



Date: 17 April 2024

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

**ORDINARY COUNCIL MEETING
NOTICE AND AGENDA**

An Ordinary Council meeting of the Shire of Waroona will be held at the Shire of Waroona Council Chamber at 4.00 pm Tuesday 23 April 2024 to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in blue ink, consisting of stylized, cursive letters that appear to read "MG".

**MARK GOODLET
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

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

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AGENDA

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3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **PETITIONS AND APPROVED DEPUTATIONS**

6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

- 6.1 **Ordinary Council Meeting – 26 March 2024**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 26 March 2024 be confirmed as being a true and correct record of proceedings.

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

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

10. **EXTERNAL COMMITTEES, ASSOCIATIONS AND ADVISORY GROUPS**

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS

11.1 DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

11.1.1 Pesticide Use Policy	
File Ref:	PR.5 – Parks and Reserves – Maintenance
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Responsible Officer:	Senior Asset Services Officer; Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.1 A – Draft Pesticide Use Policy 11.1.1 B – Draft Pesticide Use Notification Plan

OFFICER RECOMMENDATION

That Council:

- 1. adopts the Pesticide Use Policy, as per Appendix 11.1.1 A – Draft Pesticide Use Policy; and**
- 2. endorses the Pesticide Use Notification Plan as per Appendix 11.1.1 B – Draft Pesticide Use Notification Plan.**

IN BRIEF

The Shire of has formalized its operation practices into a guiding policy on the use of pesticides, to align with the Department of Health (DOH) and the Pesticides Advisory Committee recommendation on their adoption by Local Government Authorities as part of their policy framework for the control of pests within their jurisdictions.

BACKGROUND

Compliance with the Department of Health’s guidelines detailed in “A guide to the management of pesticides in local government pest control programs in Western Australia”, is voluntary and may be adopted in whole or in part. Recommendations made in the Guide are not mandated by legislation in Western Australia; however, the Department of Health (DOH) and the Pesticides Advisory Committee supports their adoption by Local Government Authorities as part of their policy framework for the control of pests within their jurisdictions.

REPORT DETAIL

As a result, Shire of Waroona officers have carried out a review of our policy, procedures, and operation practices in relation to pesticide use and developed a plan to address any gaps. As a result, they have now prepared a draft - Pesticide-use policy for Councils adoption.

This policy informs the operational procedures and processes being the draft Pesticide-use notification plan. With both documents forming a part of the Shire of Waroona’s Integrated pest management program (IPMP), which will also be linked to the Chemical registers in software used for operational programming - Monday.com.

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	4.1 Public spaces and infrastructure that are accessible and appropriate for our community, and meet the purpose and needs of multiple users
Strategy	4.2.1 Plan and effect appropriate maintenance, renewal, replacement and disposal of assets

OTHER STRATEGIC LINKS

- Shire of Waroona’s Strategic Community Plan.
- Shire of Waroona’s Statutory Planning Framework and Local Laws
- Shire of Waroona’s Environmental Management Strategy.

STATUTORY ENVIRONMENT

- Work Health and Safety Act 2020 Western Australia
- Local Government Act 1995 and Regulations
- Western Australian Health Act 1911 – Health (Pesticides) Regulations 2011; and
- Government of Western Australia Department of Health - A guide to the management of pesticides in local government pest control programs in Western Australia, and
- Agricultural and Veterinary Chemicals Code Act 1994 (Commonwealth)
- Agricultural and Veterinary Chemicals (Western Australia) Act 1995

SUSTAINABILITY & RISK CONSIDERATIONS

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

Not enforcing compliance matters in relation to pesticide use could have negative economic outcomes.

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

Not communicating about the use of pesticides in the community could have negative social outcomes.

Environment – (Impact on environment’s sustainability and climate change)

Not adhering to operational compliance in relation to pesticide use would negatively impact the region’s sustainable development and water resources.

Risk Management Implications

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

Theme	Environmental - Regulatory compliance, contamination, inadequate processes
Description	There is a need to keep negative impacts in the community to a minimum, protect staff, the environment, and members of the community through managing and minimising contact with pesticide in an operational context.
Consequence	4 - Major
Likelihood	3 - Possible
Rating	Moderate (4-9)

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
- Shire of Waroona Executive Officers
- Community consultation is required

Aboriginal Consultation

Nil.

RESOURCE IMPLICATIONS

Financial

Officers time is covered by salary package.

Workforce

Nil.

CONCLUSION

In keeping with ‘best practice’ principles, the Shire of has formalized its operation practices into a guiding Policy on the use of pesticides. This policy is needed to align with the Department of Health (DOH) and the Pesticides Advisory Committee recommendation that Local Government Authorities have a Pesticide Use Policy, as part of their policy framework for the control of pests within their jurisdictions.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the month of March 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 - March 24

OFFICER RECOMMENDATION

That Council receives the following payments made throughout the month of March 2024;

Municipal	Cheque	10230 – 10244	\$	37,410.54
	EFT	40380 – 40553	\$	1,157,048.90
Direct wages	01/03/2024 – 31/03/2024 inclusive		\$	232,363.79
Direct Debit	01/03/2024 – 31/03/2024		\$	199,196.02
Trust	Cheque		\$	-
	EFT		\$	-
GRAND TOTAL			\$	1,626,019.25

as per Appendix 11.2.1.

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire’s Municipal and Trust funds throughout the month of March 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 and climate change)

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

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

CONCLUSION

The listing of payments as per the attached appendix is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the month of March 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 March 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:	11.2.2 – Monthly Agenda Report 23-24 March

OFFICER RECOMMENDATION

That Council receives the Statement of Financial Activity for the period ending 31 March 2024 as per Appendix 11.2.2.

IN BRIEF

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

BACKGROUND

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

REPORT DETAIL

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

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

The following information is included in the report;

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

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

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona 2023/24 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

Environment – (Impact on environment’s sustainability and climate change)

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

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

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 Accessibility Renovations Administration Office – Budget Amendment	
File Ref:	CP.31 – Council Properties Access – Disability Access
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer	Manager Corporate Services; Director Corporate and Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

OFFICER RECOMMENDATION

That Council approves the allocation of \$100,000 from the Council Building Construction reserve to fund additional costs associated with accessibility renovations to the Shire of Waroona main administration office through an amendment to the 2023/24 adopted budget as detailed below:

- a. increase transfer from Council Building Construction reserve 106350 (Governance Capital Income) by \$100,000 to recognise reserve income; and
- b. increase capital expenditure account 105440 (Governance Capital Expenditure) by \$100,000 to recognise capital building expenditure.

IN BRIEF

The Shire of Waroona recognised the need for disability-friendly access to its main administration office in the early 2010's. Due to funding constraints, the project was delayed multiple times until funding through the Department of Infrastructure, Transport and Regional Development, Communications and the Arts, Local Roads, and Community Infrastructure funding, was secured.

RFQ's received through the procurement process significantly exceeded original costings and therefore Council is asked to consider funding the shortfall through allocation of \$100,000 from Council's Building Construction reserve.

BACKGROUND

In the early 2010's, it was recognised as part of the Shires Access and Inclusion Plan that access to the main Shire of Waroona Administration Office was not disability friendly or compliant with current standards, resulting in renovations to the main administration office being identified as a future project. Lack of available project funding and sufficient resourcing resulted in the project being rescheduled on several occasions.

