



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**Tuesday 24 August 2021**  
(Held in the Council Chambers)

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President declared the meeting open at 4.01 pm and welcomed Councillors, Staff and members of the public present.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

Cr Mike Walmsley	Shire President
Cr Naomi Purcell	Deputy Shire President
Cr Karen Odorisio	Councillor
Cr Vince Vitale	Councillor
Cr John Mason	Councillor
Cr Noel Dew	Councillor
Cr Larry Scott	Councillor
Mr Dean Unsworth	Chief Executive Officer
Miss Ashleigh Nuttall	Director Corporate Services
Mr Patrick Steinbacher	Director Infrastructure Services
Mr Rod Peake	Director Planning & Sustainability
Mrs Kirsty Ferraro	Manager Corporate Services
Mrs Sue Cicolari	Executive Assistant
Mr Daniel Cools	Manager Recreation Services

**APOLOGIES****LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Cr Laurie Snell Councillor

**APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

There was six members of the public present at the commencement of the meeting.

**3. RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil.

**4. PUBLIC QUESTION TIME**

Nil.

**5. PETITIONS AND APPROVED DEPUTATIONS****5.1 Deputation – Steve & Marina Shelton – Agenda Item 11.1.1 – Permission to Construct Gate Across Public Thoroughfare**

Mr Steve Shelton gave a presentation to Council in support of the application for gates across a public thoroughfare.

**5.2 Deputation – Mr Kingsley Dixon – Agenda Item 11.1.1 – Permission to Construct Gate Across Public Thoroughfare**

Mr Kingsley Dixon gave a presentation to Council in opposition to the application for gates across a public thoroughfare.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****6.1 Ordinary Council Meeting – 27 July 2021****COUNCIL RESOLUTION**

OCM21/08/109

Moved: Cr Mason

Seconded: Cr Purcell

That the Minutes of the Ordinary Council Meeting held 27 July 2021 be confirmed as being a true and correct record of proceedings.

**CARRIED 7/0****6.2 Special Council Meeting – 10 August 2021****COUNCIL RESOLUTION**

OCM21/08/110

Moved: Cr Odorisio

Seconded: Cr Vitale

That the Minutes of the Special Council Meeting held 10 August 2021 be confirmed as being a true and correct record of proceedings.

**CARRIED 7/0****6.3 Special Council Meeting – 19 August 2021****COUNCIL RESOLUTION**

OCM21/08/111

Moved: Cr Dew

Seconded: Cr Purcell

That the Minutes of the Special Council Meeting held 19 August 2021 be confirmed as being a true and correct record of proceedings.

**CARRIED 7/0****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil.

**8. ANNOUNCEMENTS BY MEMBERS**

Nil.

**9. DISCLOSURES OF INTEREST**

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

Cr Dew declared an interest affecting impartiality in Item 10.4.1 as a member of the Preston Beach Progress Association.

Cr Walmsley declared an interest affecting impartiality in Item 10.4.1 as a close family member is on the Committee of the Waroona Historical Society.

Cr Scott declared an interest affecting impartiality in Item 10.4.1 as a member of the Waroona Lions Club.

Cr Vitale declared an interest affecting impartiality in Item 11.3.3, 11.3.4, 11.3.5, 11.3.6 as the reporting officer is a family member.

Cr Purcell declared an interest affecting impartiality in Item 11.4.2 as a member of the Waroona Amateur Basketball Association.

Cr Mason declared an interest affecting impartiality in Item 11.4.2 as his spouse was a member of the Waroona Amateur Basketball Association.

Cr Vitale declared an interest affecting impartiality in Item 11.4.2 as family members were members of the Waroona Amateur Basketball Association.

Cr Vitale declared an interest affecting impartiality in Item 15.1 and 16.1 as the reporting officer is a family member.

## **10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES**

### **10.1 Bushfire Advisory Committee Minutes – Meeting held Wednesday 28 July 2021**

#### **COUNCIL RESOLUTION**

**OCM21/08/112**

**Moved: Cr Vitale**

**Seconded: Cr Purcell**

**That the Minutes of the Bushfire Advisory Committee Meeting held 28 July 2021 be received, subject to the attendance list being amended to include Peter MacDonald from the Lake Clifton Fire Brigade.**

**CARRIED 7/0**

**10.2 Bushfire Advisory Committee Minutes – Items from meeting held Wednesday 28 July 2021 – to be dealt with separately**

<b>10.2.1 Election of Officers for the 2021/2022 Fire Season</b>	
<b>File Ref:</b>	51/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not Applicable
<b>Author and Title:</b>	Gavin Stevens, Community Emergency Services Coordinator
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Appendix 2 of the BFAC Minutes

**COUNCIL RESOLUTION**

**OCM21/08/113**

**Moved: Cr Dew**

**Seconded: Cr Mason**

Following a vote to consider the appointment of the Chief and Deputy Chief Bush Fire Control Officers and consider nominations for other positions the Bush Fire Advisory Committee recommend to Council:

**1. To make the following appointments for the 2021/2022 Fire Season:**

**Chief Bush Fire Control Officer: Mr. Brian Beales**

**Deputy Chief Bush Fire Control Officer: Mr. Greg Lewis**

**Fire Control Officers: Mr. Gareth Davies – Lake Clifton VBFB  
Mr. Steve Thomas – Preston Beach VBFB  
Mr. Greg Lewis – Waroona West VBFB  
Mr. Brian Beales – Waroona VFES**

**Fire Control (Permit Issuing Only) Mr Donald Bebbington – Preston Beach VBFB  
Mr Bradley Lewis – Waroona West VBFB**

**Fire Weather Officer: Mr. John Twaddle**

**Deputy Fire Weather Officer:  
Community Emergency Services Coordinator**

**Shire Training Coordinator/s:  
Mr. Steve Thomas  
Community Emergency Services Coordinator.**

**2. To support the appointment, through the Chief Executive Officer of additional Fire Control Officers (Permit Issuing Only), as necessary for the district.**

**CARRIED 7/0**

## **IN BRIEF**

For the Bush Fire Advisory Committee (BFAC) to recommend to Council appointments under the *Bush Fires Act 1954*, as outlined.

## **BACKGROUND**

Brigade Fire Control Officer (FCO) nominations are undertaken at brigade level through a formal meeting process, normally at respective brigade Annual General Meetings (AGM) and this is supported through Council's existing BFAC membership structure.

Annually at a BFAC meeting, nominations are received for appointments to the following positions.

- Chief Bush Fire Control Officer
- Deputy Chief Bush Fire Control Officer/s
- Fire Control Officers
- Fire Control Officer (Permit issuing only)
- Fire Weather Officer
- Deputy Fire Weather Officer
- Shire Training Coordinator

The Chief Executive Officer has the delegated authority under Section 48 of the *Bush Fires Act 1954* to appoint Fire Control Officers, inclusive of a Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officers and Fire Weather Officers. The appointment of Fire Weather Officers requires additional DFES endorsement.

Notwithstanding the Delegated Authority in place, historically BFAC recommendations for Fire Control Officer appointments and other positions have been presented to Council for formal endorsement.

## **REPORT DETAIL**

The report presented is for the Committee to support the appointment of the brigade representative Fire Control Officers from the Lake Clifton Volunteer Bush Fire Brigade, Preston Beach Volunteer Bush Fire Brigade and Waroona West Volunteer Bush Fire Brigade, and the Waroona Volunteer Fire Emergency Services Unit and make the above recommendation to Council.

Under the current structure each Shire of Waroona Brigade has one Fire Control Officer position. Written nominations, as detailed at Appendix 2 of the BFAC Minutes, have been received from the Waroona VBFB's and Waroona VFES for FCO appointments -

- Mr. Gareth Davies – Lake Clifton VBFB
- Mr. Steve Thomas – Preston Beach VBFB
- Mr. Greg Lewis – Waroona West VBFB
- Mr. Brian Beales – Waroona VFES

No brigade nominations have been submitted for Fire Weather Officer or Permit Issuing Officers for the district.

Nominations have been received from Mr Brian Beales and Mr Steve Thomas for the position of Chief Bush Fire Control Officer.



Mr Gregory Lewis has provided a nomination for Deputy Chief Bush Fire Control Officer. Mr Brian Beales and Mr Steve Thomas have provided a nomination for the position of Deputy Chief Bush Fire Control Officer should they not be successful during any vote for the Chief Bush Fire Control Officer position.

Additionally, Mr Steve Thomas has forwarded a nomination for the Shire Training Coordinator position.

There were no nominations for Fire Weather Officer from the eligible Fire Control Officers and so nominations were called from the floor by the Chairperson. Mr John Twaddle AFSM was nominated by Mr Gavin Stevens and Mr Brian Beales was nominated by Mr Greg Lewis. A silent vote was conducted and Mr John Twaddle was appointed as the Fire Weather Officer.

All Shire Rangers, the Community Emergency Service Coordinator (CESC), the Bushfire Risk Planning Coordinator (BRPC), Shire of Murray Manager Ranger and Emergency Services (MRES) and the Shire of Murray Manager Governance are appointed as Fire Control Officers and prosecutors, as required, under the provisions of the *Bush Fire Act 1954* at the time of their employment. There is no need to appoint or amend the appointments of these officers. The Community Emergency Service Coordinator (CESC) remains the Deputy Fire Weather Officer and the Shire Training Coordinator.

#### **SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN**

<b>Theme 4</b>	Society/Community Wellbeing
<b>Aspiration</b>	Maintain strong sense of community and effective community wellbeing
<b>Strategy 4.09</b>	Work in partnership with other agencies to effectively plan for and coordinate various emergency services.

#### **OTHER STRATEGIC LINKS**

Nil

#### **STATUTORY ENVIRONMENT**

Fire Control Officers & Chief & Deputy Chief Fire Control Officers.

Section 38(1) of the *Bush Fires Act 1954* ('Act') states that a local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of the Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it. The appointment of Fire Control Officers may be delegated to the Chief Executive Officer under Section 48 of the Act.

A local government or a person delegated the authority shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Fire Weather & Deputy Fire Weather Officers

Section 38(6)(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary. The appointment of Fire Weather officers may also be delegated to the Chief Executive Officer under Section 48 of the Act.

- (ca) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by paragraph (h).
- (cb) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (cc) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under paragraph (cb) is, subject to paragraph (cd), entitled to act in the discharge of the duties of that office.
- (cd) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under paragraph (cb) is available and able to discharge those duties.
- (d) The local government shall give notice of an appointment made under paragraph (c) or (cb) to the Authority and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the Authority shall cause notice of the appointment to be published once in the *Government Gazette*.
- (h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “extreme” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (i) This subsection does not authorise the burning of bush during the prohibited burning times.

Note: Fire Weather Officers must be appointed as Fire Control Officers pursuant to Section 38(6)(c).

