feel better prepared for a STEM career.
- Are more confident that a STEM career is right for them.
- Are more confident they will achieve their career ambitions.
- Have a greater awareness of the multiple pathways they can take to reach education and career goals.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995 – Part 6 Financial Management

SUSTAINABILITY & RISK CONSIDERATIONS

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

Studies show that residents of the Peel Region are around 40% less likely to gain a higher-level tertiary education qualification and less than half are likely to receive a Bachelor and above qualification by the time they are 35 years old, compared to people from metropolitan areas. People living in regional areas have limited choice in where and how they source education and limited access to extracurricular service, especially for low-income families. STEM skills will be essential in the future of work and are already in high demand from employers. Currently 75% of jobs in the fastest growing industries require workers with STEM skills. However, as technology and IT disrupts more and more industries, there’s a real concern that there won’t be enough STEM qualified people to work in the jobs of the future. The gap between knowledge generated in the education system and the skills demanded by employers and individuals is widening. The Trailblazers program aims to identify the skills linking STEM with creative pursuits and entrepreneurship, then exploring how to transfer these skills across the sectors of the Peel region.

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

Peel Bright Minds Trailblazers program aims to promote the STEM agenda, citizen science and their benefits by connecting young people to STEM activities and promoting the value of STEM to the broader community whilst building confidence and social skills amongst local youth.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil.

Risk Management Implications

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

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	Determination in line with the Strategic Community Plan.
Consequence	2 - Minor
Likelihood	1 - Rare
Rating	Low (1-3)
Controls / Review	Assessment by Council.
Review Frequency	Annually
Risk Owner	Operational manager
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil.

RESOURCE IMPLICATIONS**Financial**

Financial support of this program can be funded through existing budget allocations to ‘other donations by application’ budget as part of the Economic Services Regional Business account.

Workforce

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

OPTIONS

Council has the option of:

1. supporting the recommendation; or
2. not supporting the recommendation.

CONCLUSION

Peel Bright Minds continues to take its direction from a steering group comprising key stakeholders from regional development, education, and the community sector. Now a formal

sub-committee of RDA, Peel Bright Minds is strongly supported and relies on backing from public and private organisations across the region, both financially and with assistance at events and activities to continue providing programs such as Trail Blazers to Peel residents.

11.2.8 Change of Rating Method	
File Ref:	RV.6 – Rates and Valuations
Previous Items:	OCM22/02/013
Applicant:	N/A
Author and Responsible Officer	Manager Corporate Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	N/A

OFFICER RECOMMENDATION / COUNCIL RESOLUTION**OCM24/02/019****Moved: Cr Mason****Seconded: Cr Clarke****That Council requests the CEO to:**

- 1. seek, in accordance with Section 6.28 of the Local Government Act 1995, ministerial approval for a change in rating method from Unimproved (UV) to Gross Rental Value (GRV), according to predominant land use, for areas of the Shire of Waroona detailed below with an anticipated application date of 1st July 2024:**
 - a) Lot 701 on Plan 59305 Wagerup
 - b) Lots 1 to 8 on Plan 21410 Sheridan Place
 - c) Lot 9 and lots 11 and 14 on Plan 21411 Drake Road / McNeill Road
 - d) Lot 2 on Diagram 58675 Coronation Road
 - e) Lot 56 on Plan 404887 Rakali Drive
 - f) Lots 310, 311 and 323 on Plan 421755 Rakali Drive
 - g) Lot 316 on Plan 423141 Rakali Drive;
- 2. inform affected landowners in writing of Council’s reasons for seeking a change in the method of valuation and the likely impact on annual rates payable and are given 28 days after receiving the information to make a submission on the assessment of predominant land use;**
- 3. present to Council the ratepayer’s submissions, if any; and**
- 4. following endorsement by Council, convey to the Minister of Local Government the ratepayer’s submissions and Council’s response to each submission along with the application for change of rating method.**

CARRIED 6/0**IN BRIEF**

The Shire of Waroona regularly reviews the rating method for properties as required under Section 6.28 of the Local Government Act 1995. Council is required under Section 6.28 to rate land areas in accordance with the principle of predominant land use. Council’s last change of rating method occurred in 2022/23 where properties located from McDowell St to an area north of the Waroona townsite, the Banbar View subdivision and the Flathead Vista, Blackbreem Entrance and Rakali Drive subdivisions were amended from UV to GRV with a date in force 1st July 2023.

BACKGROUND

Past changes in rating method from Unimproved Value (UV) to Gross Rental Value (GRV) have occurred in the following areas:

- 2022/23 – McDowell Street to an area north of the Waroona townsite.
- 2022/23 – Banbar View subdivision
- 2022/23 – Flathead Vista, Blackbream Entrance and Rakali Drive subdivision
- 2009/10 – Leavy Road and subdivided sections of Southern Estuary Road
- 2006/07 – Forrington Heights and Woodley Heights
- 2002/03 – Armstrong Hills and Tuart Grove subdivisions

REPORT DETAIL

The Shire of Waroona regularly reviews the rating method for properties as required under Section 6.28 of the Local Government Act 1995, whereby Council is required to rate land areas according with the principle of “predominant land use”.

This section defines that the basis for rating on any land is to be:

- a) Where the land is used predominantly for rural purposes, the UV of the land.
- b) Where the land is used predominantly for non-rural purposes, the GRV of the land.

Local Governments have a role in ensuring that the rating principles of the Act are correctly applied to rateable land within the district.

Assessing the predominant land use

Assessing the predominant land use of land is fundamental to determining the method of valuation to be used for rating purposes. The Act does not define the term “predominant”. Consequently, an assessment must be made on a case-by-case basis as a question of “fact and degree” as to whether or not the use of a particular property should be categorised as predominantly rural or non-rural.

Local Governments should take all relevant factors into consideration including the following:

- a) Activity conducted on the land

Many activities may be associated with the use of the property. The nature, the scale and extent of each activity should be considered in any assessment of predominant use.

- b) Development on the land

The nature, scale, and extent of the development of a property can give an indication of the nature, scale and intensity of associated uses. They can also affect the capacity for a property to be used for other purposes.

- c) Income

Where a property is used for (2) or more different purposes, the income generated from each use can be a guide to assessing the predominant use of the land.

d) Local Planning Scheme restrictions

A local planning scheme can effectively restrict the use of land for a rural or non-rural purpose and should be considered when assessing predominant land use.

e) Vacant land

As vacant land is generally not used for any purpose, it is arguable what the predominant use of such land might be. In determining the “predominant use” of vacant land, consideration should be given to the predominant use of the surrounding land and any planning/development restrictions that apply to the vacant land in question.