The announcement of phase 3 funding through the Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (DITRDC), Local Roads and Infrastructure (LRCI) funding in 2022, provided the Shire with an opportunity to nominate and receive approval for the external disability access renovation to the main administration office, providing funding of \$172,170.00. Approved projects in phase 3 of LRCI funding are required to be completed between 1st January 2022 and 30th June 2024.

Furthermore, the announcement of LRCI phase 4 funding provided an additional opportunity for the Shire to nominate and receive approval for the internal disability access renovation to the

main administration office, providing funding of \$150,000. Approved projects in phase 4 of LRCI funding are required to be completed between 1st July 2023 and 30th June 2025.

REPORT DETAIL

Following confirmation of approval of LRCI phase 3 funding, the Shire contracted All Aspect Design in October 2022 to provide draft concept drawings which were provided in January 2023. It was requested that concept drawings addressed the following issues:

- Compliant external disability access to the main Shire of Waroona administration office including access ramp and automatic doors.
- Compliant front counter disability access.
- Ergonomic front counter stations for Customer Service Officer and Licensing Officer.
- Viewing of Department of Transport (DoT) testing computer for Licensing Officer's as required through DoT audits.
- Compliant disability access to internal meeting rooms.
- Front counter meeting room availability for customers to discuss private/sensitive issues (debt collection, cemetery etc).
- Front counter meeting room availability for Development Services staff to address planning/building enquiries.

Using the concept drawings, two cost estimates were sought from Go2Group and Makin Homes which were received in May 2023. Both costing estimates provided were under budget with a very reasonable contingency.

In September 2023 the Shire engaged Bolig Design to provide detailed designs to available budget. The designs provided for:

External renovation

- Demolition and strip out work.
- Construction of new AS1428 compliant entrance ramp.
- Construction of new portico / entrance area.
- Relocation of reconfiguration of entrance and provision of automatic sliding door.
- External cladding.

Internal renovation

- Reconfigure internal hallways and meeting room to allow for compliant disability access.
- Relocation and construction of front counter with disability access.
- New flooring.
- Front counter reception cabinetry.
- Light fittings.
- Wall and ceiling finishes.
- Furniture.

Final design drawings were received in February 2024. RFQ's were issued immediately for the project as two separable (SP) portions as per the funding arrangements, SP1 for external renovations funded through LRCI phase 3 funding, and SP2 for internal renovations funded through LRCI phase 4 funding.

An evaluation of the three RFQ's received revealed that all quotes provided for SP1 were significantly higher than the original costings, while two of the quotes for SP2 were within budget.

To ensure that the funding received from LRCI phase 3 and 4 is retained, and the Shire meets disability access requirements identified in the Shire of Waroona 'Enabling Waroona' Access and Inclusion Plan, through completion of the project, Council are requested to provide the short gap in funding from the Council Building Construction reserve to the value of \$100,000.

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	4.1 Public spaces and infrastructure that are accessible and appropriate for our community, and meet the purpose and needs of multiple users
Strategy	4.1.1 Plan community facilities for current and future generations

OTHER STRATEGIC LINKS

Enabling Waroona – Access and Inclusion Plan 2023-2028

Objective 2 – People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.

Strategy 2.1 – Ensure that all buildings and facilities meet the standards for access and any demonstrated additional needs.

Project 2.1.3 – Upgrade the administration building entrance and customer service area to be accessibility inclusive.

Strategy 2.2 – Ensure that all new or development works provide access to people with disability, where practicable.

Project 2.2.1 – Ensure that legal requirements for access are met in plans for new or redeveloped buildings and facilities.

STATUTORY ENVIRONMENT

The Western Australian Disability Services Act 1993 provides a foundation for promoting the rights of Western Australians with a disability and the delivery of programs and services. It requires that all Western Australian Government departments develop and implement Disability Access and Inclusion Plans.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Social - (*Quality of life to community and/or affected landowners*)
Disability friendly access plays a crucial role in enhancing social inclusion and participation for people with disabilities in several ways:

1. Equal participation.
2. Increased social opportunities.

3. Reduced social isolation.
4. Promoting diversity and inclusion.
5. Building empathy and understanding.
6. Enhanced self-confidence.
7. Supporting independence.

Environment – (Impact on environment’s sustainability and climate change)

Nil.

Policy Implications

Nil.

Risk Management Implications

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

Theme	Reputation - Public perception, poor customer service, sub standard work, corruption
Description	The risks of not providing disability access are significant and can have wide ranging consequences for individuals and communities.
Consequence	3 - Moderate
Likelihood	4 - Likely
Rating	High (10-19)
Controls / Review	Review of the Access and Inclusion Plan.
Review Frequency	Annually
Risk Owner	Chief executive officer
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Consultation with Local Government Insurance Services (LGIS) in providing ergonomic and risk assessments.

Aboriginal Consultation

Nil.

RESOURCE IMPLICATIONS

Financial

Reduction in available funds from Council Building Construction reserve.

Workforce

Internal staff time and resourcing.

CONCLUSION

The journey towards ensuring disability-friendly access to the main administration office has been a challenging yet progressive endeavour. Recognising the imperative needs for inclusivity, the Shire has embarked on a series of efforts spanning over a decade to address accessibility concerns. The availability of key professional services, rising construction costs and other significant capital projects have hindered progress on this project. The thorough procurement process, from concept drawings to detailed designs and subsequent RFQ evaluations, has provided invaluable insights into the projects scope and requirements. However, the

unanticipated escalation in costs for the external renovations underscores the necessity for adaptive financial measures.

It is necessary that Council considers bridging the funding gap. This action will not only ensure the projects continuity but also uphold the Shire's commitment to accessibility as outlined in the Enabling Waroona Access and Inclusion Plan and foster a more accessible and welcoming environment for all residents and visitors to the Shire of Waroona.

11.2.4 Drakesbrook Croquet Club Permanent Playing Facilities	
File Ref:	RC.31 Recreation and Cultural Services – Liaison – Community - Drakesbrook Croquet Club
Previous Items:	Nil
Applicant:	Nil
Author and Responsible Officer	Manager Recreation Services; Director Corporate and Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

OFFICER RECOMMENDATION

That Council:

1. supports in concept, the project of building a new facility for the Drakesbrook Croquet Club; and
2. supports the area chosen at the Waroona Recreation grounds by the Drakesbrook Croquet Club and will hold off on any other usage of the area for 5 years, after which it will be reviewed by Council.

IN BRIEF

The purpose of this item is to seek Council’s support for the construction of a permanent croquet facility for the Drakesbrook Croquet Club at the Waroona Recreation Centre grounds.

BACKGROUND

The Drakesbrook Croquet Club formed in early 2023 as a social club. Membership has been steadily growing over the past year. The club operated from both the Waroona cricket ovals and the main town oval and required to store gear at various locations including the Waroona Recreation Centre and a toilet cubicle at the main oval eastern toilets. Neither location is ideal for croquet due to various reasons.

Cricket Oval

- Surface becomes too wet in winter.
- Surface was not smooth enough for croquet.
- Storage at Recreation Centre was quite far and required transportation pre and post sessions.

Main Oval

- Surface was not smooth enough for croquet.
- Surface becomes too wet in winter.