#### **Section 48 Delegation by local governments**

- (1) A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.
- (2) Performance by the chief executive officer of a local government of a function delegated under subsection (1) —

- (a) is taken to be in accordance with the terms of a delegation under this section, unless the contrary is shown; and
  - (b) is to be treated as performance by the local government.
- (3) A delegation under this section does not include the power to sub-delegate.
- (4) Nothing in this section is to be read as limiting the ability of a local government to act through its council, members of staff or agents in the normal course of business.

The Shire Training Coordinator position is not an appointment specified within the Act. Council is requested to continue to recognise this position to assist the Shire in managing and overseeing the ongoing training requirements for volunteers.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

There are no economic impacts on the community.

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

The appointments support the community and there is no negative impact on the quality of life.

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

There is no negative impact on the natural or built environment.

#### *Policy implications*

There are no policy implications and the level of risk is considered to be low if the recommendation is endorsed. The proposed appointments under delegated authority are in accordance with the provisions of the *Bush Fires Act 1954*.

#### *Risk Management Implications*

Nil

### **CONSULTATION**

- *Bush Fires Act 1954*,
- Council Records,
- Council Staff,
- Chief Bush Fire Control Officer, and;
- Bush Fire Advisory Committee minutes.

### **RESOURCE IMPLICATIONS**

#### *Financial*

The cost of advertising the appointments is provided in the annual Shire of Waroona budget.

#### *Workforce*

Nil

### **OPTIONS**

The Committee has the option of recommending to Council to:

1. Endorse the Officer appointments, as detailed; or,
2. Reject the proposal.

## **CONCLUSION**

The Committee recommendations supports the following appointments to ensure effective fire management, brigade and community support in the district -

- Chief Bush Fire Control Officer;
- Deputy Chief Bush Fire Control Officer;
- Fire Control Officers;
- Fire Control Officers (Bush Fire Permit issuing only);
- Fire Weather Officer;
- Deputy Fire Weather Officer; and,
- Shire Training Coordinator/s.

<b>10.2.2 2021/2022 Firebreak Notice</b>	
<b>File Ref:</b>	60/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not Applicable
<b>Author and Title:</b>	Gavin Stevens, Community Emergency Services Coordinator
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	App 3 of the BFAC Minutes

**COUNCIL RESOLUTION**

OCM21/08/114

Moved: Cr Scott

Seconded: Cr Purcell

That Council:

1. Notes that the Shire of Waroona Firebreak Notice adopted at the Ordinary Council Meeting on 23 June 2020 (OCM20/06/094) and published in the Government Gazette on 4 September 2020 remains in effect without amendment.
2. Supports the publication of the Firebreak Notice, in accordance with the provisions of the *Bush Fires Act 1954*, before 30 September 2021.

CARRIED 7/0

**IN BRIEF**

Acknowledge support for the current Shire of Waroona Firebreak Notice ('Notice'), as previously adopted.

**BACKGROUND**

During 2019/2020 fire season Ranger and Emergency Services identified a number of inadequacies and enforcement issues with the Shire of Waroona Firebreak Notice. As a consequence, a post fire season debrief around the enforcement was conducted on 19 May 2020.

A firebreak notice for the district was then developed following the debrief and consultation process. This Notice was presented to the Bush Fire Advisory Committee (BFAC) at its meeting on 10 June 2020. Subsequently Council adopted the Notice at the Ordinary Council Meeting on 23 June 2020.

**REPORT DETAIL**

Given the prior comprehensive review and the short timeframe available to send the Notice with the annual rates advice, it is suggested that BFAC recommend to Council that current Shire of Waroona Firebreak Notice, as provided at Appendix 3 of the BFAC Minutes, continues without amendment, other than minor changes to Fire Control Officers details and contact numbers.

**SHIRE OF WAROONA STRATEGIC COMMUNITY PLAN**

<b>Theme 4</b>	Society/Community Wellbeing
<b>Aspiration</b>	Maintain strong sense of community and effective community wellbeing
<b>Strategy 4.09</b>	Work in partnership with other agencies to effectively plan for and coordinate various emergency services.

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

Section 33 of the *Bush Fires Act 1954* provides a local government the ability to make a Notice requiring all owners or occupiers of land within the district to take measures for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur.

**SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic – (Financial impact to the community)*

Nil

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

No amendments are suggested to the current Notice and this provides continuity and support landowner compliance.

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

Nil

*Policy Implications*

Nil

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The level of negative community feedback will likely be low as no change to the current Notice is proposed.

**CONSULTATION**

- Bush Fire Advisory Committee
- Council Records
- Council Staff – enforcement officers

**RESOURCE IMPLICATIONS**

*Financial*

Funds are provided in the Shire of Waroona Annual Budget to publish the Notice annually.

*Workforce*

Nil

**OPTIONS**

The Committee has the option of:

1. support the recommendation presented; or,
2. reject the recommendation and commence making a new Notice or amend the current Notice to present to Council for consideration.

**CONCLUSION**

The current Shire of Waroona Firebreak Notice is effective and applies a reasonable minimum standard of fire prevention requirements across land categories in the district to prevent the spread or extension of a bushfire, and the Notice prescribes additional abilities to manage greater risk by way of Special Works Orders. It is recommended that BFAC endorse the recommendation presented.

**10.3 Alcoa Waroona Sustainability Fund Advisory Committee Minutes – Meeting held Thursday 19 August 2021**

**COUNCIL RESOLUTION**

**OCM21/08/115**

**Moved: Cr Purcell**

**Seconded: Cr Dew**

**That the Minutes of the Alcoa Waroona Sustainability Fund Advisory Committee Meeting held 19 August 2021 be received.**

**CARRIED 7/0**



Cr Dew declared an interest affecting impartiality in Item 10.4.1 as a member of the Preston Beach Progress Association.

Cr Walmsley declared an interest affecting impartiality in Item 10.4.1 as a close family member is on the Committee of the Waroona Historical Society.

Cr Scott declared an interest affecting impartiality in Item 10.4.1 as a member of the Waroona Lions Club.

**10.4. Alcoa Waroona Sustainability Fund Advisory Committee – Item from meeting held Thursday 19 August 2021 – to be dealt with Separately**

<b>10.4.1 Alcoa Waroona Micro Grants – Round 2 Applications</b>	
<b>File Ref:</b>	98/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not Applicable
<b>Author and Title:</b>	Kelly Shipway, Manager Place & Community
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION**

**OCM21/08/116**

**Moved: Cr Mason**

**Seconded: Cr Vitale**

**That the Council:**

- 1. supports a contribution of \$1500 to Fishability towards a monthly accessible freshwater fishing program at Drakesbrook Weir.**
- 2. declines a contribution of \$1933 to Waroona Karate JKA towards top level training for members and volunteers due to the fund being oversubscribed.**
- 3. declines the Waroona Lions application for \$2000 towards the Christmas Community Gala as the event has been awarded an annual allocation of \$1000 through Council budget process.**
- 4. supports a contribution of \$1750 towards playground equipment for Waroona Playgroup.**
- 5. supports an allocation of \$1500 towards the Bunbury Diocese – Anglican Parish Op Shop entry point improvement.**
- 6. supports a contribution of \$1500 towards storage at the Middle Shed for the Lake Clifton Playgroup.**
- 7. supports \$1200 towards the Lake Clifton Action Group for their Pop-Up Café series.**
- 8. supports a contribution of \$1000 to the Waroona Volunteer Fire & Emergency Services towards laptop purchase.**
- 9. supports Preston Beach Progress with an allocation of \$1077 towards the purchase and installation of a community noticeboard.**

10. declines a \$2000 allocation to WAATSIC who have \$5300 sitting in trust (allocated 3 years ago) for community led cultural activities.
11. supports a \$638 allocation to Yarloop CWA towards the Traditional Christmas Pudding Making Workshop through.
12. supports the Waroona Historical Society \$1100 towards the Mystery History Bus Tour.
13. declines an allocation of \$1500 to the Waroona Business Advisory Group towards upskilling local business with the Customer Experience Workshops.
14. supports the Waroona Artist and Makers with a contribution of \$1027 towards the Waroona Artisan Expo
15. supports an allocation of \$960 to the Waroona Senior Citizens Group towards purchase of lightweight trestle tables.
16. supports a contribution of \$1000 towards the Eddie on the Road Program, teaching young people resilience and how to positively contribute to society.

**CARRIED 7/0**

### **IN BRIEF**

- Eligible community groups and organisations are invited twice per year to apply for funding through the Alcoa Waroona Micro Grant Fund (AWMGF)
- Round one of the 21/22 Micro Grants closed Sunday 15 August 2021, attracting 16 applications with a total request for \$26,875
- The Alcoa Waroona Sustainability Fund Committee are requested to assess the Micro Grant Fund applications for the August 2021 round.

### **BACKGROUND**

The Alcoa Waroona Micro Grant Fund (AWMGF) aims to assist community-based organisations in building vibrant, inclusive and healthy communities. The AWMGF is a partnership between Alcoa of Australia (Alcoa) and the Shire of Waroona, and supports groups to:

1. Build and strengthen their organisational capacity or sustainability; or
2. Deliver events, projects, programs or facilities that benefit the Waroona Community or simply addresses a well-evidenced need, effectively contributing to building a vibrant, inclusive and healthy community.

Community organisations are invited to apply for a maximum funding amount of \$2,000 in each financial year. Applications for multiple projects are considered, provided the total grant request for the financial year is within the \$2,000 limit, and a separate application is submitted for each project. Projects are required to align with the Shire of Waroona 2030 Strategic Community Plan, with project objectives required to align with at least one of the following key priority areas:

- Pursue a social environment that is accessible and inclusive to all ages and abilities

- Grow and develop and an age-friendly community
- Become a youth engaged and supportive community
- Develop and facilitate events of a local and regional scale
- Ensure the safety of the community
- Connect the natural assets, waterways, parks and reserves to the community
- Promote a mentally and physically healthy community
- Support local community, sporting and recreational groups and initiatives
- Foster and value our volunteers
- Support and enhance health services in Waroona
- Pursue actions to preserve areas and materials of historical significance throughout the Shire
- Foster arts and culture throughout the Shire
- Support, embrace and celebrate our local Aboriginal community

The partnership fund between Alcoa and the Shire of Waroona provides up to \$30,000 in small grant funding per financial year under the current agreement. Round one of the 2021/2022 Micro Grant round closed 15 August 2021, attracting 16 applications requesting a total funding amount of \$26,875.

### Proposal

Applications were received and reviewed by the Manager of Place and Community with the below recommendation put forward to the Alcoa Waroona Sustainability Committee for consideration.

Applicant 1	Proposed Project	Funding sought	Officer Recommendation
Fishability	Monthly accessible Freshwater Fishing Program at Drakesbrook Weir	\$2000 (total budget cost \$2549)	\$1500

Fishability are proposing a monthly freshwater fishing program at Drakesbrook Weir in Waroona. The program will be run by a local coordinator with support from the Mandurah Fishability branch.