Proposed change of rating method areas

a) Lot 701 on Plan 59305 Wagerup

A rating method change for this area will affect one lot. The lot is located within an industrial precinct, which houses significant industrial infrastructure, is zoned special industry and is currently used for heavy industrial purposes. The lots is currently located in the UV Rate Code 02 (General Farming).

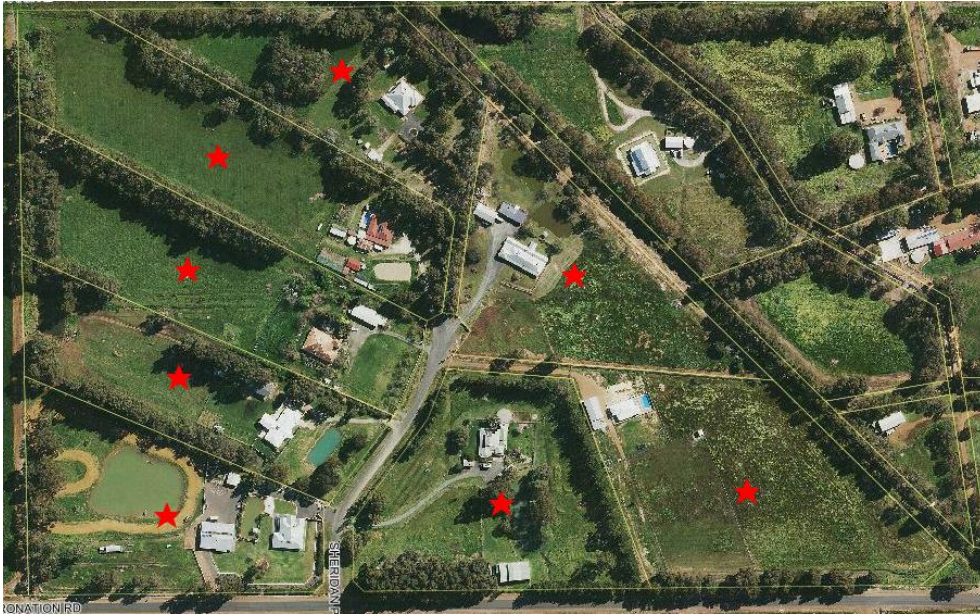
It is evident that due to the nature of the use of this land, that the land is of a non-rural nature and should be rated as such.



b) Lots 1 to 8 on Plan 21410 Sheridan Place

A rating method change for these lots will affect eight (8) properties. All of the properties identified are currently located in the Prescribed UV (06) area.

The properties located in this subdivision are of a similar size and zoning as existing GRV rated lots and have been developed for residential purposes. There are little, if any, small scale rural activities in this area. All of these lots have fully constructed dwellings and outbuildings. The land is determined as being predominantly residential.



c) Lot 9 to 14 on Plan 21411 Drake Road/McNeill Road

A rating method change for these lots will affect five (5) properties. All of the properties identified are currently located in the Prescribed UV (06) area.

The properties located in this subdivision are of a similar size and zoning as existing GRV rated lots and have been developed for residential purposes. There are little, if any, small scale rural activities in this area. All of these lots have fully constructed dwellings and outbuildings. The land is determined as being predominantly residential.



d) Lot 2 on Diagram 58675 Coronation Road

This rating change will affect one (1) property, however, this property is part of the subdivision which includes (b) and (c) above. The property identified is currently located in the Prescribed UV (06) area.

This property is of a similar size and zoning as existing GRV rated lots and have been developed for residential purposes. There are little, if any, small scale rural activities in this area. All of these lots have fully constructed dwellings and outbuildings. The land is determined as being predominantly residential.



e) Lot 56 on Plan 404887 Rakali Drive

This rating change will affect one (1) property. This property is located in the Rakali Drive subdivision that was submitted for a rating change in 2022/23, however was rejected by the Minister for Local Government as the property was vacant. Since this time approval has been granted under development application TP2470 for a colorbond dwelling and shed. The property is currently located in UV Rate Code 02 (General Farming).

Properties located in this area are of a similar size and zoning and have been developed for residential purposes. Some properties keep small animals and grow produce for personal consumption. However, due to the small scale of rural activities the predominant land use is residential. As the majority of the surround properties are used predominantly for non-rural purposes, the vacant land could be deemed to be predominantly residential.

f) Lots 310, 311 and 323 on Plan 421755 Rakali Drive

This rating change will affect three (3) properties. These properties are located in the Rakali Drive subdivision that was submitted for a rating change in 2022/23, however was rejected by the Minister for Local Government as the properties were vacant. Since this time development approval/building permits have been granted on each lot for residential buildings. The properties are currently located in UV Rate Code 02 (General Farming).

Properties located in this area are of a similar size and zoning and have been developed for residential purposes. Some properties keep small animals and grow produce for personal consumption. However, due to the small scale of rural activities the predominant land use is residential. As the majority of the surround properties are used predominantly for non-rural purposes, the vacant land could be deemed to be predominantly residential.

g) Lot 316 on Plan 423141 Rakali Drive

This rating change will affect one (1) property. This property is located in the Rakali Drive subdivision that was submitted for a rating change in 2022/23, however was rejected by the Minister for Local Government as the property was vacant. Since this time approval has been granted under development application TP2470 for a colorbond dwelling and shed. The property is currently located in UV Rate Code 02 (General Farming).

Properties located in this area are of a similar size and zoning and have been developed for residential purposes. Some properties keep small animals and grow produce for personal consumption. However, due to the small scale of rural activities the predominant land use is residential. As the majority of the surround properties are used predominantly for non-rural purposes, the vacant land could be deemed to be predominantly residential.

Interpretation of ‘rural purposes’

The phrase ‘rural purpose’ is not defined in the Local Government Act and has not been judicially considered. In these circumstances, the ordinary and natural meaning of the phrase should be applied taking into account the context of section 6.28 of the Local Government Act.

‘Rural’ means the character of non-urban areas where agriculture is carried out.

‘Rural land’ means lands on which grazing, vegetable, animal production or other agricultural or horticultural activities are conducted. In determining whether land is ‘rural land’, it is the physical use of the land which is relevant.

From these definitions, it can be adduced that a rural purpose would mean a purpose pertaining to agriculture. “Agriculture” has been defined to mean the use or cultivation of land for any purpose of husbandry or horticulture, including the raising of livestock and the growing of crops. Using land for open space is not permitted use for agriculture and therefore would not be a rural use of the land.