The courts take around 30-45 minutes to set up and pack away each session. As a club with an ageing membership base, this manual task is not ideal in the long term.

REPORT DETAIL

Currently the club does not have a permanent ground to play on. The temporary grounds are not ideal for play as they are not smooth enough and become too waterlogged in winter. The

club wishes to begin hosting competitions however they cannot do so until a more suitable croquet court is established.

The Drakesbrook Croquet Club is planning a project to fund and build two full size croquet courts and small clubhouse inclusive of storage and ablutions. The desired location is outlined in Image 1 below on the northwestern aspect of the Waroona Recreation Centre grounds. This location is desirable as it is close to required power, water, and septic systems as well its proximity to the Waroona District High School which could help promote club growth.

The club requires confirmation of the land so they can begin planning the project. Once the land is confirmed the club can begin getting quotes for the project and sourcing grants and funding opportunities.

The support from council and the confirmation of the desired location will allow the club to begin planning the project. This will include finalising project costs and determining a funding strategy to ensure the project can go ahead. Guaranteeing the land for 5 years will allow sufficient time for the club to plan the project and commence work if the project is deemed feasible.



Image 1. Proposed location of croquet facility.

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

Strategy	1.4.2 Support local community, sporting and recreational groups and initiatives
-----------------	---------------------------------------------------------------------------------

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

By supporting this project if it was to be completed would allow for the expansion of a club suitable for all ages.

Environment – (Impact on environment’s sustainability and climate change)

The desired land will need to be cleared of a few trees. The required permission will need to be applied for prior to project commencement.

Policy Implications

Nil

Risk Management Implications

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

Theme	Project - Delays to start or completion, variations to scope or budget, insufficient funds
Description	If funding for project is not obtained the project will not go ahead.
Consequence	3 - Moderate
Likelihood	3 - Possible
Rating	Moderate (4-9)
Controls / Review	Review funding of project prior to commencement of any works.
Review Frequency	Monthly
Risk Owner	Project manager
Acceptance	Monitor - Risk acceptable with adequate control

Theme	Environmental - Regulatory compliance, contamination, inadequate processes
Description	Some trees will need to be removed/
Consequence	4 - Major
Likelihood	2 - Unlikely
Rating	Moderate (4-9)
Controls / Review	Trees will need to be approved for lopping prior to project commencement.
Review Frequency	Quarterly
Risk Owner	Director
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

- Drakesbrook Croquet Club
- Department of Local Government, Sport, and Cultural Industries
- Shire of Waroona Officers - Chief Executive Officer, Director Corporate & Community Services, Manager Works & Waste Service, Parks & Gardens Team Leader

Aboriginal Consultation

The preferred location is part of a registered Aboriginal heritage site and as such a section 18 permit must be obtained under the Aboriginal Heritage Act 1972 prior to disturbing the site. Refer to Figure 1 below. This permit will determine consultation obligations.

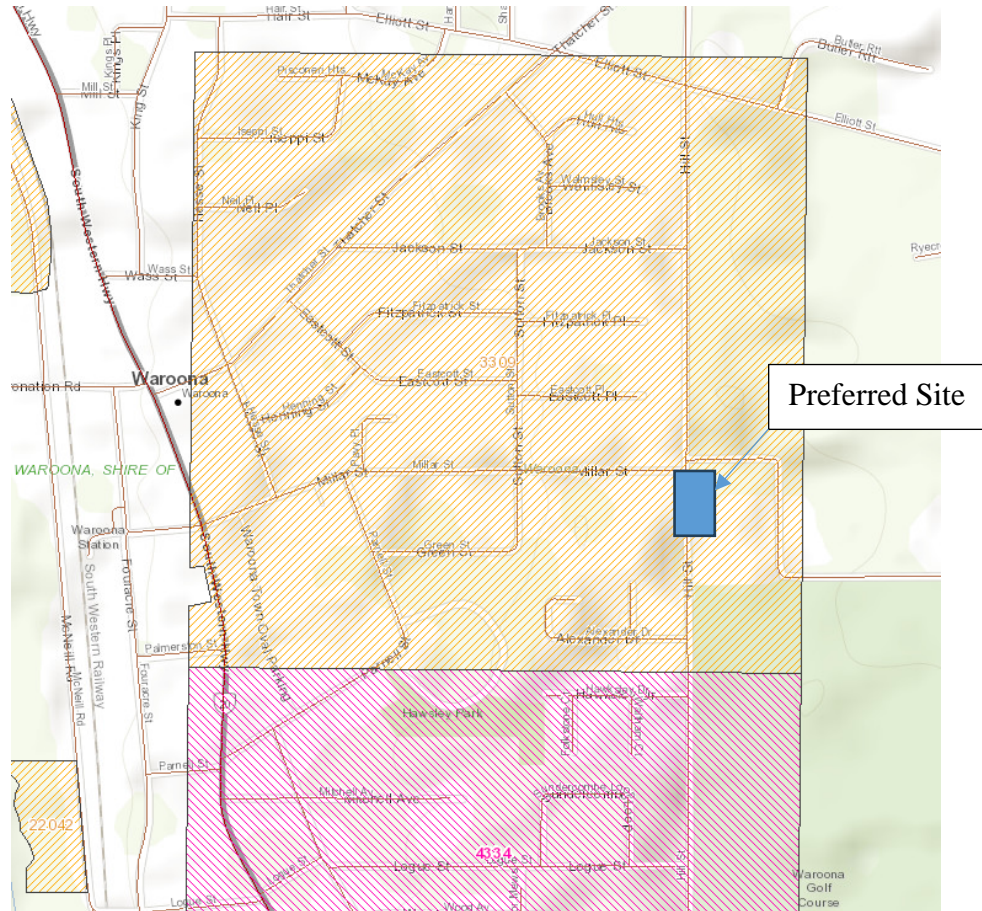


Figure 1. Aboriginal Heritage Site shown in hachured brown area.

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

CONCLUSION

The recently established Drakesbrook Croquet is a steadily growing club within the Shire. The provided locations for current play are not suitable long term for the club to assist them to grow and host interclub competitions as desired.

Council's support of the Waroona Recreation Centre ground's location and club's project to build two permanent courts and a small clubhouse will allow the planning phase to begin. The club is awaiting this support and the confirmation of the land so they can source quotes and begin the project plan.