Funding will allow the group to purchase equipment required to run the program, which was successfully trialled earlier in the year.

The Fishability Freshwater Fishing Program supports the elderly and those with disability, allowing everyone access to the Weir. The program aligns with the Shire Access and Inclusion Plan and supports the aging demographic of Waroona and surrounds.

The Officer recommends supporting the project with an allocation of \$1500.

*Partial funding allocation of \$1500 is recommended.*

<b>Applicant 2</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Karate JKA	To provide top level training to volunteers	\$1933 (total project cost \$2933)	\$0

The Waroona Karate Group would like to upskill students wanting to compete Nationally and provide top level training to Dan Grade members to allow them to sit for JKA Judge examinations.

The project would involve flying the JKA national Senior Coach to Western Australia to conduct training and seminars at junior, intermediate and elite level.

Funding requested would support flights, accommodation, and meals, with the activity set to attract students and instructors from across the State.

The group were awarded funding last round. The Officer recommends we decline funding on this occasion, due to the fund being oversubscribed.

*Decline funding request of \$1933 is recommended*

<b>Applicant 3</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Lions Club	Lions Christmas Community Gala Night	\$2000 (total project cost \$10,250)	\$0

The Lions Club have requested funding to support the annual Lions Christmas Community Gala Night which the group has run for the last 6 years.

The funds requested would cover the Mandurah Concert Band, PA system hire and part of the kid's entertainment. The budget is a little confusing for the event as it captures \$6500 in volunteer hours as an actual cost.

The event has been endorsed for annual sponsorship of \$1000 through Councils Donations and Sponsorship Policy. The group also receives funding from Charles Hull and stallholders for the event.

The group has not complete the Jim's Kitchen upgrades funded through the previous round, as they are waiting for further funding from Andrew Hastie's Stronger Communities Fund. They are yet to acquit the tractor purchase project through the Sustainability Fund.

The groups has requested leniency with acquittals due to extenuating circumstances and recent loss experienced by the group. Due to the fund being oversubscribed, the Officer recommends the group is not funded through the August round.

*Decline funding request for \$2000 is recommended.*

<b>Applicant 4</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Playgroup	To purchase and install a Lifespan Jungle Gym	\$2000 (total project cost \$2116)	\$1500

The Waroona Playgroup would like to create an all-season outdoor play space by installing a Lifespan Jungle gym at the centres undercover area.

The project supports young children to be physically active, promoting social skills and strengthening coordination.

Playgroups have limited means to access funds and generally operate on a \$2 donation and a piece of fruit. There is a good level of volunteer support for the project.

The Officer recommendation is to award the group \$1500, with a slight reduction due to the fund being oversubscribed.

*Partial funding allocation of \$1500 is recommended.*

<b>Applicant 5</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Bunbury Diocese – Anglican parish Op Shop	Upgrade southern access point with weather protection and access ramp.	\$2000  (total project cost \$2800)	\$1500

The project entails an upgrade to the southern access point of the Anglican Parish Op Shop on Fouracre Street.

The new Colourbond enclosure will prevent wind and leaves flying into the building, reducing the workload of volunteers in keeping the shop clean.

An access ramp will also be installed improving accessing to the building and the load area.

The Anglican Parish Op Shop supports vulnerable community members and is a great asset to the town

The Officer recommends an allocation of \$1500 towards the project.

*Partial funding support of \$1500 is recommended.*

<b>Applicant 6</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Lake Clifton Playgroup	Toy Storage at the Middle Shed in Lake Clifton	\$1500  (total project cost \$1824)	\$1500

The Lake Clifton Playgroup was established in February 2021 to service the large number of young children and families moving into the Lake Clifton area.

The group have gone from strength to strength once they established a home at the Middle Shed in Lake Clifton, receiving toy donations from community to assist with the running of the group.

The Middle Shed is home to multiple community groups and is also utilised by the Shire to run outreach programs and activities. To ensure the environment remains clean and accessible to other uses, the Playgroup would like to install a garden shed to house toys and equipment. Funding would also support purchase of storage shelves.

With young children operating from a shed, it is important that the environment is safe with thought given to snakes and other creepy crawlies.

The Officer recommends \$1500 towards storage at the Middle Shed, a well-utilised facility at the community reserve.

*Complete funding support of \$1500 is recommended.*

<b>Applicant 7</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Lake Clifton Action Group	Purchase a coffee machine and yard games to support a Café Connect series at Lake Clifton	\$1500 <small>(total project cost \$1948)</small>	\$1500

The Lake Clifton Community have been impacted by multiple natural disasters and have experienced barriers to connect as a community over the last ten years.

The Lake Clifton Action Group are a young and dynamic group hoping to create positive change through connection, activation and better utilisation of the community reserve and facilities.

The Pop-Up Café series will provide a platform for the Lake Clifton community to meet neighbours, discuss matters that are important as residents, hear about upcoming activities and plans and socialise.

Areas affected by natural disaster generally have a prolonged mental health impact so this community led initiative will bring great value to this community.

The Officer recommends an allocation of \$1500.

*Complete funding support of \$1500 is recommended.*

<b>Applicant 8</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Volunteer Fire & Emergency Services	Purchase a new laptop to improve communication and safety for the community	\$1500 <small>(total project cost \$1800)</small>	\$1500

The Waroona Volunteer Fire & Emergency Services play a vital role in protecting the Waroona community against fire and natural disaster.

The group have proven their worth and value over the years with the area being prone to bushfires. Following the 2015 – 2016 fires, access to information and internet was elevated as a priority by the group. The current outdated laptop freezes and often requires restarting, which is not ideal in emergency situations.

The Officer recommendation is to provide an allocation of \$1,500 towards purchase of a new laptop to allow volunteers to have the necessary tools to respond in emergency situations.

*Complete funding of \$1500 is recommended.*

<b>Applicant 9</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Preston Beach Progress Association	Purchase and install a new centrally located noticeboard in Preston Beach	\$1877  (total project cost \$2002)	\$1500

The Preston Beach Progress Association would like to purchase and install a centrally located noticeboard to improve communication to residents and visitors to the town.

The current noticeboard is derelict and no longer serves a useful purpose. The Community Centre is relatively new but has no signage explaining functions of the hall, who to contact or information on upcoming activities in the town.

The noticeboard will promote the various groups in Preston Beach, will provide emergency contact information and information on current and future community events. With Preston Beach being a popular holiday destination, access to local information for transit population will increase uptake and interest for local events and initiatives.

The Officer recommendation is to support a partial allocation of \$1500 due to the fund being oversubscribed.

*Partial funding support of \$1500 is recommended.*

<b>Applicant 10</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Aboriginal & Torres Strait Islander	To reunite to local Aboriginal community through cultural activities	\$2000  (total project cost \$2500)	\$0

The Waroona Aboriginal & Torres Strait Islander Corporation has requested \$2000 in funding to reconnect the community and relaunch the WAATSIC Group.

The group have been defuncted for a period of time and have not been holding meetings or delivering initiatives to support Aboriginal people in the community.

The WAATSIC Group were awarded \$5300 around three years ago for cultural activities and fuel to attend a cultural camp, which was also paid upfront. It is great that the group is wanting to resurrect, support the local people and provide opportunities for cultural learning and awareness, and they have funds in trust to allow them to do so.

The group was given notice 12 months ago that the Shire can no longer hold funds in trust on their behalf.

The Officer recommendation is to decline the Micro Grant application at this point in time as the group has funds they need to spend sitting in Trust.

*Declines funding request of \$2000 is recommended.*

<b>Applicant 11</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Yarloop CWA	Host a traditional Christmas Pudding making activity at Preston Beach	\$638 (total project cost \$988)	\$0

The Yarloop CWA would like to host a Traditional Christmas Pudding cooking workshop at the Preston Beach Community Centre to teach participants how to make their own Christmas Pudding.

Participants will be supplied with all ingredients to make their own pudding, along with instructions to prepare and hang to dry ready for the festive season.

Christmas Puddings brings friends and families together as food is a means to connect. The CWA sees the workshop opportunity as a way of promoting the branch and encouraging new membership at the Yarloop branch.

The Officer recommendation is to support the workshop outside of the Micro Grant Fund, allocating \$638 as part of the Shire's Seniors EngAGE program.

*Decline funding support of \$638 is recommended.*

<b>Applicant 12</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Historical Society	Mystery bus tour to historical sites across the Shire	\$1100 (total project cost \$1100)	\$0

The Waroona Historical Society would like to host a mystery bus tour encouraging residents and families to get out and learn the history of the district.

The tour would use the local bus service and provide participants with commentary along the journey, stopping at various sites and hosting a half hour lunch stop. The tour will cover sites from Waroona Town, Hamel, Preston Beach and the Old Coast Road, giving participants an overview of the historical significance of the Shire.

The group were funded through the last round and have met their acquittal requirements.

The Mystery Bus Tour is a great concept and the Shire Officer would like to recommend that it is funded outside of the Micro Grant as this year's Seniors Week activity. Seniors Week Grants have not been made available through COTA for the last two years, so this agreement would be mutually beneficial.

The Officer recommends the Waroona Historical Society are declined through the Micro Grant Fund. With the activity falling within Seniors Week (7-14 Nov), it would be a great event to celebrate our Seniors with funding provided from the Place and Community events budget.

*Decline funding support of \$1100 is recommended.*



<b>Applicant 13</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Business Advisory Group	Develop standards and framework for a Town Customer Service Charter	\$1800  (total project cost \$1800)	\$1500

The Waroona Business Support Group plan on developing a Customer Service Charter, a framework of standards and practices to enhance consumer experience in the town site.

All local businesses' will be invited to adopt the charter into their operational policies. The funding request will assist with launching the charter at the annual Business After Hours event scheduled for 20 October and develop the framework.

A series of workshops will follow to assist business owners to adopt and translate into their businesses. The workshops are planned in response to reports of poor customer experience in Waroona. The workshops will provide judgement free-positive support.

The Officer recommendation is for a partial allocation of \$1500, due to the Fund being oversubscribed.

*Partial funding support of \$1500 is recommended.*

<b>Applicant 14</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Artist & Makers	Waroona Artisan Expo in November	\$1027  (total project cost \$1800)	\$1027

The Waroona Artists and Makers plan on hosting the Waroona Artisan Expo in November, allowing artists a platform to showcase talent and an opportunity to sell product leading up to the festive season.

Waroona has a growing arts community with a number of arts based-groups eager to run community-led initiatives. If approved, the Micro Grant funding will cover incidental costs to deliver the event, including hall hire, face painting for children, a busker, and media advertising.

It has been a difficult time for artists with many losing means of income, as a result of Covid-19. The Waroona Artisan Expo will bring the arts community together, and provide a means to generate revenue in the centre of town

The Officer recommendation is for a full allocation of \$1027.