Interpretation of predominantly

The word ‘predominantly’ is also not defined in the Local Government Act, however, the Land Valuation Tribunal of WA considered its meaning in a related context and determined the following principles.

- The predominant use of land is one of fact and degree,
- “where a part of the premises is used for a purpose which is subordinate to the purpose which inspires the use of another part, it is legitimate to disregard the former and treat the dominant purpose as that for which the whole is being used’, and
- The predominant purpose for which land is determined by more than simply the area of land that is occupied for a particular use.

Potential impact on Landowners

Where an unimproved value (UV) is determined, the valuation is based on the land in its natural state. Individual property attributes and constraints such as location, land area, lot configuration and topography, zoning and development potential and views or proximity to busy roads, are considered to determine the UV for each property. The UV reflects what the land would be expected to sell for in its current condition. For larger rural, grazing and cropping properties, the UV value is determined on the basis of 50% of the overall cleared value inclusive of fencing, pastures and waters, but excludes buildings. The 50% representing the current prescribed percentage set up the Valuation of Land Amendment Regulations 2009.

The Gross Rental Value (GRV) is the total annual rent a property might reasonably expect to earn each year if it was rented out. This includes associated rates, taxes, charges, insurances and other outgoings. The GRV is determined by the Valuer General using rental evidence that has been collected at the date of valuation to establish property market levels. To determine a fair and equitable rental value for each property, individual property attributes such as location, age, building area and construction materials, number of bedrooms and bathrooms, number of car shelters, below ground pool, views and proximity to busy roads and precincts.

The impact on properties within the areas of review is that the valuation will be based on improvements to the land and the potential annual rental yield determined by a GRV valuation. This is opposed to the current UV rating method where the valuation is based on the land not considering any improvements.

To assist in Council’s determination, the following rates comparison is provided:

Ven	Location	Lot Size	Use	Type	Rating Method	Annual rates (rates
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						portion only)
1567920	Brookside Gr	2677 sqm	Residential	Dwelling 4 x 2	GRV	\$2,202.20
802707	Russell Drive	3163 sqm	Residential	Dwelling 4 x 2	GRV	\$1,794.39
1630950	McDowell Street	0.7 hectares	Residential	Dwelling 4 x 2	GRV	\$1,875.95
2202072	Paterson Road	1.7 hectares	Residential	Dwelling 4 x 2	GRV	\$2,040.95
802004	Hawksley Drive	800 sqm	Residential	Dwelling 4 x 2	GRV	\$1,522.51
1617836	Leavy Road	4.1 hectares	Residential	Dwelling 4 x 2	GRV	\$2,446.89
1104014	Sheridan Pl	1.9 hectares	Residential	Dwelling 4 x 2	UV	\$1,506.41
1104016	Sheridan Pl	2.2 hectares	Residential	Dwelling 4 x 2	UV	\$1,485.59

Implementation date

Should the proposal be supported by Council and the Minister, the date of implementation is proposed to be 1 July 2024, however, this heavily depends on the application process which may take longer than anticipated.

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

Section 6.28 of the Local Government Act 1995

6.28 *Basis of rates*

(1) *The Minister is to –*

(a) *Determine the method of valuation of land to be used by a local government as the basis for a rate; and*

- (b) Publish a notice of the determination in the Government Gazette.
- (2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to –
 - (a) Where the land is used **predominantly for rural purposes**, the unimproved value of the land; and
 - (b) Where the land is used predominantly for non-rural purposes, the gross rental value of the land.
- (3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.

SUSTAINABILITY & RISK CONSIDERATIONS

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

There are no significant financial implications for Council with this proposal which seeks to ensure compliance with the Act rather than generate additional revenue. The amount of the increase is difficult to determine, and an estimation made, due to:

- Valuations are yet to be supplied. Indicative values have been requested by the Shire from Landgate and will be provided to Council when the matter is brought back to Council following the consultation period.
- The level of rating to be set by Council during the adoption of the 2024/25 budget.
- The type of development on the property, i.e. a larger residence which is likely to attract a higher GRV and therefore higher rates.

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

Nil.

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

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

Theme	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Description	Non-compliance with the requirements of the <i>Local Government Act 1995</i> .
Consequence	3 - Moderate
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Annual reviews.
Review Frequency	Annually
Risk Owner	Operational manager

Acceptance	Accept - Risk acceptable with adequate controls
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CONSULTATION

Landowners of affected properties will be informed in writing following Council's endorsement of the change in rating method. Landowners will be advised Council's reasons for seeking the change in valuation method and the likely impact on the annual rates payable for that property. Landowners will be given 28 days after receiving the information to make a submission to Council on whether the assessment of predominant use is correct.

RESOURCE IMPLICATIONS

Financial

Changes in rating method will result in costs from Landgate's Valuation Services for property revaluations. Funding is available in the Shire's budget for revaluation services.

Workforce

No additional workforce will be required. The recommendations can be implemented within existing resources.

OPTIONS

Council has the option of:

1. supporting the recommendation provided; or
2. amending or not supporting the recommendation.

CONCLUSION

Based on the assessment, the activities being carried out on the land identified in the report, including the commercial nature, of one identified property, it is sufficient to conclude that the land 'is used predominantly for non-rural purposes' for the purposes of section 6.28 (2).

As a general proposition, it is unlikely that land used as a hobby farm would satisfy the description of land 'used predominantly for rural purposes' nor it is evident that the nature of the land is conducive to an occupier deriving a livelihood from the property, therefore the Shire would be correct in assessing rating changes on the gross rental value of the land and not the unimproved value of the land.

It is necessary for Council to ensure rating consistency across all property owners within the shire to realise rating equality.

11.2.9 Occupiers Licence Application – Mt William Communications Tower	
File Ref:	LD57 - Department of Environment and Conservation - Memorandum of Understanding – Communication Facility Mt William Radio Facility and Mt William Fire Lookout; LD14 - Australian Communications and Media Authority – Apparatus Licence – Calm Site – Mt William Tower – Transmitter Antenna – Licence Number 290589/1 – Call Sign VI6wr; and ET.1 – Energy Supply and Telecommunications – Service Providers – Telecommunications Two Way Radios, Telephones, NBN & CCTV
Previous Items:	Nil
Applicant:	Department of Biodiversity, Conservation and Attractions
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.8 – Licence Application Form – Shire of Waroona

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/020

Moved: Cr Purcell

Seconded: Cr Scott

That Council:

1. authorises an application to the Director General of the Department of Biodiversity, Conservation and Attractions for a licence to continue to enter upon and use land within the Shire of Harvey, for the purpose of installing, operating and maintaining a telecommunications network and telecommunications service on Mt William telecommunications tower, as per Appendix 11.2.8; and
2. authorises the Shire President and Chief Executive Officer to sign and execute all matters relating to the Application for a Licence.