11.2.5 Waroona Bush Fire Brigades Local Law 2024	
File Ref:	LE.19 – Laws And Enforcement – Local Laws – Bushfire Brigades
Previous Items:	Item 11.2.4 - Waroona Bush Fire Brigades Local Law 2023 - OCM23/12/178
Applicant:	N/A
Author	Corporate Planning & Governance Officer
Responsible Officer	Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.5 – Draft Waroona Bush Fire Brigades Local Law 2024

OFFICER RECOMMENDATION

That Council:

1. approves the making of the proposed Shire of Waroona Bush Fire Brigades Local Law 2024 (Local Law), as detailed at Appendix 11.2.5 in accordance with section 62 of the *Bush Fires Act 1954*;
2. requests the Presiding Member to give notice to this meeting in accordance with section 3.12(2) of the *Local Government Act 1995* of the purpose and effect of the proposed Local Law, that being;
 - a. The purpose of the proposed Shire of Waroona Bush Fire Brigades Local Law 2024 is to establish and maintain bush fire brigades and enable the bush fire brigades to carry out normal brigade activities under the *Bush Fires Act 1954*, its Regulations, and the Waroona Bush Fire Brigades Local Law; and
 - b. The effect of the proposed Shire of Waroona Bush Fire Brigades Local Law 2024 is to;
 - i) equip each bush fire brigade so established with appliances, equipment, and apparatus;
 - ii) provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade and prescribe their respective duties;
 - iii) provide for the appointment, employment, payment, dismissal, and duties of bush fire control officers;
 - iv) provide for the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
 - v) provide for any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by the *Bush Fires Act 1954*; and

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

IN BRIEF

- This report seeks the introduction of a Bush Fire Brigades local law under the *Bush Fires Act 1954* following advice that a Bush Fire Brigades local law is necessary for the lawful establishment and maintenance of bush fires brigades, ensuring that volunteers are acting lawfully, are authorised, and are protected under law.
- The effect of the recommendation to Council is to initiate the local law and follows the procedure provided in the *Local Government Act 1995* (LG Act) for new local laws.
- Following the public notice and consultation period January to March 2024, feedback received has been incorporated into the revised draft local law. This report seeks Council's authorisation to make a significant change to the draft and re-advertise the amended draft local law.

BACKGROUND

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

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

The genesis of this advice is not provided in the report, though it appears that the involvement of DFES gave the impression that the Bush Fires Local Law was no longer relevant.

In March 2022, the *Work Health and Safety Act 2020* provided clarity that volunteer bush fire brigade members, were “workers” of the local government and that all the provisions of this Act applied to them and to the local government as the “person conducting the business or undertaking”.

Appointment of Bush Fire Control Officers

In February 2023, Council resolved to advertise the Draft Bush Fire Brigades Local Law. In doing so, valuable feedback was provided by the brigades and by DFES which led to a number of changes. While none of the changes fundamentally altered the intent of the draft local law, collectively there were enough minor changes to warrant recommending the local

law-making procedure in accordance with section 3.13 of the LG Act. The most prominent of these changes included:

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

REPORT DETAIL

Relevant Legislation

The *Bush Fires Act 1954* provides that a local government is to establish and maintain bush fire brigades through local law. Despite the reconfiguration of the State Government emergency services portfolio to form DFES, the *Bush Fires Act 1954* was not amended to shift responsibility for the bush fire brigades to DFES, meaning the responsibility remained with local government. Accordingly, the enabling local law remains relevant and essential. While ever local governments retain responsibility for the volunteer bush fire brigades under the *Bush Fires Act 1954*, then the local law is essential for the establishment and maintenance of the bush fire brigades.

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

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

Appointment of Bush Fire Control Officers

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

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

Variation of application of rules

In December 2023, Council resolved to re-advertise the Draft Bush Fire Brigades Local Law for a second time following feedback from the Brigades and DFES which had prompted further amendments to the draft local law. Following this latest consultation period, comments have been received from the Department of Local Government Sport and Cultural Industries (DLGSC) suggesting changes to the current draft so as to satisfy local law-making requirements pursuant to s.3.12 of the LG Act.

The DLGSC have highlighted that the advertised draft contains a determination device in Clause 3.3, enabling Council to modify the Rules which govern the operation of a bush fire brigade contained in Schedule 1. Amending the Rules outlined in Schedule 1 by resolution of council, would be allowing a portion of the local law to be modified without adhering to the local law-making process set out in S.3.12 of the LG Act, thus bypassing Parliamentary scrutiny or public consultation.

As the Joint Standing Committee on Delegated Legislation (Committee) have required

Local Governments to delete such a power held within local laws in previous reviews, it is recommended that Council follows the departments advice and resolves to delete this clause from the current draft.

It is noted that this clause existed in the Shire's previous Bush Fire Brigades Local Law. Deleting clause 3.3 causes the draft local law to become significantly different from what was previously proposed, warranting a recommencement of the local law-making procedure in accordance with section 3.13 of the LG Act.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Bush Fires Act 1954, section 41. Bush Fire Brigades

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

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

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

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

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

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

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

... (2) At a council meeting the person presiding is to give notice to the meeting of the purpose

and effect of the proposed local law in the prescribed manner.

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

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

Table 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, 23 March 2024
Give local public notice and make copies available to the general public.	3.12(3)(a)	<u>Harvey Waroona Reporter – Tuesday, 14 May 2024</u>
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 5 July 2024 <i>(52 days)</i>
Give copy of the proposed local law and the public notice to the Minister for Local Government.	3.12(3)(b)	Wednesday 15 May 2024
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 23 July 2024
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government.	3.12(5)	Friday 2 August, 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 13 August, 2024
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Thursday 15 August, 2023

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

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

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

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

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

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

to ensure that the person conducting the business or undertaking complies with that duty or obligation.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

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

Environment – (Impact on environment’s sustainability and climate change)

Nil.

Policy Implications

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

Risk Management Implications

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

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

<i>Theme</i>	Financial - Inappropriate use of resources
<i>Description</i>	Receiving a request from the Joint Standing Committee following gazettal of the Bush Fire Brigades Local Law, to undertake to the Committee that it will correct the discrepancy and make an amendment local law.
<i>Consequence</i>	1 – Insignificant
<i>Likelihood</i>	5 - Almost certain
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Readvertisement of the draft Local Law.
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Risk Treatment – mitigate the chance of this risk coming into effect.

CONSULTATION

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

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

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

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

Aboriginal Consultation

Nil.

RESOURCE IMPLICATIONS

Financial

To be dealt with through budgeted services.

Workforce

To be dealt with through existing workforce.

CONCLUSION

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

11.3 CHIEF EXECUTIVE OFFICER

11.3.1 Submission on Proposed Indian Ocean Offshore Wind Area	
File Ref:	EM.12 – Environmental Management – Planning – Renewable Energy
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Responsible Officer	Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.1 A – Off Bunbury Offshore Renewables Process Diagram 11.3.1 B – Frequently Asked Questions - Bunbury WA

OFFICER RECOMMENDATION

That Council supports the following responses in relation to the Federal Government’s consultation questions on the proposed Indian Ocean Offshore Wind Area and requests the Chief Executive Officer to respond on its behalf:

- 1. Can you see any benefits or opportunities related to the environment for offshore renewable energy development in this proposed area?***

Yes.

- Provided whole of life carbon footprint of the offshore wind turbines and associated infrastructure is lower than other energy systems for the same total energy output then offshore renewable energy development in this proposed area will have environmental benefit.
- Green energy production in Western Australia and particularly in this location may help industry and community achieve low carbon emissions in their energy use.
- The wind resource, while intermittent, is not a finite resource, unlike oil and gas.

- 2. Do you have any concerns related to the environment for offshore renewable energy development in this proposed area?***

Yes.

- A detailed understanding of the travel paths of pelagic and onshore migratory bird species needs to be gained in order to mitigate bird strike events.
- A detailed understanding of marine life effects needs to be gained in order to mitigate adverse marine life effects.
- Whole of life product stewardship should be mandated for offshore wind turbines and associated infrastructure in order to ensure responsible environmental management of this infrastructure.

- 3. Do you have any concerns related to visual amenity for offshore renewable energy development in this proposed area?***

Yes.