*Complete funding support of \$1027 is recommended.*

<b>Applicant 15</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Senior Citizens	Purchase light weight trestles and gardening equipment	\$2000  (total project cost \$2000)	\$960

The Waroona Senior Citizens Inc would like to purchase some lightweight trestles that frail aged community members are able to lift and pack away. Having suitable equipment in the building to suit users will assist in preventing injury.

The group would also like to purchase gardening equipment, including an extra-long hose and hose reel, new garden tools, shovel, clippers, garden broom, rake, ladder and some extension chords to allow maintenance of the garden.

The group were successful last round of funding with an allocation of \$2,000 to purchase new chairs for the Senior Citizens Centre. The Officer recommendation is for partial funding this round, to allow other groups to be supported.

Although the application was received one day late, the Officer recommendation is for \$960 towards purchase of light weight trestle tables. The group is encouraged to apply for gardening equipment through future rounds.

*Partial funding support of \$960 is recommended.*

<b>Applicant 16</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Eddie on the Road Program	Holiday outreach program teaching young people resilience and life skills	\$2000  (total project cost \$2120)	\$1013

The Eddie on the Road Program first engaged with Waroona and the Southwest Region to provide respite to youth affected by the 2016 Waroona-Yarloop fires.

Through communication with community members and staff members since the first program, it was identified that a holiday program providing new and different experiences for youth, with a focus on youth and family respite, socialising, confidence building, and adult mentorship would be of benefit in the community.

The program has been well received in Waroona and the group are looking to provide a holiday program twice per year. Funding will assist with venue hire, activity resources, food for volunteers and participants, petrol and management fees.

Although the application was received two days late, the recommendation is for the group to receive \$1013 in funding to support their program.

*Partial funding support of \$1013 is recommended.*

**REPORT DETAIL**

The total amount of funding recommended for this round is \$15,000.

A summary of the applications is as follows:

No.	Applicant	Project	Funding Request	Recommend Funding
1	Fishability	Monthly inclusive fishing program	\$2000	\$1500
2	Waroona Karate JKA	Training for students and volunteers	\$1933	\$0
3	Waroona Lions Club	Lions Christmas Gala Night	\$2000	\$0
4	Waroona Playgroup	New Playground Equipment	\$2000	\$1500
5	Bunbury Diocese – Anglican Parish Op Shop	Building improvements and access ramp	\$2000	\$1500
6	Lake Clifton Playgroup	Storage solutions for the Middle Shed	\$1500	\$1500
7	Lake Clifton Action Group	Community Pop-up Café series	\$1500	\$1500
8	Waroona Volunteer Fire & Emergency Services	New laptop to improve communication	\$1500	\$1500
9	Preston Beach Progress	Purchase and installation of Noticeboard	\$1877	\$1500
10	Waroona Aboriginal & Torres Strait Islander Corporation	Cultural activities	\$2000	\$0
11	Yarloop CWA	Christmas Pudding workshop	\$638	\$0
12	Waroona Historical Society	Historical Mystery Tour	\$1100	\$0
13	Waroona Business Advisory	Town Customer Service Charter	\$1800	\$1500
14	Waroona Artist and Makers	Waroona Artisan Expo	\$1027	\$1027
15	Waroona Senior Citizens	Purchase of trestles and gardening equipment	\$2000	\$2000
16	Eddie on the Road Program	Youth resilience and empowerment program	\$2000	\$1013
			<b>\$26,875</b>	<b>\$15,000</b>

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
<b>Strategy</b>	1.4.4 Foster and value our volunteers
<b>Action</b>	

**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)*

The proposed recommended projects are not likely to have an adverse economic impact. All projects engage with community at different levels and some potentially have capacity to retain or generate spending in the local areas as a result of the activities.

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

The proposed funding requested by specific applicants enhances opportunities for social and community inclusion for all groups, their respective participants and spectators, and also provides opportunities for new relationships and skills development.

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

None of the proposals are expected to adversely impact on the environment.

*Policy Implications*

Policy COM005 - Alcoa Waroona Micro Grant Fund. These applications have been received through the Alcoa Waroona Micro Grant Fund as per Policy COM005

*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>	Support or rejection of each application and whether it fits with Policy
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Final assessment of grants carried out through AWSFC
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Project manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

- Executive Assistant – Sue Cicolari
- Individual applicants

## **RESOURCE IMPLICATIONS**

*Financial*

Council has provided an allocation of \$7,500 within the 2021/2022 budget for the purpose of community funding. An additional \$22,500 has been allocated through the Alcoa Waroona Sustainability Fund to support a small grants program.

*Workforce*

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

**OPTIONS**

Alcoa Waroona Sustainability Fund Committee has the option of:

1. Supporting the requested amounts as per Policy COM005
2. Supporting a contribution less than the requested amounts; or
3. Not supporting a contribution

**CONCLUSION**

Council and Alcoa have traditionally supported community organisations to run events and conduct projects that build community capacity, spirit and engagement. By supporting the proposed projects, both organisations will continue to have a positive impact in our local community.

It is recommended that the Sustainability Fund Committee support and/or partially support 11 of the 16 applications received through the first round of the 21/22 AW Micro Grant Fund.

Successful recipients of the AW Micro Grant are required to acknowledge funding support and will be required to meet conditions and complete an acquittal of the grant within three months of the event or activity taking place.

**10.5. Local Emergency Management Committee – Minutes of Meeting held Wednesday 4<sup>th</sup> August 2021**

**COUNCIL RESOLUTION**

**OCM21/08/117**

**Moved: Cr Mason**

**Seconded: Cr Odorisio**

**That the Minutes of the Local Emergency Management Committee Meeting held 4 August 2021 be received.**

**CARRIED 7/0**

## 11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS

### 11.1 DIRECTOR INFRASTRUCTURE SERVICES

<b>11.1.1 Permission to Construct Gate Across Public Thoroughfare</b>	
<b>File Ref:</b>	68/1 & A205
<b>Previous Items:</b>	SCM20/12/247
<b>Applicant:</b>	SJ & MC Shelton
<b>Author and Title:</b>	Patrick Steinbacher, Director Infrastructure Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.1.1 A, B C, D

#### **COUNCIL RESOLUTION**

**OCM21/08/118**

**Moved: Cr Mason**

**Seconded: Cr Scott**

That Council grant approval to SJ & MC Shelton, being the landowners of 851 Nanga Brook Road to maintain gate structures across the unnamed road reserve within their property in the locations as indicated at Appendix 11.1.1A with the following conditions:

1. This approval be in place for a period of five years from the date of notification by the Shire to the landowner.
2. The gate/s and associated structure/s shall be maintained in a sound condition.
3. The gate/s shall be unlocked when closed.
4. Adequate retroreflective delineation shall be erected and maintained.
5. This approval shall only apply to the locations as indicated at Appendix 11.1.1A.
6. Council shall bear no cost whatsoever.
7. This approval is also subject to the remaining provisions of Regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996* "Permission to have gate across public thoroughfare – Sch.9.1 cl. 5(1)".

**CARRIED 7/0**

#### **IN BRIEF**

This matter was previously brought to Council at its SCM of December 22 2020 for approval under Regulation 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*. At this meeting, the officer recommendation was changed because of concerns as to the interpretation of Regulation 9 and approval was not granted at that time. The Applicant has since taken the matter to the State Administrative Tribunal who have now decided that Council has proper jurisdiction to grant approval for the gates under Regulation 9.

#### **BACKGROUND**

Historically, the owners of 851 Nanga Brook Road have kept two gates across the road that bisects their property as shown on **Appendix 11.1.1A**. Assumably the gates were installed by previous owners to control stock, however the current owners are more concerned with restricting the entry of wildlife into their property as well as controlling ad hoc public access.

In the past, given the relatively low traffic volumes, the gates have posed little issue and have never been formally approved.

Usage of the road by the applicant's neighbours has highlighted some issues, including gates being not previously approved. The applicants have therefore made application to have the gates approved by Council to ensure their right to continue to maintain the gates in their current locations.

The unnamed road is used by two of the applicants' neighbours for access, one which shares a boundary and one further to the north east. It is also anecdotally used for ad hoc access by the public. However, it is a very low volume road and it would appear that the gates are not posing a significant hindrance and they do not adversely affect Shire activities. This, coupled with the fact that the gates have been in place for many years, suggests that it is appropriate for officers to recommend they be approved.

The matter of the gates across the unnamed road reserve was brought to Council at its SCM on 22 December 2020 with an officer recommendation to approve the application with conditions as per the current officer recommendation. However, uncertainty as to the proper application and interpretation of Regulation 9 to the existing gates prompted the Council to resolve as per the following:

#### COUNCIL RESOLUTION

SCM20/12/247

Moved: Cr Scott

Seconded: Cr Purcell

That Council:

1. Does not approve the application for gates across a Public Thoroughfare to SJ & MC Shelton on 851 Nanga Brook Road across the unnamed road reserve within their property as the requirement to allow the gates to prevent livestock from straying (Local Government Uniform Local Provisions Regulations 1996) has not been met.
2. Instructs the CEO to not remove the gates until a decision by the landowners to pursue this matter in the State Administrative Tribunal (SAT) has been made, and if that is to be pursued, until an outcome of the SAT has been determined.
3. Requests that landowners to remove the gates if a formal application has not been made to the SAT by 28 February 2021.

CARRIED 8/0

The gates were not removed and the Applicant did subsequently apply to SAT for a determination.

The SAT determination has now been received and forms **Appendix 11.1.1B**.

Supporting information from the applicants has also been received and forms **Confidential Appendix 11.1.1C**.

#### REPORT DETAIL

Legal advice received from McLeods is included as a **confidential** appendix at **Appendix 11.1.1D**.



Given the SAT decision and the above advice from McLeods, officers have returned to their previous recommendation for approval.

A directions hearing is set down at SAT for 13 August, however since the August OCM is after this date, McLeods have recommended that the proceedings be adjourned until after the Council meeting so that the matter can be referred back to Council for reconsideration.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

*Local Government (Uniform Local Provisions) Regulations 1996*

Under the *Local Government (Uniform Local Provisions) Regulations 1996* Council is able to grant permission for the construction of a gate structure across a public thoroughfare:

9. *Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)*
- (1) *A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.*
  - (2) *The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.*
  - (3) *Permission granted by the local government under this regulation —*
    - (a) *must be in writing; and*
    - (b) *must specify the period for which it is granted; and*
    - (c) *must specify each condition imposed under subregulation (4); and*
    - (d) *may be renewed from time to time; and*
    - (e) *may be cancelled by giving written notice to the person to whom the permission was granted.*
  - (4) *The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.*
  - (5) *The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.*

- (6) *The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request.*
- (7) *A person to whom a request is made under subregulation (6) must comply with the request.  
Penalty: a fine of \$5 000.*
- (8) *A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.*

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Nil

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

The gates have been in place for many years by current and previous owners. The current landowners wish to have formally approved these gates.