CARRIED 6/0**IN BRIEF**

- In March 2012, the Shire of Waroona entered into a Memorandum of Understanding (MOU) (No.2315) for the use of a jointly owned communications facility at Mt William, Western Australia. This MOU expired in March 2017 and was not renewed.
- As owners of the land, the Department of Biodiversity, Conservation and Attractions (DBCA) wish to establish a new application for licence process, which will grant all occupiers “occupation Rights” to continue to house their telecommunication equipment on My William tower.
- As a current tower occupier, authorisation is required to apply for a new occupier’s licence to continue to house VHF two-way radio communications equipment for the Shire’s fleet VHF two-way radio system.

BACKGROUND

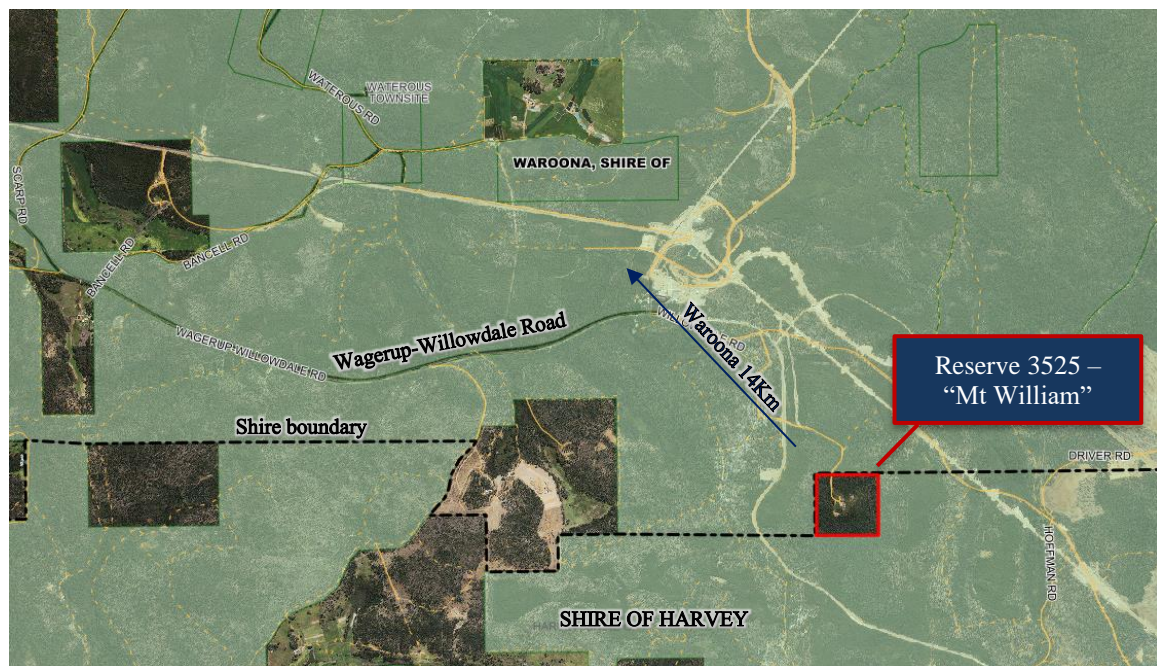
In March 2012, the Shire of Waroona entered into a Memorandum of Understanding (MOU) (No.2315) for the Use of a jointly owned communications facility at Mt William, Western Australia. This MOU was valid for five years. The MOU was never renewed.

The Shire was contacted in January 2024 by DBCA representative, proposing to commence the approval process to grant *Conservation and Land Management Act 1984* (CALM Act) licences to occupiers of this tower.

A licence application form, which includes a Deed Poll, was provided for signing by the Shire President and Chief Executive Officer.

REPORT DETAIL

Given its suitably elevated location, the communications tower situated at Mt William, on reserve 3525 holds the main Very High Frequency (VHF) two-way radio transmission and receiving equipment. The location of this equipment on the tower at Mt William is vital to retain effective two-way communication between Shire works and fleet vehicles. Reserve 3525 can be seen in red in the map below.



In accordance with the Shire's Work, Health and Safety - Working Alone Procedure, the works and services department may use the two-way radio communication system to contact team members for health check at intervals during the day while they may be working alone, particularly in areas where mobile phone coverage is poor.

Radio communications in Shire vehicles can be utilised and are more accessible in an emergency if mobile phone reception is poor or unavailable. Most works department vehicles are fitted with two-way radios meaning that a mayday call can be made if required.

In short, by signing the Application for a licence form containing the deed poll, the Shire of Waroona;

- understands and agrees that a licence would be subject to the provisions of the *Conservation and Land Management Act 1984* (CALM Act) and all subsidiary legislation made under it;
- agrees to release of liability and indemnity clauses;
- certify that the Shire’s public liability insurer will be made aware of the conditions that would apply to this licence and the indemnity granted, and that the public liability policy covers all activities that are specified in the application for licence form; and
- agrees to abide by all licence conditions granted.

Council’s authorisation for the Shire President and CEO to sign this application form and deed poll would allow DBCA to facilitate the granting of a licence to formalise the Shire’s continued occupation of this tower.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets
Action	Nil

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

A licence would be subject to the provisions of the *Conservation and Land Management Act 1984* (CALM Act) and all subsidiary legislation made under it.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Continuing the occupation of Mt William tower with the Shire’s own two-way communications infrastructure will eliminate the requirement to seek out and fund the setup of an alternative base for radio telecommunications equipment and infrastructure.

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>	Health - Exposure to health risks, injuries to public or staff with Council buildings or on Council property, personal wellbeing
<i>Description</i>	Occurrence of a vehicle-vehicle or vehicle-personnel collision during site/road works caused by unreliable two-way communications between Shire vehicles and fleet machinery.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	4 - Likely
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Semi-annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

This agreement has been prepared in consultation with:

- Department of Biodiversity, Conservation and Attractions.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

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

CONCLUSION

Following the expiry of a previous MOU in 2017, the Department of Biodiversity, conservation and Attractions have requested that the Shire of Waroona apply for an "Occupiers License" to continue to house vital VHF two-way radio communications tower at Mt William. In doing so, the Shire President and CEO are both required to sign the application and deed poll.