There are some Shire of Waroona community members who may have concerns related to the visual amenity of offshore wind turbines, given their size.

4. Can you see any benefit or opportunities related to visual amenity for offshore wind development in this proposed area?

Yes.

The further the wind turbines are from shore the less the visual impact will be.

5. Can you see any benefits or opportunities related to the community and onshore transmission for offshore renewable energy development in this proposed area?

Yes.

There may be a small number of landowners who consider the sale or lease of land for the purpose of transmission, to be a benefit to them.

6. Do you have any concerns related to the community and onshore transmission for offshore renewable energy development in this area?

Yes.

1. There may be a conflict between the transmission infrastructure and other viable land uses and environmental values, including that of the Peel - Yalgorup Ramsar system and natural Swan coastal plains bushland in the Shire of Waroona.
2. There may be amenity and land use issues for landowners with new transmission infrastructure built close to their properties.

7. Can you see any benefits or opportunities related to fishing for offshore renewable energy development in this proposed area?

Yes.

The benefits or opportunities are outlined in the article by Andrew B Gill, Steven Degraer, Andrew Lipsky, Ninon Mavraki, Elizabeth Methratta and Robin Brabant, "Setting the Context for Offshore Wind Development Effects on Fish and Fisheries", in *Oceanography*, Vol. 33, No. 4, pp 118-127.

"Changes to fisheries that result from offshore wind farm (OWF) installations may be considered good or bad depending on various stakeholders' perspectives".

[Setting the Context for Offshore Wind Development Effects on Fish and Fisheries | Oceanography \(tos.org\)](#)

8. Do you have any concerns related to fishing for offshore renewable energy development in this proposed area?

Yes.

The concerns are outlined in the article by Andrew B Gill, Steven Degraer, Andrew Lipsky, Ninon Mavraki, Elizabeth Methratta and Robin Brabant, "Setting the Context for Offshore Wind Development Effects on Fish and Fisheries", in *Oceanography*, Vol. 33, No. 4, pp 118-127.

"Changes to fisheries that result from offshore wind farm (OWF) installations may be considered good or bad depending on various stakeholders' perspectives".

[Setting the Context for Offshore Wind Development Effects on Fish and Fisheries | Oceanography \(tos.org\)](#)

9. Can you see any other benefits or opportunities for offshore wind energy development in this proposed area?

Yes.

The construction, maintenance, and operations for offshore renewable energy development in this location has the potential to provide jobs for Shire residents and contract opportunities for local businesses.

10. Do you have any other concerns for offshore wind energy development in this proposed area?

No.

IN BRIEF

The Australian Government is consulting on a proposed Indian Ocean Offshore Wind Area, which if approved will locate energy generating wind turbine farms in an area starting 20km west of the Shire of Waroona beach front. This report recommends a response to the consultation request.

BACKGROUND

The Indian Ocean Offshore Wind Area is a Federal Government initiative aimed to support its program to deliver 9 times the large-scale renewable energy generation that we currently have across Australia, over the next 20 years.

The Federal Government has set up online information and consultation on the proposal. A project diagram for the proposed offshore wind area is in Appendix 11.3.1 A Off Bunbury Offshore Renewables Process Diagram.

The Federal Government's overview of the proposal is provided below.

Key Points

- *Offshore wind projects do not currently have approval. This proposed area is the first step and your first opportunity to provide feedback, ahead of future projects being considered.*
- *Your feedback matters. The Minister for Climate Change and Energy will consider issues raised in public submissions.*
- *The environment is protected under Australian law. Any future offshore wind projects will need approval under Australian environmental laws and regulations.*
- *Future offshore wind projects must share the space with existing marine users, including First Nations, fishers, shipping, and defence.*
- *A local offshore wind industry could provide clean, reliable energy to communities and local manufacturing, support thousands of jobs, and help us reach net zero by 2050.*
- *There's a long way to go before offshore wind projects gain approval in Australia.*
- *We are at the very beginning of a multi-year process.*
- *More studies and consultation will happen before offshore wind projects can be given the green light.*

The proposed area is shown in Figure 1 below.



A link to the Federal Government site on the proposal is at https://www.dcceew.gov.au/energy/renewable/offshore-wind/areas/bunbury#toc_0.

REPORT DETAIL

Places Outside of the District

The Shire of Waroona’s jurisdiction finishes at the Indian Ocean low water mark at its western district boundary. Furthermore, the location for the proposed Offshore Wind Area lies in Commonwealth waters, further west than even the State Government’s 3 nautical mile (5.556 km) coastal waters jurisdiction. The Shire of Waroona therefore has no regulatory authority in this proposal except for Council to provide representation on the views of the Shire of Waroona community.

Transmission

In tandem with the Offshore wind Area there will be the need to install significant new transmission line infrastructure, meaning more high voltage power lines and towers through Waroona. The location or locations where the power comes to shore is not yet determined. Particular environmental risks may be prevalent with the transmission lines being above or below ground were they to come to shore in the Shire of Waroona due to the Peel Yalgorup Ramsar system which traverses the Shire from south to north near the coastline. Refer to Figure 2 below.

Peel-Yalgorup System, WA



Figure 2. Peel-Yalgorup System, showing Ramsar Wetland in Green

While bringing power across the Ramsar wetland either below or above ground is technically feasible, the environmental considerations for this route are significant given the groundwater issues and the fragility of this ecosystem. There already exists a desalination facility in Binningup with pipe infrastructure already traversing from ocean to land.

With new transmission lines coming onto land in the Shire of Harvey they will then need to travel south and north. Those travelling north will traverse the Shire of Waroona, as all major utilities infrastructure already does. Where those transmission lines are located within the Shire of Waroona is unknown. What is known at this point is that the Federal Government Western Australia

We've committed up to \$3 billion to modernise the electricity networks in Western Australia. This includes new builds and major upgrades to the South West Interconnected System. While still in early-stage proposal stage more on this is available at <https://www.infrastructureaustralia.gov.au/map/south-west-interconnected-system-transformation>.

Presumably there will be separate consultation once the transmission planning begins in earnest, however it is highly likely that the Offshore wind area will generate the demand for more transmission infrastructure in the Shire of Waroona.

Recommended Feedback

Feedback is provided online and the questions below are asked. The recommended responses are provided below.

Can you see any benefits or opportunities related to the environment for offshore renewable energy development in this proposed area?

Yes.

1. Provided whole of life carbon footprint of the offshore wind turbines and associated infrastructure is lower than other energy systems for the same total energy output then offshore renewable energy development in this proposed area will have environmental benefit.
2. Green energy production in Western Australia and particularly in this location may help industry and community achieve low carbon emissions in their energy use.
3. The wind resource, while intermittent, is not a finite resource, unlike oil and gas.

Do you have any concerns related to the environment for offshore renewable energy development in this proposed area?

Yes.

1. A detailed understanding of the travel paths of pelagic and onshore migratory bird species needs to be gained in order to mitigate bird strike events.
2. A detailed understanding of marine life effects needs to be gained in order to mitigate adverse marine life effects.
3. Whole of life product stewardship should be mandated for offshore wind turbines and associated infrastructure in order to ensure responsible environmental management of this infrastructure.

Do you have any concerns related to visual amenity for offshore renewable energy development in this proposed area?

Yes.