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

Nil

*Policy Implications*

Nil

*Risk Management Implications*

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

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	The risk here involves allowing something to go unapproved that does not comply with the Shire’s obligations under the Local Government Act. By carrying out this process the gates can be approved and remove that risk.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	1 - Rare
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	The application has to be reviewed every five years.
<i>Review Frequency</i>	Five yearly
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

- State Administrative Tribunal
- McLeod’s Barristers and Solicitors

## **RESOURCE IMPLICATIONS**

*Financial*

Some minor legal costs have been incurred.

*Workforce*

Officers has spent a number of hours on this issue, however it has been undertaken in budgeted officer time.

**OPTIONS**

Council has the option of:

1. Approving the application for the gates to remain and applying the conditions as per the officer recommendation.
2. Not approving the application in which case the gates remain uncontrolled and unapproved and may be subject to a removal order, pending further SAT proceedings, including a likely final hearing.

**CONCLUSION**

Officers believe that the application to maintain two gates across the road reserve in this instance contains merit. It formalises an arrangement that has been in place for many years.

## 11.2 DIRECTOR PLANNING & SUSTAINABILITY

<b>11.2.1 Peel-Harvey Catchment Council Memorandum of Understanding for Lake Clifton Catchment Conservation and Stewardship Program</b>	
<b>File Ref:</b>	120/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Peel Harvey Catchment Council
<b>Author and Title:</b>	Greg Delahunty – Manager Planning Services
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.2.1A

### **COUNCIL RESOLUTION**

**OCM21/08/119**

**Moved: Cr Purcell**

**Seconded: Cr Odorisio**

**That Council:**

- 1. Agrees to enter into a new Memorandum of Understanding with the Peel Harvey Catchment Council as set out in Appendix 11.2.1A.**
- 2. Authorises the Chief Executive Officer to sign the Memorandum of Understanding.**

**CARRIED 7/0**

### **IN BRIEF**

- The existing Memorandum of Understanding (MOU) between the Shire and the Peel Harvey Catchment Council (PHCC) expired in June 2021.
- PHCC has requested that the MOU be extended for an additional five years.

### **BACKGROUND**

The PHCC is a not-for-profit, community based natural resource management organisation that promotes an integrated approach to catchment management and the way we protect and restore the environment within the Peel Harvey estuarine catchment.

PHCC places a strong emphasis on partnerships, working with landholders, community groups, industry and all levels of government to effect change ‘on-ground’ and in the way the environment is managed.

The Shire has been an active partner of the PHCC since 2017. The most recent MOU, under which the Shire committed \$2,500, ran from 1 July 2020 to 30 June 2021.

### **REPORT DETAIL**

The PHCC has requested that the Shire agree to enter into a new MOU for a period of five years. A copy of the draft MOU is included at **Appendix 11.2.1A**. The MOU will formalise the partnership between the PHCC and the Shire and formalise the terms, roles and responsibilities agreed to by each party.

The MOU requires the Shire to commit a minimum annual financial contribution of \$2,500 from 2021 to 2026. This contribution will support delivery of components of the PHCC Lake Clifton Catchment Conservation and Stewardship Program.

The MOU sets out that the funding provided by the Shire will only be used to undertake on-ground activities to maintain, protect and improve the cultural heritage and environment of the Shire through the following, as they relate to the Lake Clifton Catchment Conservation Stewardship Program:

- Community Events, including the annual Seedling give-away program;
- Quarterly newsletters;
- Community engagement with Lake Clifton;
- Implement Land for Wildlife Site Assessments;
- Grants (available exclusively to LFW recipients).

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Environment
<b>Aspiration</b>	To continually care for, protect and enhance our environment for the generations to come
<b>Objective</b>	3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity
<b>Strategy</b>	3.1.1 Collaborate with local environmental community organisations and volunteers

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

#### Local Government Act 1995

Section 1.3 (3) of the Local Government Act 1995 states “*In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity*”.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Protection and enhancement of the natural environment, including State parks within the area, can have an economic tourism benefit for the District.

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

Protection of the environment within the area will enhance the social values of the community and landowners.

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

The MOU will facilitate the protection of key environmental assets.

#### *Policy Implications*

Nil

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

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Fettering good environmental outcomes
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	1 - Rare
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Work with all parties to reach a suitable outcome
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS***Financial*

Entering into the MOU would result in a total financial commitment of \$12,500 over a five-year period. This has not been included in the Shire's 2021-22 budget however is a relatively small amount and can be reflected in the mid-year budget review.

*Workforce*

Nil

**OPTIONS**

Council has the following options:

1. Agree to enter into the MOU and allocate funds accordingly in subsequent budgets.
2. Not agree to enter into the MOU and advise the PHCC accordingly.

**CONCLUSION**

The MOU provides an opportunity to continue and improve on the successful partnership that has been in place for a number of years. The document recognises the partnership between the stakeholders but has no statutory authority. Either party is free to walk away by notifying the other in writing.

**11.3 DIRECTOR CORPORATE SERVICES**

<b>11.3.1 Listing of Payments for the Month of July 2021</b>	
<b>File Ref:</b>	1/3 - Creditors
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kathy Simpson, Senior Finance Officer
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	11.3.1

**COUNCIL RESOLUTION**

OCM21/08/120

Moved: Cr Mason

Seconded: Cr Odoriso

That Council receive the following payments made throughout the month of July 2021;

<b>Municipal</b>	<b>Cheque 9739 - 9764</b>	<b>\$52,350.54</b>
	<b>EFT 34595 - 34767</b>	<b>\$670,483.88</b>
<b>Direct wages</b>	<b>01/07/21 – 31/07/21 inclusive</b>	<b>\$156,615.40</b>
<b>Direct Debit</b>	<b>01/07/21 – 31/07/21</b>	<b>\$35,435.99</b>
<b>Trust</b>	<b>Cheque – Nil</b>	<b>\$ -</b>
	<b>EFT – Nil</b>	<b>\$ -</b>
<b>GRAND TOTAL</b>		<b>\$914,885.81</b>

as attached at Appendix 11.3.1.

**CARRIED 7/0**

**IN BRIEF**

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of July 2021.

**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 prescribe information.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

**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. Receive the listing of payments presented for the month of July 2021.
2. Not receive the listing of payments presented for the month of July 2021.

## **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 July 2021. All expenditure is accordance with the 2020/21 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

<b>11.3.2 Monthly Statement of Financial Activity for the Period 1 July 2021 to 31 July 2021</b>	
<b>File Ref:</b>	1/1 – Annual Statements
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	<u>11.3.2</u>

Please note the July Financial Statements will be presented to the September 2021 meeting.

Cr Vitale declared an interest affecting impartiality in Item 11.3.3 as the reporting officer is a family member.

<b>11.3.3 Towards Waroona 2030 – Corporate Business Plan 2021-2025</b>	
<b>File Ref:</b>	38/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not applicable
<b>Author and Title:</b>	Brad Vitale, Corporate Compliance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	11.3.3 – Towards Waroona 2030

### **COUNCIL RESOLUTION**

**OCM21/08/121**

**Moved: Cr Purcell**

**Seconded: Cr Odorisio**

**That Item 11.3.3 - Towards Waroona 2030 – Corporate Business Plan 2021-25 lie on the table for consideration at the September 2021 Ordinary Council meeting.**

**CARRIED 7/0**

Note: The Officer's recommendation was not adopted as the Council had queries on various aspects of the Plan that required further consideration.

### **RECOMMENDATION**

That Council adopts Towards Waroona 2030 – Corporate Business Plan 2021-25 as per Appendix 11.3.3.

### **IN BRIEF**

Council is requested to consider adopting Towards Waroona 2030 – Corporate Business Plan 2021-2025 in accordance with the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

### **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 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 Council's four year planning document and one of the core components of Council's 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.

The Corporate Business Plan sits in the middle of the Council's planning hierarchy and identifies a number or prioritised services, operations and projects that the Council plans to undertake over the next four years to deliver the community's main priorities and expectations as identified in the Strategic Community Plan. It is a statutory requirement that that Corporate

Business Plan is reviewed every year to ensure alignment to the short term Annual Budget and long term Strategic Community Plan.

## **REPORT DETAIL**

Towards Waroona 2030 follows the same vision, mission and values of the Strategic Community Plan. The actions and projects identified in the Corporate Business Plan align with the strategies from the five key focus areas and aspirations in the Strategic Community Plan.

### **1. Our Community**

To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning.

### **2. Our Economy**

To create a diverse economy base that supports opportunity and employment.

### **3. Our Environment**

To continually care for, protect and enhance our environment for the generations to come.

### **4. Our Built Assets**

To build and effectively manage our assets to continually improve our standard of living.

### **5. Our Leadership**

To embed strong leadership through good governance, effective communication and ensuring value for money.

Towards Waroona 2030 will activate the objectives of the Strategic Community Plan and informs the annual budget process to ensure the priorities of the community are strategically aligned and affordable. The actions and projects identified in the Corporate Business Plan will be reported on quarterly and summarised in the Annual Report.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
<b>Strategy</b>	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities
<b>Action</b>	5.1.1.4 Review the Corporate Business Plan

## **OTHER STRATEGIC LINKS**

- Resourcing Waroona 2030 – Long Term Financial Plan 2021-2031.
- Annual Budget 2021/22.

## **STATUTORY ENVIRONMENT**

### **Local Government Act 1995**

#### **s.5.56 Planning for the future**

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

### **Local Government (Administration) Regulations 1996**

#### **r.19DA Corporate business plans, requirements for (Act s.5.56)**

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.
 

\*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

The Corporate Business Plan is the key driver for the Long Term Financial Plan and Annual Budget. This linkage ensures that community priorities and projects are adequately funded,

and that appropriate and endorsed rating strategies are in place to allow any financial impact on the community to be carefully considered. There are a number of economic initiatives within the Plan, which reflect the high priority Council has given to the growth of the Waroona economy.

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

The actions outline multiple projects that will increase alignment with the community needs and aspirations around the provision of services, and thereby contribute to quality of life.

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

The Plan details the level of focus provided to environmental outcomes and projects.

*Policy Implications*

Nil.

*Risk Management Implications*

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

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	Failing to endorse the review of the Corporate Business Plan would result in non-compliance with legislation and potential consequences from the relevant State Government department.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

- Actions have been based on the strategies outlined in the Strategic Community Plan, following significant community and key stakeholder engagement.
- Workshop with staff to review, develop and prioritise actions.
- Public consultation not required.

## **RESOURCE IMPLICATIONS**

*Financial*

Costs associated with implementing the actions are included in this Plan and incorporated within the Long Term Financial Plan 2021-2031 and Annual Budget 2021/22.