Council's acceptance of the recommendation to apply for this licence will ensure that effective two-way communication between Shire works and fleet vehicles can be maintained, and on-ground operations can continue safely and efficiently.

Cr Purcell declared a direct financial interest in item 11.2.10 as she is the President of the Waroona Swimming Club; she is a swimmer at the Waroona Recreation and Aquatic Centre; her daughter is a member of the Waroona Swimming Club; and she is an employee of Alcoa therefore eligible for a 50% discount.

Cr Scott declared a direct financial interest in item 11.2.10 as he is a swimmer at the Waroona Recreation and Aquatic Centre.

Cr Purcell and Cr Scott left the meeting, the time being 4.48pm

11.2.10 Amendment to Fees and Charges – Establishment of new Swim 12-month membership	
File Ref:	FM.23 – Financial Management – Fees and Charges RC.12 Recreation and Cultural Services – Service Provision – Recreation and Aquatic Centre Operations
Previous Items:	SCM23/08/093 – Adoption of the Shire of Waroona’s Annual Budget for the 2023/2024 Financial Year
Applicant:	N/A
Author and Responsible Officer	Manager Recreation Services; Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	N/A

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/021

Moved: Cr Odorisio

Seconded: Cr Clarke

That Council:

1. approves an amendment to the 2023/2024 adopted fees and charges to include a 12-month swimming membership with the following options:
 - Adult Swim Fees (16 years and older) Twelve Month Membership \$325.00 including GST;
 - Children/Student/Pensioner Swim Fees Twelve Month Membership \$260.00 including GST; and
2. Requests the Chief Executive Officer to give local public notice of the imposition of the new fees and charges applicable from 15 March 2024.

CARRIED 4/0

IN BRIEF

Council is requested to consider adopting two new fees and charges to the operation of the Waroona Recreation and Aquatic Centre.

BACKGROUND

Currently there are no 12 Months Swim only memberships offered at the Centre. A 12 Month option will allow long term swimmers a more affordable option to access the Waroona Recreation and Aquatic Centres pool facility.

In accordance with the Local Government Act 1995, Local Governments are able to impose and recover a fee or charge for any goods or services it provides. These fees and charges are to be set when adopting the annual budget but may be amended from time to time during the financial year.

REPORT DETAIL

The 12-month swim memberships were removed from the fees and charges in the 2019/20 budget. The operations of the swimming pool from 2017 until 2021 were frequently affected by maintenance closures. For these reasons it was deemed not necessary to offer a 12-month option in case of further disruptions to service. In recent years the pool has not needed extended closures for maintenance due to upgrades in the plant including the installation of heat exchangers and a new chemical dosing system.

Lately, the Centre have had a few enquiries regarding 12-month memberships. With no planned closures in coming years, it is a good time to reintroduce these memberships to align the swim members with the other membership service levels at the Centre.

The new fees are determined by the same formulas utilised on the annual fees and charges spreadsheets. These formulas will equate for an adult membership of \$325.00 and a child/student/pensioner membership of \$260.00.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Community
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	1.4 Encourage an active and healthy community with an improved quality of life
Strategy	1.4.1 Promote a mentally and physically health lifestyle

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

2.7.Role of council

(1)The council —

- (a)governs the local government's affairs; and
- (b)is responsible for the performance of the local government's functions.

(2)Without limiting subsection (1), the council is to —

- (a)oversee the allocation of the local government's finances and resources; and
- (b)determine the local government's policies.

6.16.Imposition of fees and charges

(1)A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

** Absolute majority required*

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Local Government (administration) Regulations 1996

r.3A – Requirements for local public notice (Act s. 1.7)

SUSTAINABILITY & RISK CONSIDERATIONS

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

Implementing a 12-month swim membership fee can facilitate long-term planning, while encouraging regular patronage.

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

The introduction of a 12-month membership fee will enhance the quality of life for community members by providing consistent access to the recreational facilities and foster a sense of belonging and well-being.

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

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

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	As the only membership that doesn't have a 12-month option, there is potential for loss of swim members to more affordable Centres.
Consequence	2 - Minor
Likelihood	3 - Possible
Rating	Moderate (4-9)
Controls / Review	Annually review fees and charges to ensure best level of service is provided.
Review Frequency	Annually
Risk Owner	Operational manager
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

- Manager Recreation Services
- Director Corporate & Community Services

RESOURCE IMPLICATIONS**Financial**

Potential change to income accounts with the introduction of a new fee.

Workforce

No change to the workforce by reintroducing the 12-month membership.

OPTIONS

Council has the option of:

1. adopting the new 12-month swim memberships to the 2023/24 fees and charges; or
2. not adopting the new 12-month swim memberships to the 2023/24 fees and charges.

CONCLUSION

The proposed fees and charges will realign our levels of service universally across the board in comparison with group fitness and gym memberships. It also provides a more financial option for long term members assisting with membership retention.

Cr Purcell and Cr Scott returned to the meeting, the time being 4.49pm

11.2.11 CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas Policy	
File Ref:	LE.3 – Laws and Enforcement – Local Laws – Dogs, LE.21 – Laws and Enforcement Infringements – Dogs/Cats
Previous Items:	11.2.7 27 June 2023 OCM23/06/080
Applicant:	Not applicable
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Community Services; Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	Appendix 11.2.11 – Proposed CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/022

Moved: Cr Purcell

Seconded: Cr Odorisio

That Council:

- 1. recommences the process to implement CGP026 *Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas* as presented in Appendix 11.2.11 of this item, for the purposes of a 28-day public consultation period; and**
- 2. approves for the Chief Executive Officer to undertake local advertising in accordance with section 31(3C) of the *Dog Act 1976*, and arrange for the display of a public notice relating to the proposed policy that invites public submission for a minimum of 28 days.**

CARRIED 6/0

IN BRIEF

- Amendments to the *Dog Act 1976* in 2013 changed how a Local Government's dog prohibited, dog exercise, and rural leashing areas are determined.
- Such areas are now specified, by absolute majority, independently of the Dog Local Law.
- CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas Policy was advertised for a minimum period of 28 days.
- One public submission was received during this time.
- This comment has been considered and minor amendments have been made to the draft policy.
- A new dog exercise area is now proposed for Drakesbrook Weir. As a result, it is recommended that Council re-initiates the process to implement the proposed policy - CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas in accordance with subsection 31(3C) of the *Dog Act 1976*.