There are some Shire of Waroona community members who may have concerns related to the visual amenity of offshore wind turbines, given their size.

Can you see any benefit or opportunities related to visual amenity for offshore wind development in this proposed area?

Yes.

The further the wind turbines are from shore the less the visual impact will be.

Can you see any benefits or opportunities related to the community and onshore transmission for offshore renewable energy development in this proposed area?

Yes.

There may be a small number of landowners who consider the sale or lease of land for the purpose of transmission, to be a benefit to them.

Do you have any concerns related to the community and onshore transmission for offshore renewable energy development in this area?

Yes.

1. There may be a conflict between the transmission infrastructure and other viable land uses and environmental values, including that of the Peel - Yalgorup Ramsar system and natural Swan coastal plains bushland in the Shire of Waroona.
2. There may be amenity and land use issues for landowners with new transmission infrastructure built close to their properties.

Can you see any benefits or opportunities related to fishing for offshore renewable energy development in this proposed area?

Yes.

The benefits or opportunities are outlined in the article by Andrew B Gill, Steven Degraer, Andrew Lipsky, Ninon Mavraki, Elizabeth Methratta and Robin Brabant, “Setting the Context for Offshore Wind Development Effects on Fish and Fisheries”, in Oceanography, Vol. 33, No. 4, pp 118-127.

“Changes to fisheries that result from offshore wind farm (OWF) installations may be considered good or bad depending on various stakeholders’ perspectives”.

[Setting the Context for Offshore Wind Development Effects on Fish and Fisheries | Oceanography \(tos.org\)](https://www.tos.org/setting-the-context-for-offshore-wind-development-effects-on-fish-and-fisheries)

Do you have any concerns related to fishing for offshore renewable energy development in this proposed area?

Yes.

The concerns are outlined in the article by Andrew B Gill, Steven Degraer, Andrew Lipsky, Ninon Mavraki, Elizabeth Methratta and Robin Brabant, “Setting the Context for Offshore Wind Development Effects on Fish and Fisheries”, in Oceanography, Vol. 33, No. 4, pp 118-127.

“Changes to fisheries that result from offshore wind farm (OWF) installations may be considered good or bad depending on various stakeholders’ perspectives”.

[Setting the Context for Offshore Wind Development Effects on Fish and Fisheries | Oceanography \(tos.org\)](https://www.tos.org/setting-the-context-for-offshore-wind-development-effects-on-fish-and-fisheries)

Can you see any other benefits or opportunities for offshore wind energy development in this proposed area?

Yes.

The construction, maintenance, and operations for offshore renewable energy development in this location has the potential to provide jobs for Shire residents and contract opportunities for local businesses.

Do you have any other concerns for offshore wind energy development in this proposed area?

No.

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	3.2 Proactively manage resources and practice sustainability through responsible management of water, energy, fire management and waste
Strategy	3.2.2 Secure energy resources to ensure energy sustainability for community needs

OTHER STRATEGIC LINKS

N/A

STATUTORY ENVIRONMENT

Local Government Act 1995 section 3.1 General Function

SUSTAINABILITY & RISK CONSIDERATIONS

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

The economic impact on offshore wind turbines is unknown, however, it is possible that it will generate employment and business opportunities.

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

Visual amenity impacts may occur in relation to the wind turbines within site of the Preston Beach.

Environment – (Impact on environment’s sustainability and climate change)

A detailed understanding of the travel paths of pelagic and onshore migratory bird species needs to be gained in order to mitigate bird strike events. With the Peel Yalgorup Ramsar System hosting migratory birds, this is a concern to the Shire of Waroona.

A detailed understanding of marine life effects needs to be gained in order to mitigate adverse marine life effects.

Proclamation of the offshore wind area is the first step in the process of developing this renewable energy resource. Providing its green credentials stack up it will have a net positive impact on climate change.

Policy Implications

The Shire’s policy LPP016 – Local Planning Policy 16 – Renewable Energy Facilities supports a precautionary minimum distance of 20km buffer zone to the Ramsar system, in the case of wind farms. This proposed offshore wind energy area aligns with this default position. Nevertheless, a scientific understanding of the flight paths of bird species will be needed to identify the appropriate distant from the Ramsar system.

Risk Management Implications

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

Theme	Environmental - Regulatory compliance, contamination, inadequate processes
Description	Environmental risk to the Shire of Waroona
Consequence	3 - Moderate
Likelihood	3 - Possible
Rating	Moderate (4-9)

Controls / Review	Appropriate scientific investigations are needed to determine impacts and provide mitigations.
Acceptance	Extreme - Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible

CONSULTATION

Feedback will help inform the Minister’s decision on whether the proposed area is suitable for offshore wind development. Feedback must be provided by 11:59pm (AEDT) Friday 3 May 2024.

Aboriginal Consultation

The consultation for this proposal is led by the Federal Government and is open to all.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

This report and a response to the Federal Government will be resourced within existing administrative capacity.

CONCLUSION

The Shire of Waroona is likely to be impacted by the proposed offshore wind area. There are potential concerns and benefits that this may bring to the Shire. A response to the Federal Government’s consultation is therefore warranted.

11.3.2 Town to Weir Trail Funding Memorandum of Understanding	
File Ref:	PR.2 – Parks and Reserves – Maintenance Trails
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Responsible Officer	Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.3.2 A – Waroona Trails Concept Plan and Cross Sections 11.3.2 B – Draft Memorandum of Understanding 11.3.3 C – Shire of Waroona Local Trail Plan

OFFICER RECOMMENDATION

That Council:

- 1. endorses the proposed Town to Weir Concept Plan at Appendix 11.3.2 A; and**
- 2. authorises the Chief Executive Officer (CEO) to sign the draft Memorandum of Understanding (MoU) at Appendix 11.3.2 B, including any minor changes, between the Shire of Waroona and the Peel Development Commission who are managing the project grant.**

IN BRIEF

The Federal Government has approved a grant to the Shire of Waroona of \$1,236,724 (excl GST) for the Town to Weir Trail. The Peel Development Commission (PDC) are administering the grant and as such a reciprocal agreement between the PDC and the Federal Government governs the content of the MoU.

It is recommended that Council approves the project and authorises the CEO to sign the MoU.

BACKGROUND

The Shire of Waroona has a Local Trail Plan, outlining its proposed trails throughout the Shire. The Town to Weir Trail is one of these trails.

Concept work has been completed for this trail and is attached as Appendix 11.3.2. A Concept Plan and Cross sections.

This project is part of an \$8M grant provided by the Federal Government for Peel Trails, and the agreement with the Federal Government is being managed by the PDC. Each participant is required to enter into an MoU with the PDC to ensure the grant requirements are transposed to the participating local governments. The Shire's share of this grant is approximately \$1.24M for the Town to Weir trail.

REPORT DETAIL

The Town to Weir Trail is the first part of the Waroona Lakes Dual Use Trail described in the Waroona Local Trails Plan at Appendix 11.3.3 C.

The draft MoU is provided at Appendix 11.3.2. B Draft Memorandum of Understanding.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.2 Maximise and connect our natural assets to the community
Strategy	1.2.1 Connect natural assets, waterways, parks and reserves to the community

OTHER STRATEGIC LINKS

The Town to Weir Trail sits within the Peel Regional Trails Strategy and the Waroona Local Trails Plan at Appendix 11.3.3 C provides a description of the Shire’s trails within the Strategy.