*Workforce*

The strategies outlined within the Corporate Business Plan align with minor amendments to workforce across the four years of the Plan.

## **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation.

2. Amending or rejecting the officer recommendation.

### **CONCLUSION**

The Corporate Business Plan is used to drive the development of the Shire's Annual Budget and provides a link to existing service delivery that supports achieving the aspirations and outcomes set out in the Strategic Community Plan. It also aligns with financial and other resources outlined in the supporting plans.

The review of the Corporate Business Plan allows an assessment of all the existing Shire's strategies, including the Local Community Plans. The linkages contained within the Plan ignite the relationships that exist between these strategies, as well as the workforce, infrastructure and financial plans that underpin them. This integrated approach will allow Council to achieve the community aspirations within a sustainable framework.

Cr Vitale declared an interest affecting impartiality in Item 11.3.4, as the reporting officer is a family member.

<b>11.3.4 Delegations Amendments</b>	
<b>File Ref:</b>	52/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not applicable
<b>Author and Title:</b>	Brad Vitale, Corporate Compliance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	11.3.4 – Proposed delegation 2.13.6

### **COUNCIL RESOLUTION**

**OCM21/08/122**

**Moved: Cr Mason**

**Seconded: Cr Purcell**

**That Council:**

- 1. revokes existing delegation 2.13.6; and**
- 2. approves new delegation 2.13.6 as provided in Appendix 11.3.4.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

### **IN BRIEF**

Due to the adoption of the Shire of Waroona Health Local Law 2021, and subsequent repeal of the Shire of Waroona Health Local Law 2001, existing delegation 2.13.6 is no longer relevant. This delegation must be revoked and replaced with a new delegation relevant to the current local law.

### **BACKGROUND**

The aim and purpose of delegated authority is to assist with the efficiency of the local government activities by way of quicker decisions. Under the *Local Government Act 1995* and other legislation, Council may delegate its functions, duties and powers to the Chief Executive Officer to assist with efficient and timely decision making. The Chief Executive Officer may then sub delegate functions, duties and powers to other staff and sub-delegated functions are also reviewed annually as a separate process. Delegations are a proven effective organisational tool that enhances productivity and support effective customer service and timely decision making.

### **REPORT DETAIL**

Delegation 2.13.6 in the Delegation of Authority Register is required to be replaced due to the adoption of the Shire of Waroona Health Local Law 2021 and subsequent repeal of the Shire of Waroona Health Local Law 2001. Without delegation, any duties outside of the Authorised Officer role must be determined by Council, resulting in inefficient decision making and action. The proposed replacement delegation will result in more efficient service provision and operation of the local law.

The proposed replacement delegation is detailed in **Appendix 11.3.4**.



**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT****Local Government Act 1995****s.5.16 – Delegation of some powers and duties to certain committees**

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.  
\* Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

**s.5.17 – Limits on delegation of powers and duties to certain committees**

- (1) A local government can delegate —
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority of the council; and
    - (ii) any other power or duty that is prescribed; and
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.

- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

s.5.18 – Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

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

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

\* Absolute majority required.

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

s.5.43 – Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

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

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

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

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

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

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

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

**Local Government (Administration) Regulations 1996**r.18G – Delegations to CEOs, limits on (Act s.5.43)

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

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

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

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

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

**SUSTAINABILITY & RISK CONSIDERATIONS**

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

Nil.

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

Nil.

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

Nil.

*Policy Implications*

Nil.

*Risk Management Implications*

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

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	Failing to endorse the amendments would result in non-compliance with legislation and potential consequences from the relevant State Government department.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

- WALGA Delegations of Authority Register template.
- Public consultation not required.

**RESOURCE IMPLICATIONS***Financial*

Nil.

*Workforce*

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

**OPTIONS**

Council has the option of:

1. Accepting the officer recommendation.
2. Amending or rejecting the officer recommendation.

**CONCLUSION**

Delegation of Council duties and powers to the Chief Executive Officer and other officers assists with efficient and timely decision making. Delegations are a proven effective organisational tool that enhances productivity and support effective customer service and timely decision making.

Cr Vitale declared an interest affecting impartiality in Item 11.3.5, as the reporting officer is a family member.

<b>11.3.5 Shire of Waroona Extractive Industries Local Law 2021</b>	
<b>File Ref:</b>	26/3
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not Applicable
<b>Author and Title:</b>	Brad Vitale, Corporate Compliance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.3.5 – Proposed Shire of Waroona Extractive Industries Local Law 2021

### **COUNCIL RESOLUTION**

**OCM21/08/123**

**Moved: Cr Purcell**

**Seconded: Cr Mason**

**That Council approves for the:**

- 1. making of the proposed Shire of Waroona Extractive Industries Local Law 2021, as detailed at Appendix 11.3.5 in accordance with section 3.12(3)(a) and (b) of the *Local Government Act 1995*; and**
- 2. Chief Executive Officer to –**
  - a. undertake State-wide and local advertising, and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks;**
  - b. make copies of the proposed local law available to the general public;**
  - c. forward a copy of the proposed local law to the Minister for Local Government, and prepare National Competition Policy documentation after the close of the submission period; and**
  - d. prepare a further report on the proposed local law for Council consideration after the closing date for submissions.**

**CARRIED 7/0**

### **IN BRIEF**

- Under the *Local Government Act 1995*, local laws are required to be reviewed every eight (8) years.
- The Shire of Waroona Extractive Industries Local Law 1999 was adopted by Council on 27 July 1999.
- The proposed local law will prohibit the carrying on of an extractive industry in the district, unless by authority of a licence issued by the local government, regulate the carrying out of the extractive industry in order to minimise damage to the environment, roads and other peoples' health and property, provide for the restoration and reinstatement of any excavation site and to provide penalties for contraventions of the local law.

- The intended result is that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of the local law.

## **BACKGROUND**

The current Shire of Waroona Extractive Industries Local Law 1999 was reviewed with public consultation in March 2012 and formally adopted by Council in June 2012, as per the following resolution:

### **COUNCIL RESOLUTION**

*OCM12/06/075*

*MOVED: Cr Witney*

*SECONDED: Cr Salerian*

*That the Council:*

- 1. Amends the following Shire of Waroona Local Law – Local Government Property;*
- 2. Prepares a Repeal Local Law to repeal the following obsolete local laws:*
  - Fencing & Tennis Court Floodlighting*
  - Bushfire;*
- 3. Supports the retention of the following local laws with no amendment:*
  - Dogs*
  - Thoroughfares*
  - Cemeteries*
  - Extractive Industries*
  - Standing Orders*
  - Health;*
- 4. Notes that no new local laws are considered necessary at this point;*
- 5. A further report be prepared to consider proposed draft amendments to the Local Government Property Local Law and to finalise the repealing of local laws as outlined in point 2 above.*

***CARRIED BY ABSOLUTE MAJORITY 6/0***

Under the *Local Government Act 1995*, local laws are required to be reviewed every eight (8) years.

## **REPORT DETAIL**

The proposed reviewed local law is modelled from the WALGA template and Shire of Harvey Extractive Industries Local Law that was adopted in March 2017, and incorporates past, present and future issues.

This local law will prohibit the carrying on of an extractive industry on private land in the district unless by authority of a licence. This will provide the lawful means to regulate the carrying on of the extractive industry in order to minimise damage to the environment, roads and other people's health and property and provide for the restoration and reinstatement of any excavation site and also provide the mechanism to create offences and apply modified penalties for contraventions of the proposed local law.

Licence applications lodged under the proposed local law will run in parallel with applications for Planning consent under the Shire of Waroona Local Planning Scheme. Appropriate delegations will be developed to enable licence applications and all associated matters to be dealt with in a timely and consistent manner.

When considering the proposed local law, it should be remembered that the main broad objectives of local laws are to provide for –

- The peace, order and good governance of the local government district;
- A safe and healthy environment so that the community can enjoy a quality of life that meets its expectations;
- The safe, orderly and fair use and enjoyment of public places and facilities;
- The protection and enhancement of the amenity and environment of the local government district;
- The protection of assets managed by the Council on behalf of the community; and
- Governance systems that deliver responsible, ethical and accountable decision making.

Whilst some clauses may appear as over-regulation, these are required to enable Authorised Officers and law enforcement officers to effectively and efficiently address inappropriate and unlawful behaviours.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

#### **Local Government Act 1995**

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

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

Table 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, 24 August 2021
Give State-wide and local public notice and make copies available to the general public.	3.12(3)(a)	<u>The West Australian</u> – Tuesday, 31 August 2021 <u>Harvey Waroona Reporter</u> – Tuesday, 31 August 2021
Give copy of the proposed local law and the notice to the Minister for Local Government and prepare National Competition Policy review after advertising.	3.12(3)(b)	Tuesday, 31 August 2021
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 22 October 2021 <i>(52 days)</i>
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 23 November 2021
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government	3.12(5)	Tuesday, 30 November 2021
Give State-wide and 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, 7 December 2021
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Tuesday, 7 December 2021

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

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give State-wide public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and



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

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

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

The following fulfils the requirement defined in Regulation 3:

NOTICE of purpose and effect of the proposed Shire of Waroona Extractive Industries Local Law 2021:

*“The purpose of this local law is to prohibit the carrying on of an extractive industry in the district, unless by authority of a licence issued by the local government, regulate the carrying out of the extractive industry in order to minimise damage to the environment, roads and other peoples' health and property, provide for the restoration and reinstatement of any excavation site and to provide penalties for contraventions of the local law.*”

*The effect of this local law will be that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of the local law.”*

## **Local Government (Functions and General) Regulations 1996**

*r.3 – Prescribed manner of giving notice of purpose and effect of proposed local law*

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.

**SUSTAINABILITY & RISK CONSIDERATIONS***Economic - (Impact on the Economy of the Shire and Region)*

Nil.

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

Part of the licensing requirements for proposed extractive industries require applicants to engage in writing with adjoining landowners before lodging an application. Provisions also enable broader consultation by way of publication in a local newspaper and site specific signage. The framework within the proposed local law regulate extractive industries to ensure activities are well managed to reduce possible negative impacts on adjoining landowners.

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

Implementing robust controls on extractive industries during the licencing process and having the means to review activities periodically supports positive environmental outcomes.

*Policy Implications*

Nil.

*Risk Management Implications*

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

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	Non-compliance with the local law review requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Scheduled review of all local laws within the 8 years statutory requirement.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

**CONSULTATION**

- The Shire will undertake State-wide and 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.
- WA Local Government Association.
- Department of Local Government, Sport & Cultural Industries.

## **RESOURCE IMPLICATIONS**

### *Financial*

The cost of making the proposed local law which includes re-advertising and gazettal is approximately \$2,500. Funds are available in the 2021/2022 budget for the project cost.

### *Workforce*

Nil.