BACKGROUND

Pursuant to section 31 of the *Dog Act 1976* (the Act), dog prohibited areas and dog exercise areas have now been specified in the Shire of Waroona's proposed *CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas* policy. The Act states that a local government may, by absolute majority and subject to public consultation, specify a public place or class of public place, that is under the care, control, or management of the local government to be either a dog prohibited area (s.31(2B)), dog exercise area (s.31(3A)) or rural leashing area (s.31(3B)).

Dog local laws no longer address dog exercise or dog prohibited areas.

At its Ordinary Meeting held 27 June 2023, Council resolved the following to progress the development of *CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas*:

COUNCIL RESOLUTION

OCM23/06/080

Moved: Cr Mason

Seconded: Cr Vitale

That Council:

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

CARRIED 6/0

The resolution has been completed, however, in accordance with subsection 31(3C) of the *Dog Act 1976*, it is recommended that the 28-day public consultation recommence following the introduction of a new dog exercise area.

REPORT DETAIL

The proposed *CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas* policy (Policy) was advertised locally in the Harvey-Waroona Reporter on Tuesday, 18 July 2023. The advertisement invited public submissions for more than the statutory minimum of 28 days, with submissions closing 18 August 2023. Copies of the advertisement were displayed on the shire administration office and library public notice boards and posted on the shire website and Facebook page.

Preston Beach – Removal of dog exercise area

One submission was received from a Preston Beach resident during the consultation period. The resident advised that the proposed dog exercise area (off-leash area) at Preston Beach, recreation reserve R33349 was no longer suitable as it was overgrown and mostly inaccessible.

This resident also advised that walking a dog around Preston Beach on a leash was “pretty mandatory” due to the large number of kangaroos around the town, as well as washed-up blowfish and sea slugs on the beach that are highly poisonous to dogs if ingested.

In an attempt to identify an alternative dog exercise area at Preston Beach, permission and input were sought from the Preston Beach Golf Club committee on the idea of allocating the western half of the Preston Beach golf course as a dog exercise area. The golf club spokesperson said that the club was unsupportive of the idea based on the following grounds:

- a) Many resident kangaroos inhabit and feed along the Preston Beach golf course. This poses a risk of kangaroos being chased by dogs or dogs attacking kangaroos that come onto the golf course looking for food and water.
- b) While defending themselves against dogs, kangaroos could attack and severely injure dogs and/or their owners. This has occurred on several occasions on the Waroona golf course where dogs are often exercised off leash.
- c) An increase of dog excrement left on golf club by the small minority that fail to clean it up. Golfers are traversing the course to play golf and would prefer not to have to avoid this.
- d) The presence of snakes along the shrubby edges of the course increases through summer which increases the risk of dogs being bitten if/when aggravating a snake.

For the above-mentioned reasons, it is the officer’s recommendation not to reinstate a dog exercise area at Preston Beach.

Drakesbrook Weir, Waroona – Addition of new dog exercise area

In the interest of public safety and comfort at the Drakesbrook Weir swimming areas, an additional dog exercise area is proposed at the weir.

Dogs are currently prohibited at the southern grassed and adjacent foreshore areas. Pursuant to the draft Policy and in accordance with s.31(3B) of the *Dog Act 1976*, all other areas are defined as rural leashing (dog-on-leash) areas.

The currently proposed rural leashing area at the weir was considered as a dog exercise area however as this area is extremely popular on weekends and holidays and frequented by families and people of all ages and abilities, it is recommended that dogs remain restrained on leash.

To cater for those visitors who wish to exercise their dog off-leash at the weir, the north-western section is recommended as a new dog exercise area. As the proposed policy states, this location is described as the “north-western sparsely vegetated area bounded by the northern unsealed road and the edge of the water. Access is via unsealed road turnoff. Dog exercise area begins 170m from access road turnoff.” Refer to image below.



Permission has been sought from Water Corporation’s South-West Manager of Customers and Stakeholders, who emphasized that dogs on or off leash at Drakesbrook weir is a matter for the Shire as the Licensee, provided that it does not impact the Water Corporation-managed portion of land near the wall/operational assets (Synergy record No. I20156).

Drakesbrook Weir dog prohibited area - minor amendment.

To include the future-planned expansion and development of the grassed /public amenities areas at Drakesbrook weir, the dog prohibited area has been subsequently extended. Refer to the area marked in Image 1 of Appendix 11.2.11.

In summary, the following amendments are proposed to the policy thus far:

- Minor amendment to dog prohibited area at Drakesbrook weir grassed area.
- No changes are proposed to rural leashing areas.
- Two amendments proposed to dog exercise areas:
 - Removal of Preston Beach dog exercise area.
 - Addition of a dog exercise area at the Drakesbrook weir.

Subsection 31(3C) of the Dog Act 1976 states that local public notice must be given at least 28 days before specifying a place to be a dog exercise area under subsection (3A). As a new dog exercise area is proposed at Drakesbrook Weir, Council is advised to recommence the 28-day public consultation period prior to final policy adoption.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Dog Act 1976

31. Control of dogs in certain public places

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

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

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

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

Environment – (Impact on environment’s sustainability)

Nil.

Policy Implications

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

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

Risk Management Implications

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

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Failing to provide current information relating to dogs in public places may result in out-of-date provisions for the regulation and management of dogs within the district.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

- A notice of the proposed draft policy was advertised via local public notice in the Harvey-Waroona Reporter on Tuesday, 18 July 2023, closing on Friday, 18 August 2023.
- A copy of the draft policy was placed on the Shire’s website, Facebook page and posted on the administration office and library public notice boards inviting public submissions.
- One submission was received from a Preston Beach resident.

RESOURCE IMPLICATIONS**Financial**

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer’s recommendation to recommence the process to implement the proposed *CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas* policy; or

2. amending or rejecting the officer's recommendation to recommence the process to implement adopt *CGP026 Dog Prohibited Areas, Dog Exercise Areas, and Rural Leashing Areas* policy.

CONCLUSION

Subsection 31(3C) of the Dog Act 1976 states that local public notice must be given at least 28 days before specifying a place to be a dog exercise area under subsection (3A). As a new dog exercise area has been proposed at Drakesbrook Weir, Council is advised to readvertise the proposed policy by initiating a second 28-day public consultation period prior to final policy adoption.

When adopted, this policy will complement the Shire of Waroona Dog Local Law 2023 by allowing for the effective management of dogs in public places under the care, control, or management of the Shire.