STATUTORY ENVIRONMENT

Local Government Act 1995 section 3.1 General Function

SUSTAINABILITY & RISK CONSIDERATIONS

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

The Town to Weir Trail will provide tourism opportunities by connecting Waroona Town to the Drakesbrook Weir.

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

The Town to Weir Trail will provide health and well-being benefits to the Shire of Waroona community.

Environment – (Impact on environment’s sustainability and climate change)

The Town to Weir Trail has been assessed for impact on trees and rare or threatened species and communities and confirms that it can be designed with minimal environmental impact. The trail will be specifically designed to minimise tree removal.

Climate Change

This project will have a carbon footprint in the supply, construction, and maintenance of the required infrastructure. In selecting the design and route of the trail, the retention of trees will be prioritised as a means of mitigating risk associated with climate change. As an example, where the trail is close to tree roots there will be a design to span root systems with a raised trail to lessen the impact on trees.

The impact on climate change of this project is not able to be calculated due to the project size and the accuracy limits of climate change variables.

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
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Description	The project risks going over budget.
Consequence	3 - Moderate
Likelihood	3 - Possible
Rating	Moderate (4-9)
Controls / Review	Undertake staged project with separable portions to ensure the project meets budget.
Review Frequency	Annually
Risk Owner	Chief executive officer
Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

The Trails Strategy has been consulted to the community.

The adjacent property owner has been engaged ahead of this project as part of the project development. The property owner will continue to be engaged as part of the design process.

Consultation will be undertaken in relation to the roadside shrine on Weir Road.

Aboriginal Consultation

This project has been assessed as an Aboriginal Site in the location of McCarty Street and as such Aboriginal heritage consultation / approvals will be undertaken as needed. Weir Road is unencumbered as an Aboriginal heritage site. Refer to Figure 1 below showing an extract of the Aboriginal Cultural Heritage Inquiry System.

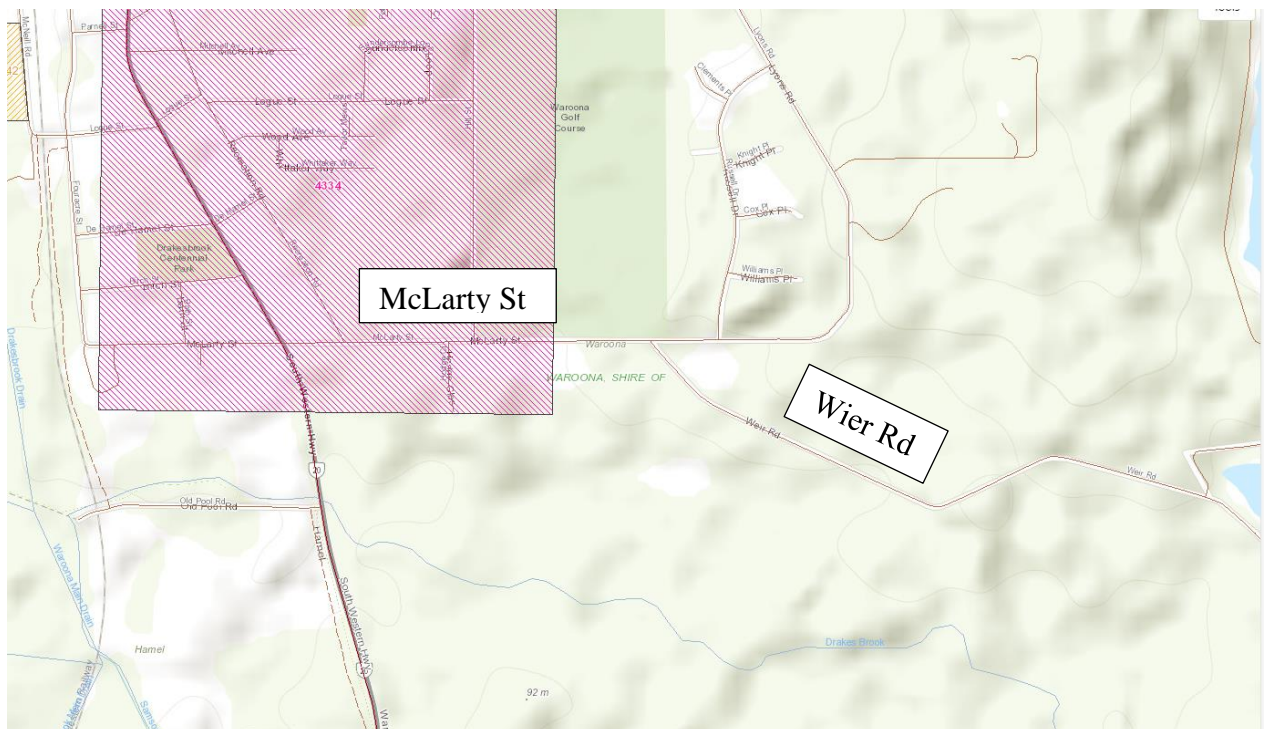


Figure 1. Aboriginal Heritage Site Area Hachured in Red

RESOURCE IMPLICATIONS

Financial

This project is 100% grant funded by the Federal Government. Ongoing maintenance of the project is to be managed by the Shire over its life cycle and the Shire’s Asset Management

Plan will incorporate this asset into its infrastructure portfolio. The Shire's infrastructure assets are presently being maintained on a financially sustainable basis.

Workforce

Project oversight will be conducted with the project grant funds. Affiliated governance and management costs will be provided within budgeted staff costings.

CONCLUSION

The Shire of Waroona has the opportunity to undertake an important project that will have both economic tourism benefits and benefits for the well-being of the community. With the project being 100% funded by the Federal Government, it is strongly supported for construction and signing of the MoU between the Shire of Waroona and the PDC, who are administering this grant.

11.4 ITEMS FOR INFORMATION

11.4.1 Report on the 2024 Local Government Finance Professionals WA Annual Conference	
File Ref:	GR.29 Government Relations - Local and Regional Liaison - Local Government Professionals Australia
Previous Items:	Nil
Applicant:	N/A
Author and Responsible Officer	Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Nil
Appendix Number	11.4.1 – Report on the 2024 Local Government Professionals WA Annual Conference

OFFICER RECOMMENDATION

That Council notes the information on the 2024 Local Government Finance Professionals WA Annual Conference.

IN BRIEF

The Director Corporate & Community Services (LG Professionals WA Finance Network Chair), Manager Corporate Services and Senior Finance Officer attended the 2024 Local Government Finance Professionals WA Annual Conference held on the 20th & 21st of March 2024.

The conference program offered a comprehensive exploration of key issues facing local government finance professionals, covering topics ranging from reimagining Australian lifestyle to economic updates, contract challenges, ESG (Environment, Social, Governance) principles, cyber security, and AI integration.

Renowned speakers provided insights into demographic shifts, economic trends, contractor management, sustainability, regulatory changes, and leadership strategies, as well as presentations from the Minister for Local Government, the Department of Local Government Sport & Cultural Industries and the Office of the Auditor General.

Participants gained practical knowledge and actionable insights to navigate challenges, seize opportunities, and drive positive change within their organisations, fostering creativity, resilience, and high performance while addressing critical issues such as contract management and cyber security threats.