## **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation to commence the process to make the proposed Shire of Waroona Extractive Industries Local Law 2021; or
2. Amending or rejecting the proposal to make the Extractive Industries local law.

## **CONCLUSION**

It is recommended that Council commences the process under *the Local Government Act 1995* to update the proposed Shire of Waroona Extractive Industries Local Law 2021 to prohibit the carrying on of an extractive industry in the district, unless by authority of a licence issued by the local government, regulate the carrying out of the extractive industry in order to minimise damage to the environment, roads and other peoples' health and property, provide for the restoration and reinstatement of any excavation site and to provide penalties for contraventions of the local law. The effect will be that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of the local law.

Cr Vitale declared an interest affecting impartiality in Item 11.3.6, as the reporting officer is a family member.

<b>11.3.6 Resourcing Waroona 2030 – Long Term Financial Plan 2021-2031</b>	
<b>File Ref:</b>	38/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not applicable
<b>Author and Title:</b>	Ashleigh Nuttall, Director Corporate Services Brad Vitale, Corporate Compliance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.3.6 – Resourcing Waroona 2030

### **COUNCIL RESOLUTION**

**OCM21/08/124**

**Moved: Cr Dew**

**Seconded: Cr Scott**

**That Council adopts Resourcing Waroona 2030 – Long Term Financial Plan 2021-31 as per Appendix 11.3.6.**

**CARRIED 7/0**

### **IN BRIEF**

Council is requested to consider adopting Resourcing Waroona 2030 – Long Term Financial Plan 2021-2031.

### **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 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 Long Term Financial Plan (LTFP) is a modelling tool to project the Shire's financial commitments over the next ten years as a means of helping to ensure financial sustainability.

The LTFP is a dynamic tool which analyses financial trends over a ten year period on a range of assumptions and provides information to assess the impacts of current decision and budgets on future financial sustainability. The aim of the LTFP is to achieve the following objectives:

- Help to project commitments with regards to the costs of new services or projects as a result of community growth and expectations or changing demographics;
- Maintain a strong cash position, ensuring that the Shire remain financially sustainable in the long term, and has the capacity to respond to unexpected opportunities or unpredictable events such as natural disasters;
- Strategically pursue state and federal government grant funding opportunities where aligned with the Strategic Community Plan and Corporate Business Plan requirements;
- Plan rate increases to balance the budget to ensure service delivery that meets reasonable community needs;

- Ensure that critical infrastructure asset renewal is funded at the optimum time;
- Maximise opportunities for Shire freehold properties from an economic and community development perspective; and
- Support the broad review of our Strategic Community Plan every two years and a full review every four years.

## **REPORT DETAIL**

The LTFP relies on the most current information available for known revenues and expenditures. Future forecasting processes use estimates carefully to be as accurate, reliable and easily understood as possible. The level of accuracy from assumptions within the LTFP is more likely in the first four years. Later years (5-10) will have a higher reliance on assumptions and subjectivity to variables. The ability to accurately forecast over a long period is likely to be hindered by uncertainties such as the availability of grant funding, fluctuating interest rates, economic trends, as well as demographic and political change.

Assumptions and key items are included within the Plan. In addition to the details of assumptions, the LTFP contains major capital works schedules, capacity of financial reserves and local government performance measures. The LTFP demonstrates that with prudent financial planning, monitoring of rating capacity and careful assessment of priorities, the Shire of Waroona will be able to maintain a sound financial position in the long term.

The LTFP will be reviewed annually in conjunction with the budget process to ensure continued relevance and sustainability.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.1 A sustainable future through embracing change, applying technological advancement and pursuing efficiencies
<b>Strategy</b>	5.1.2 Maintain long term financial sustainability
<b>Action</b>	5.1.2.1 Review the Long Term Financial Plan

## **OTHER STRATEGIC LINKS**

- Towards Waroona 2030 – Corporate Business Plan 2021-2025.
- Annual Budget 2021/22.

## **STATUTORY ENVIRONMENT**

### **Local Government Act 1995**

#### **s.5.56 Planning for the future**

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

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

The LTFP identifies funding for infrastructure and major projects that are key to the success of growing the economy of Waroona.

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

The LTFP outlines the services that will be provided to the community to enhance the quality of living. It is crucial that the LTFP aligns with the aspirations of the community to ensure financial strategies are in place to meet future demand.

### *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>	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
<i>Description</i>	Failing to endorse the review of the Long Term Financial Plan could result in inaccurate financial and resource planning for the next ten years.
<i>Consequence</i>	4 - Major
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report 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**

- Proposals have been based on the strategies outlined in the Strategic Community Plan, following significant community and key stakeholder engagement.
- Public consultation not required.

## **RESOURCE IMPLICATIONS**

### *Financial*

All proposals in the LTFP provide direction for what is expected/likely to occur for the period 1 July 2021 to 30 June 2031. Proposals for the 2021/22 financial year (year one) are to be reflected in the 2021/22 annual budget. Staff will further develop the document during the ensuing twelve month period with the aim of the LTFP being a live working document.

### *Workforce*

The proposals outlined within the LTFP align with minor amendments to workforce across the ten years of the LTFP.

## **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation.
2. Amending or rejecting the officer recommendation.

## **CONCLUSION**

The purpose of the LTFP is to guide the future direction of the Council in a financially sustainable manner. It is designed as a summary on the future planning of the Council's financial operations, particularly in relation to key components such as rate increases, service levels, asset renewal, reserve account movements and loan borrowings.

The LTFP is also designed to indicate long term financial viability and identification of issues that may have a long term impact on the Council's finances. Linkages with other key Council planning documents is also an essential component of the LTFP.

The LTFP is reviewed annually to ensure that it remains consistent with the direction of the Strategic Community Plan and that it forms the basis for continuous improvement within the Shire.

## 11.4 DIRECTOR PLACE, COMMUNITY & ECONOMIC DEVELOPMENT

<b>11.4.1 Policy FIN011 – Purchase Orders</b>	
<b>File Ref:</b>	17/1
<b>Previous Items:</b>	OCM 26 June 2021 OCM 21/06/071
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Liz Storr, Director Place, Community & Economic Development
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	11.4.1

### **COUNCIL RESOLUTION**

**OCM21/08/125**

**Moved: Cr Scott**

**Seconded: Cr Odorisio**

**That Council amends Policy FP003 – Purchase Orders – Authority for Issue as per Appendix 11.4.1.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

### **IN BRIEF**

- To seek Council's endorsement to amend the current Purchase Order Policy FP003 to include the increase the purchase authority order limit for the Visitor Centre Manager from \$1,000 to \$5,000 to streamline Visitor Centre activities.

### **BACKGROUND**

Councillors are reminded of the objectives of the Council's Policy Manual documentation which are:

- To provide the Council with a formal written record of policy decisions;
- To provide Council staff with clear direction to respond to issues and act in accordance with the Council's direction;
- To enable Councillors to adequately handle general enquiries relating to the role of the Council;
- To enable the Council to maintain a process to continually review policy decisions and to ensure they are in keeping with the community expectations, current legislative trends and circumstances; and
- To enable residents to obtain immediate advice on matters of Council policy.

### **REPORT DETAIL**

Council policy FP003 is of high importance and is used on a daily basis. The policy ensures strict compliance with Accounting Regulations and internal controls.

This report proposes the amendment of the following position and level of authority.

Visitor Centre Manager – Authority to issue orders of an operational nature associated with the function of the Waroona Visitor Centre up to \$5,000.



Authority does not extend to capital equipment purchases.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

Details of policies which are required as a result of statutory legislation are to contain a statement providing a reference to the relevant legislation.

The Council is no longer required by legislation to conduct annual reviews of its policies, however it is considered “best practice” to do so.

### **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*

Details on the policy have been included in this amendment. See the “Report Detail” for information on the proposed policy amendment.

#### *Risk Management Implications*

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

<i>Theme</i>	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
<i>Description</i>	Not reviewing and correctly amending Council policy results in poor governance, non-compliance with legislative requirements and unclear direction to staff on Council’s direction.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Reviewed annually to ensure currency and compliance.
<i>Review Frequency</i>	Annually

<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

No direct public consultation is required during the preparation of documentation, however, all updated policies will be available on the Council's website.

### **RESOURCE IMPLICATIONS**

*Financial*

Nil.

*Workforce*

Nil.

### **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation.
2. Amending or not accepting the officer recommendation.

### **CONCLUSION**

Although the Policies Documentation is formally reviewed and adopted en-bloc once a year, the requirement to address this individual policy outside of the normal policy review process will result in the amendment to the policy being able to take immediate effect.

Cr Purcell declared an interest affecting impartiality in Item 11.4.2 as a member of the Waroona Amateur Basketball Association.

Cr Mason declared an interest affecting impartiality in Item 11.4.2 as his spouse was a member of the Waroona Amateur Basketball Association.

Cr Vitale declared an interest affecting impartiality in Item 11.4.2 as family members were members of the Waroona Amateur Basketball Association.

<b>11.4.2 Waroona Amateur Basketball Association (WABA) Complex Hire Fees 2021/22</b>	
<b>File Ref:</b>	126/02
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Waroona Amateur Basketball Association
<b>Author and Title:</b>	Daniel Cools Manager Recreation Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Appendix 11.4.2 (letter from WABA)

### **COUNCIL RESOLUTION**

**OCM21/08/126**

**Moved: Cr Dew**

**Seconded: Cr Scott**

**That Item 11.4.2 Waroona Amateur Basketball Association Complex Hire Fees 2021/22, lie on the table for consideration at the September Ordinary Council meeting to allow for a meeting to be held with the Waroona Amateur Basketball Association (WABA).**

**CARRIED 7/0**

Note: The officer's recommendation was not adopted as it was felt that a meeting needed to be held with the WABA to ensure the appropriate outcome was reached.

### **RECOMMENDATION**

That Council advise Waroona Amateur Basketball Association (WABA) that no further reduction in hire fees for the Waroona Recreation and Aquatic Centre (WRAC) will be offered and that the Council's adopted fees and charges for 21/22 will apply for all user groups of the WRAC.

### **IN BRIEF**

- WABA is the largest local sporting club that utilises the WRAC.
- WABA requires court access on two to four afternoons/nights for approximately six months of the year
- WABA is the main complex hire user group for the Centre annually.
- WABA has requested consideration of a fee reduction for its upcoming 2021/22 season.

### **BACKGROUND**

The WRAC provides quality sporting, recreation and facility services to many local users and community clubs/groups. WABA is the main user of the indoor court facilities over the summer months (October – March). It is important that fees and charges associated with hiring the facility reflect operational costs of the WRAC to ensure long term sustainability is

achieved. Consideration of club affordability is also vital for the club's membership retention and ongoing operations.

## **REPORT DETAIL**

### **WRAC Facility Hire:**

From 2011 to 2018, WABA paid a 'per-game' court hire fee of \$50 for senior games, \$40 for junior games, approximately \$13 per junior training session and \$18 per senior training session. This equated to approximately \$22,000 per season in court hire revenue for the WRAC.