11.2.12 Shire of Waroona Pest Plant Local Law 2024	
File Ref:	LE.20 - Laws and Enforcement - Local Laws - Pest Plants
Previous Items:	OCM March 2023 Item 11.2.8 OCM23/03/037
Applicant:	Not Applicable
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.12 – DRAFT Shire of Waroona Pest Plant Local Law 2024

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/023

Moved: Cr Mason

Seconded: Cr Odorisio

That Council:

1. approves the recommencement of the Shire of Waroona Pest Plant Local Law-making process (Pest Plant Local Law), as detailed at Appendix 11.2.12, in accordance with section 193 of the *Biosecurity and Agriculture Management Act 2007*;
2. requests the Presiding Member to give notice to this meeting in accordance with section 3.12(2) of the *Local Government Act 1995* of the purpose and effect of the proposed Pest Plant Local Law, that being:
 - a. The purpose of the proposed Shire of Waroona Pest Plant Local Law 2024 is to allow Council to specify pest plants within the Shire, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land;
 - b. The effect of the proposed Shire of Waroona Pest Plant Local Law 2024 is that owners and occupiers of land within the district are to comply with the provisions of this local law; and
3. in accordance with section 3.12(3) of the *Local Government Act 1995*, approves for the Chief Executive Officer to –
 - a. undertake local advertising, and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks;
 - b. make copies of the proposed local law available to the general public;
 - c. forward a copy of the proposed local law to the Minister for Local Government, Minister for Agriculture and Food, and the Department of Local Government, Sport and Cultural Industries for consideration and comment; and

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

CARRIED 6/0

IN BRIEF

- A local law was drafted to allow for management of White Weeping Broom and other future-determined pest plants within the Shire.
- Council resolved on 28 March 2023 to approve the making of a Shire of Waroona Pest Plant Local Law which allowed for Council to determine pest plants by absolute majority.
- A copy of the Local Law was sent to the Minister of Local Government, Minister of Agriculture & Food, and the Department of Local Government, Sport and Cultural Industries (DLGSC).
- Comments received from DLGSC highlighted that pest plants are traditionally prescribed in a Local Law, in accordance with s.193 of the *Biosecurity and Agriculture Management Act 2007*.
- As the new draft Local includes significant changes from what was originally proposed, the Local Law-making process shall re-commence.

BACKGROUND

At the Ordinary Council Meeting held 28 March 2023, Council resolved to commence the development of a Pest Plant Local Law, as follows:

COUNCIL RESOLUTION

OCM23/03/037

Moved: Cr Purcell

Seconded: Cr Odorisio

That Council:

1. *approves the making of the proposed Shire of Waroona Pest Plant Local Law 2023 (Pest Plant Local Law), as detailed at Appendix 11.2.8, in accordance with section 193 of the Biosecurity and Agriculture Management Act 2007;*
2. *requests the Presiding Member to give notice to this meeting in accordance with section 3.12(2) of the Local Government Act 1995 of the purpose and effect of the proposed Pest Plant Local Law, that being:*
 - a. *The purpose of the proposed Shire of Waroona Pest Plant Local Law 2023 is to allow Council to determine pest plants by absolute majority, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land;*
 - b. *The effect of the proposed Shire of Waroona Pest Plant Local Law 2023 is that owners and occupiers of land within the district are to comply with the provisions of this local law; and*
3. *in accordance with section 3.12(3) of the Local Government Act 1995, approves for the Chief Executive Officer to –*

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

CARRIED 6/0

The resolution has been completed; however, the proposed Local Law is now significantly different from what was first proposed. As a result, and in accordance with s.3.13 of the *Local Government Act 1995* (the Act), the local law-making procedure shall recommence.

REPORT DETAIL

The originally proposed Shire of Waroona Pest Plant Local Law 2023 (Local Law) was advertised locally in the Harvey-Waroona Reporter on Tuesday, 11 April 2023. The advertisement invited public submissions for 52 days, with submissions closing 2 June 2023. Copies of the notice were displayed on the shire administration office and library public notice boards and posted on the shire website and Facebook page.

On 19 April 2023, a copy was sent to the WA Minister for Local Government, WA Minister for Environment, and the DLGSC for review. Following a referral from the Minister for Environment's office, a copy was also sent to the Minister for Agriculture & Food on 18 May 2023.

Of significance in the originally proposed Pest Plant Local Law was clause 2.1 which allowed for a pest plant to be separately determined by Council, by absolute majority:

cl.2.1 Pest Plants

- (a) *A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a pest plant.*
- (b) *At least 28 days before specifying a pest plant the local government must give local public notice as defined in the Local Government Act 1995 section 1.7 of its intention to so specify.*

One comment received from the DLGSC on 15 May 2023, suggested significant content amendments as follows:

Clause 2.1 – Determination device

Clause 2.1 provides that the Shire may, by council resolution, declare any plant to be a pest plant for the purposes of the local law.

Section 193 of the [Biosecurity and Agriculture Management] (BAM) Act provides that a local government has the power to make a local law "prescribing" a plant as being a pest plant. This is traditionally done by listing the specific names of those pest plants in a Schedule.

It is uncertain whether a local law allowing pest plants to be determined by council resolution will qualify as “prescribing” for the purposes of section 193 of the BAM Act. It would be advisable for the Shire to consult with the Minister for Environment or the Department of Agriculture for their opinion on the subject.

Following the DLGSC’s comments, advice was sought from the Pest and Disease Information Service (PaDIS) at the Department of Primary Industries and Regional Development (DPIRD) as to whether a pest plant could be determined by a resolution of Council, rather than amending a dedicated schedule within the local law by way of an amendment local law each time a plant is to be declared a pest within the district. Their response was as follows:

Section 193 of the BAM Act states that the pest plant local laws may be made subject to and in accordance with the Local Government Act 1995. There isn’t anything further in the BAM Act or Regs that provides any instruction or guidance on procedural matters relating to local governments enacting pest plant local laws.

Officer’s Response

As advice received from DPIRD was considered inconclusive, it is recommended that the Shire of Waroona Pest Plant Local Law be used as the legislative instrument to prescribe pest plants within the district. By doing so, the Pest Plant local law would be made in accordance with section 193 of the BAM Act.

Clause 2.1 Pest Plants has since been amended to read:

Every plant described in Schedule 1 is a pest plant.

Subsequently, ‘Schedule 1 – Pest Plants’ has been inserted into the local law which lists White Weeping Broom (scientific name *Retama raetam*) as a pest plant.

Minor formatting amendments, as suggested in comments by the DLGSC have also been applied to the draft proposed Local Law as found at Appendix 11.2.12.