BACKGROUND

Local Government Professionals Australia WA holds the foremost position as the representative organisation for local government professionals in Western Australia, boasting a heritage that spans back to 1936. The Association prioritise enhancing leadership, governance, and service delivery in local communities through advocacy, training, and professional development opportunities.

The Finance Professionals Network within Local Government Professionals Australia WA is dedicated to enhancing the skills and expertise of finance professionals within the local government sector. Through offering professional development, addressing finance-related challenges, upholding ethical standards, encouraging membership, and facilitating

communication, the network aims to foster excellence in financial management and governance across Western Australia's local government landscape.

The Director Corporate & Community Services is currently the Chairperson for the above network and was renominated at the most recent Committee Meeting to serve another 12 months in the position.

REPORT DETAIL

The conference featured a diverse array of sessions tailored for local government professionals, covering crucial topics such as future planning for your communities based on demographics, economic updates, contract management, Environmental, Social, and Governance (ESG) principles for community impact, AI integration and Cyber awareness.

Further practical topics ranged from superannuation changes, long-term financial planning, industrial relation changes and Psychosocial hazards and injuries.

The Chair's opening speech introduced the theme “Bee Bold, Bee Brilliant, Find Your Finance Buzz,” which encapsulated the collaborative and industrious nature of bees, serving as a metaphor for the collective strength and productivity of finance professionals. The theme emphasises the importance of being bold in embracing change and seizing opportunities in the ever-evolving finance landscape.

Notable presentations included Bernard Salt AM's keynote which delved into the evolving concept of quality of life in Australia, offering insights into its implications for local government in Western Australia. He highlighted the opportunity presented in the late 2020s to reimagine the way Australians live and work, urging local governments to create communities that align with changing demographics and values.

Salt emphasised the importance of understanding demographic, social, and property trends, suggesting that a data-driven approach could help local government professionals anticipate challenges and capitalise on opportunities in the future. Key takeaways included the impact of the pandemic on consumer behaviour and work attitudes, the cultural demands of immigrant citizens, and the need for effective communication and connection with diverse communities to ensure inclusive and sustainable development.

Furthermore, the conference featured two impactful sessions on cyber security and Artificial Intelligence (AI) integration. Dr. Ian Martinus led an interactive session on cyber awareness, employing gamification to enhance understanding of cyber security implications among finance professionals. Participants engaged in real-world scenarios, discussing technical, operational, and strategic decision-making in cyber security. Key takeaways included the Essential 8 principles and strategies for implementing robust governance frameworks.

In a practical workshop, Dan Hookham explored the applications and opportunities of AI for finance professionals, demonstrating tools and techniques for leveraging AI in daily operations. Attendees learned to align AI initiatives with existing processes, enhancing productivity and efficiency while addressing ethical considerations.

A summary of individual presentations and key takeaways can be found in Appendix 11.4.1.

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

Nil

SUSTAINABILITY & RISK CONSIDERATIONS

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

Sessions provided valuable information on the economy's impact on the Shire and surrounding region. By understanding economic trends and forecasts, staff can better anticipate challenges and opportunities for financial planning and resource allocation, ultimately contributing to the economic prosperity of the community.

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

Sessions focused on demographic shifts, cultural demands, and lifestyle milestones, enabling staff to consider how their decisions and actions impact the well-being and satisfaction of the community.

Environment – (Impact on environment's sustainability and climate change)

Sessions explored the impact of local government practices on sustainability. By learning about environmental regeneration opportunities, energy-efficient initiatives, and waste management strategies, staff can contribute to the Shire's efforts to minimise its environmental footprint and promote long-term sustainability for future generations.

Policy Implications

Nil

CONSULTATION

- Local Government Professionals WA
- Local Government Professionals WA - Finance Network

Aboriginal Consultation

Nil.

RESOURCE IMPLICATIONS

Financial

All expenses were covered under the annual budget allocated to staff conferences and training.

Workforce

2 Day Conference attendance.

CONCLUSION

For Council noting only.

12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Cr Purcell brought the following Notice of Motion to the meeting.

Footpath Upgrade - Opportunity During Downer Group's Fibre Optic Work

Downer Group is scheduled to undertake fibre optic cabling upgrades in the town centre of Waroona, in the near future.

This presents an opportunity to address concerns regarding the condition of footpaths, particularly outside Elli Mac Salon.

COUNCILLOR RECOMMENDATION

- 1. That council engage with relevant stakeholders, including Downer Group and Elli Mac Salon to gather input and ensure potential footpath upgrades align with community needs and expectations as well as the Town Centre Master Planning.**
- 2. That council explore the feasibility and cost of coordinating footpath upgrades concurrently with Downer Group's Fibre Optic work in the specified area.**
- 3. A report outlining the potential scope, timeline and budget for the footpath upgrades be presented to council at the earliest opportunity.**

This motion aims to make the most of an opportunity presented by Downer Group's upcoming fibre optic work to address current concerns and longstanding problems with the gradient of the walkway and the closure of a footpath on the opposite side of the road. Downer have expressed that they will have to dig a channel in this area and disturb the existing pathway due to the amount of existing essential services in that area.

By coordinating these efforts, we may have the opportunity to improve pedestrian safety, minimise disruptions and enhance town scaping continuity.

Administration Comments (CEO)

The goal of not duplicating work or creating rework instinctively makes sense. In the case of infrastructure works however, utilities works are necessarily kept separate and are completed ahead of other works such as the provision of new footpaths. This order ensures that any new footpath works are not then pulled up to install underground services, as this can often leave unsightly concrete cuts or misalignments in new footpaths.

From a contractual basis the underground utilities installer has site possession. The contractor has no contractual relation to the Shire and the Shire is not able to instruct the installer to do other than "make good" the existing surface. In doing so the contractor will install a suitable and safe bitumen trench surfacing or replace existing pavers. This is industry standard practice, and it provides clear and distinct responsibility lines and insurance coverage base on clear contractual obligations. In short, the provision of the utilities by Downer Group does not provide an opportunity to short cut streetscape outcomes.

Nevertheless, this does illustrate two sectors, namely the utilities agencies and adjoining land owners / businesses, that will need to be consulted in the design process with a view to

ensuring that any works underground that they need to do and other factors to be taken into account, are done prior to the Revitalisation works or in conjunction with those works.

The Waroona Townsite Revitalization Strategy will need to consider the civil and landscape needs of South Western Highway and adjoining streets holistically rather than in a piecemeal fashion. This will include consultation with all the adjoining land owners to ensure their needs are considered and met. Efforts to secure details design grant funding for this project are in hand which will allow an integrated design which will not be at risk of needing to be redone.

An alternative recommendation is therefore provided.

OFFICER RECOMMENDATION

That upon successful grant funding for planning and design of the South Western Highway, as part of the Waroona Revitalisation Strategy, Council requests the Chief Executive Officer to:

- 1. engage with relevant stakeholders, including Downer Group and Elli Mac Salon to gather input and ensure potential footpath upgrades align with community needs and expectations as well as the Town Centre Master Planning; and**
- 2. provide a report to Council outlining the potential scope, timeline and budget for the footpath upgrades and other civil and landscaping works proposed in the Revitalisation Strategy.**

14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING

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

16. CLOSURE OF MEETING