As the draft Pest Plant Local Law is significantly different from what was first proposed and released for public consultation, it is recommended that the local law-making procedure recommence.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

A Pest Plant is prescribed by local laws made by a local government.

s.193. Local government may make local laws
(*Biosecurity & Agriculture Management Act 2007*)

(1) In this section —

pest plant means a plant that is prescribed by local laws made by a local government under subsection (2)(a) as a pest plant in that district.

- (2) Subject to and in accordance with the *Local Government Act 1995* a local government may, in respect of its district, make local laws for any of the following purposes —
- (a) prescribing as a pest plant in that district any plant (other than a declared pest for that area) that, in its opinion, is likely to adversely affect the environment of the district, the value of property in the district or the health, comfort or convenience of the inhabitants of the district. ...

Providing Public Notice

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

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

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

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

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

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

Procedure for Making Local Laws

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

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

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

Table 1 - Timeline for making local law.

Task	LGA Section	Effective Date
Report to Council for approval to advertise proposed new Local Laws. <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i>	3.12(2)	Tuesday, 27 February 2024
Give local public notice and make copies available to the general public.	3.12(3)(a)	<u>Harvey Waroona Reporter –</u> Tuesday, 19 March 2023
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 10 May 2024 <i>(52 days)</i>
Give copy of the proposed local law and the notice to the Minister for Local	3.12(3)(b)	Wednesday 20 March 2024

Task	LGA Section	Effective Date
Government and prepare National Competition Policy review after advertising.		
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 28 May 2024
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government	3.12(5)	Tuesday, 11 June 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, 18 June 2024
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Tuesday, 26 June 2024

s.3.12 Procedure for making local laws (Act)

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

* *Absolute majority required.*

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

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

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

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

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

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

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

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

- The purpose of the proposed Shire of Waroona Pest Plant Local Law 2024 is to allow Council to specify pest plants within the Shire, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land;
- The effect of the proposed Shire of Waroona Pest Plant Local Law 2024 is that owners and occupiers of land within the district are to comply with the provisions of this local law; and

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Environment – (Impact on environment’s sustainability)

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

Policy Implications

Nil.

Risk Management Implications

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

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the local law review requirements stipulated by the <i>Local Government Act 1995</i> and the <i>Biosecurity and Agriculture Management Act 2007</i> .
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Scheduled review of all local laws within the 8 years statutory requirement.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

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

RESOURCE IMPLICATIONS

Financial

The cost of making the proposed local law which includes re-advertising and gazettal is approximately \$2'000. Funds are available in the 2023/2024 budget for the project cost.

Workforce

Nil.

OPTIONS

Council has the option of:

1. accepting the officer's recommendation to re-commence the process to make the proposed Shire of Waroona Pest Plant Local Law 2024; or
2. amending or rejecting the proposal to make the Shire of Waroona Pest Plant Local Law 2024.

CONCLUSION

It is recommended that Council re-commences the process under *the Local Government Act 1995* and *Biosecurity and Agriculture Management Act 2007* to make a Shire of Waroona Pest Plant Local Law 2024, following significant amendments to the draft local law that was first proposed.

The Pest Plant Local Law intends to provide for the management of prescribed pest plants within Shire of Waroona, provide a framework for effective pest plant control, and a means to enforce removal of pest plants from Shire and private land.

11.3 CHIEF EXECUTIVE OFFICER

Nil

11.4 ITEMS FOR INFORMATION

Nil

12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING

Nil

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

Nil

14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING

Nil

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

Nil

16. MEETING CLOSED TO THE PUBLIC

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/024

Moved: Cr Purcell

Seconded: Cr Scott

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

CARRIED 6/0

All members of the public left the meeting, the time being 4.51pm

16.1 Refund of Caravan Parks and Camping Grounds Act 1995 Inspection Fees Lake Navarino	
File Ref:	LE.8 – Laws and Enforcement – Local Laws – Local Government Property and Public Places
Previous Items:	Nil
Applicant:	Lake Navarino Carvan Park lessees
Author and Responsible Officer	Environmental Health Officer; Director of Infrastructure and Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple majority
Appendix Number	N/A

OFFICER RECOMMENDATION / COUNCIL RESOLUTION

OCM24/02/025

Moved: Cr Odorisio

Seconded: Cr Clarke

That Council:

1. approves the refund the fee of \$450 only, as information was not provided prior to 2023/24 in relation to DBCA being responsible for operating the Lake Navarino Caravan Park. Further when applications have been submitted by the licensee for caravan park licences, inspections were carried out by the Shire in good faith based on the information provided to them. As the Shire of Waroona is not responsible for other agencies nor applicants who fail to supply information or supply incorrect information, it is not considered appropriate to refund the fees for previous years fees;
2. authorises the CEO to notify the DBCA in writing, that only the refund the fee of \$450, as information was not provided prior to 2023/24 in relation to DBCA being responsible for operating the Lake Navarino Caravan Park. Further when applications have been submitted by the licensee for caravan park licences, inspections were carried out by the Shire in good faith based on the information provided to them. As the Shire of Waroona is not responsible for other agencies nor applicants who fail to supply information or supply incorrect information, it is not considered appropriate to refund the fees for previous years fees. Additionally, the caravan park has been licensed with the Shire of Waroona since at least 2005 and ownership was listed in the names of the lessees; and
3. authorises the CEO to notify the current owner in writing, that only the refund of the fee of \$450 (the current year's licence fee) will be made, rather than refunding the fees from previous years, for the reasons below;
 - a) the caravan park has been licensed with the Shire of Waroona since at least 2005 and ownership was listed in the names of the lessees not the DBCA;
 - b) the correct information was not provided prior to 2023/24 in relation to DBCA being responsible for operating the Lake Navarino Caravan Park;
 - c) when applications were submitted by licensees for caravan park licence renewals, inspections were carried out by the Shire in good faith, based on the information provided to the Shire of Waroona; and
 - d) the Shire of Waroona is not responsible for other agencies nor applicants, who on this occasion failed to supply information, or supply incorrect information.

CARRIED 6/0

A report was given under confidential cover.

17. MEETING OPENED TO THE PUBLIC**OFFICER RECOMMENDATION / COUNCIL RESOLUTION**

OCM24/02/026

Moved: Cr Scott

Seconded: Cr Clarke

That the meeting resume in public.

CARRIED 6/0

18. CLOSURE OF MEETING

The meeting was closed, the time being 5.03pm

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD Tuesday 26 March 2024 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....
PRESIDING MEMBER

.....
DATE