During the 2018/19 season an 'entire facility' hire fee of \$400 was introduced as part of the WRAC's fees and charges. This fee provided a cheaper option for WABA to hire the courts for their competition and training requirements. Along with WABA combining its senior and junior competitions, this resulted in a significant decrease in income received by the WRAC for court hire. Approximately \$11,000 was received from WABA during the 2020/21 season, representing an almost 50% reduction in court hire fees when compared to court hire fees as recently as four seasons prior.

For 21/22, the fees and charges have increased slightly with court hire (for games) increasing to \$52 (\$2 increase per game) and the entire facility hire fee being limited to four hours of court hire. This time limit has been introduced to reflect the additional staffing and operational costs incurred by the WRAC beyond a four-hour booking. In practice, this means WABA would be required to pay the \$600 'entire facility' fee, the single court hire fee per game, or a mixture of both if the booking exceeded the four-hour time limit.

### **Comparison to other indoor recreation centres in Peel and the South West regions:**

- The Mandurah Aquatic and Recreation Centre (MARC) currently charges \$36.15 for regular non-profit groups per court plus a staffing fee of \$88 per hour after 6pm. For the MARC-run competition, a fee of \$60 per team per game for seniors and \$49 for juniors applies.
- Harvey Recreation and Cultural Centre (HRCC) charges \$92 per hour per court and \$127.50 per hour for two courts.
- Murray Leisure Centre (MLC) charges \$40 per court per hour. The team fee is \$60 per team per game.
- Neither the HRCC or MLC has cheaper training fee options. After paying umpires (max \$60 per game), these two facilities are generating a minimum of \$60 per game in court hire.

Currently, the WRAC is receiving approximately \$30 per game under the 'entire facility' \$400 hire fee model. Two to three training sessions are included as part of this fee. As a result, the WRAC is receiving half the revenue of what other similar centres currently generate for comparable activities.

### **WRAC court maintenance and associated operational costs:**

With the ongoing maintenance costs and asset management and replacement program for the indoor courts, Council must ensure fees charged to user groups are considerate of the associated operational costs. Some of the key costs are outlined below and are mostly incurred prior to the start of each basketball season.

- Court resurfacing (cost/lifespan) \$1,650

- Electrical maintenance (lights) \$1,000
- Cleaning wage \$10,000
- Floor scrubber maintenance and replacement (cost/lifespan) \$1,700
- Staff wages (additional hours on WABA nights) \$1,000
- Backboard servicing \$500
- Roof maintenance \$2,500
- Score boards replacement (cost/lifespan) \$1,200
- Painting (cost/lifespan) \$1,500

Approximate seasonal cost of maintaining the basketball courts is \$21,050

As WABA utilizes the courts for a six-month period each year, and is the main source of hire revenue for the WRAC, further reducing hire fees below the \$11,000 paid in the 20/21 year, will set an unsustainable precedent and potentially impact on the maintenance program for the WRAC.

With the proposed 21/22 fees and charges for the WRAC and the revised 'entire facility' hire fee of \$600 per night, WABA will incur approximately \$14,500 in hire fees for its upcoming season. This amount is still more affordable than court hire fees paid by WABA up until 2018 and reflects a shortfall of approximately \$6,550 to cover the required maintenance and staffing associated with upkeep and management of the courts for basketball games and training.

Remaining at the 20/21 'entire facility' fee of \$400 (with no four-hour time limit) or further reducing hire fees will result in additional reduction in court hire revenue and therefore greater subsidy from ratepayers.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	4.2 Manage assets in a consistent and sustainable manner
<b>Strategy</b>	4.1.1 Plan community facilities for current and future generations
<b>Action</b>	Providing fees and charges that are sustainable for asset management and affordable for community users and local sporting groups.

### **OTHER STRATEGIC LINKS**

1.4.1 Promote a mentally and physically healthy lifestyle

4.2.1 Plan and effect appropriate maintenance, renewal, replacement, and disposal of assets.

5.1.2. Maintain long term financial Sustainability

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

The WRAC runs at a financial loss for the Shire. Ensuring fees and charges are made to help mitigate some of the loss is crucial for the Centre's sustainability. Finding the balance between asset management and user affordability is the highest priority.

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

The WRAC is a hub for health and wellbeing for the Shire. The indoor courts are used for fitness, recreational, educational, developmental, and sporting purposes. Ensuring these courts are sustainable will allow access for all community members for many years to come.

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

Nil.

### *Policy Implications*

There are no direct Policy implications.

### *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>	Fees and charges not reflecting sustainable operational costs of the WRAC
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	A detailed asset management established and utilised against fees and charges to ensure they reflect long term sustainability of the WRAC.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Monitor - Risk acceptable with adequate control

## **CONSULTATION**

The Recreation Services Manager has regular contact with WABA and has worked with the organisation over many seasons to understand its financial position and court hire requirement.

## **RESOURCE IMPLICATIONS**

### *Financial*

As discussed in report detail.

### *Workforce*

Nil

## **OPTIONS**

Council has the option of:

1. Supporting recommendation 1, as proposed.

2. Amend the 21/22 fees and charges for the WRAC to enable the WABA and any other locally based sporting club to pay a maximum hire fee of \$400 for the entire facility for competition nights even if hire exceeds the current four-hour limit. This will result in further reductions in complex hire revenue for the WRAC, which is used to offset operational costs.
3. Rejecting the recommendations and determining an alternative proposal.

### **CONCLUSION**

The fees and charges proposed for the 2021/22 financial year have considered club affordability as well as long term operational sustainability of the WRAC. These fees will help with the financial cost involved in the asset management associated with the indoor courts and still come at an affordable rate for the club to not have to increase its membership fees.

<b>11.4.3 Proposal to Lease Old Ag Building at 120 South Western Hwy, Waroona</b>	
<b>File Ref:</b>	A1937; 88/3; LD216
<b>Previous Items:</b>	Item 11.4.2 27 October 2020 OCM20/10/184
<b>Applicant:</b>	Shire of Waroona Waroona Landcare Harvey River Restoration Trust Peel Harvey Biosecurity Group Peel Harvey Catchment Council Community Recycling WA
<b>Author and Title:</b>	Liz Storr, Director Place, Community & Economic Dev.
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute majority
<b>Appendix Number</b>	11.4.3 – proposed lease agreement

**COUNCIL RESOLUTION**

OCM21/08/127

Moved: Cr Odorisio

Seconded: Cr Vitale

That Council:

1. Enter the proposed Lease Agreement with Western Australian Agriculture Authority (WAAA) for the lease of the identified premises on Lot 419 (No. 120) South Western Highway, Waroona, as per Appendix 11.4.3;
2. Authorise the application of the Shire of Waroona Common Seal to the Lease Agreement;
3. Authorise the Shire President and Chief Executive Officer to sign and execute all matters relating to the Lease Agreement;
4. Delegate Authority to the Shire President and Chief Executive Officer to negotiate, sign and execute all matters relating to the sub-lease of the property to local environmental groups; and
5. Authorise the application of the Shire of Waroona Common Seal to the Sub-lease Agreement.

**CARRIED BY ABSOLUTE MAJORITY 7/0****IN BRIEF**

- The Shire of Waroona submitted an Expression of Interest (EOI) to the Department of Primary Industries and Regional Development (DPIRD) in November 2020 to lease the property for use as a regional environment hub (OCM 20/10/184 held on 27 October 2020 Item 11.4.2).
- The local natural resource management (NRM) groups, currently based in Irrigation House, and Community Recycling WA (CRWA) are the intended occupants of the property.
- DPIRD has advised that the Shire's EOI was successful and has offered a lease of five years with a two year option.
- DPIRD has advised the intention is for the property to be vested with the Shire.



- Entering into the formal lease agreement will ensure security of tenure and enable the Shire to progress development of the regional environmental hub including executing occupancy arrangements with the local environmental groups.

## **BACKGROUND**

The property (DPIRD site) has been vacant for some years following consolidation of the Department of Agriculture's regional offices into locations in Bunbury and Mandurah. DPIRD approached the Shire of Waroona to ascertain interest in leasing the property for community or municipal purposes. Council determined to submit an Expression of Interest for lease of the property to enable relocation of the local NRM groups from Irrigation House. There is also the opportunity to provide a portion of the site to Community Recycling WA (Containers for Change) for use as a collection centre.

## **REPORT DETAIL**

The proposed lease agreement between WAAA and the Shire of Waroona includes the following key components:

- The whole of the Premises as identified, together with all buildings, grounds, sheds and furniture, in **the Schedule** of the Lease Agreement.
- The Lease is for 60 months commencing on 1 October 2021 and expiring on 30 September 2026, with a further 24 month option.
- The annual lease fee is \$1.00 inclusive of GST payable annually in advance.
- The Lease is provided for the establishment of an environmental-agricultural centre and the Shire may sub-lease to NRM groups.
- The Lessee will be responsible for the supply of all services, maintenance, security and the safe storage of chemicals.

The proposed occupancy arrangements with local NRM groups are as follows:

- The Shire will establish a sub-lease with Waroona Landcare, Harvey River Restoration Taskforce, Peel Harvey Catchment Council, Peel Harvey Biosecurity Group and Community Recycling WA (CRWA).
- The sub-lease will be for 60 months commencing 1 October 2021 and expiring on 30 September 2026, with a further 24 month option.
- The sub-lease will confirm the responsibilities and operating cost contributions of the Shire and the groups.
- The groups will commence using the sheds and parking areas only from the commencement of the sub-lease. Occupancy of the office building will occur following refurbishment.

The local NRM groups and CRWA have indicated that the DPIRD site offers excellent storage that will accommodate all of the trailers, large and small equipment, display materials, chemicals, and furniture that the groups use on a regular basis.

The office building provides ample space for employees and volunteers and includes meeting rooms and communal areas that will enable the groups to offer expanded community education and training activities, which assist landowners, land managers and interested community members to better care for the environment.

The property also enables these groups to grow and provide 'hot desk' opportunities for like-minded organisations and individuals. The groups have indicated that the expanded office space will enable more of their regional staff and volunteers to operate from Waroona.

As per Council's 21/22 Budget, the costs associated with maintaining the site will be shared with the sub-lessees and this will be detailed in the sub-lease agreement to be put in place. At the August 2021 Special Council Meeting, Council agreed to provide an annual contribution of \$10,000 towards these costs (SCM21/08/102). The NRM groups have agreed to an annual lease fee of \$10,000 as a collective contribution to meet the overall costs of maintaining the property. The groups will be responsible for costs associated with power and water consumption and their own organisational expenses.

Containers for Change will be able to operate from the eastern portion of the site and details of the tenure arrangements for this group are to be negotiated.

A refurbishment of the office building and some alterations to fencing and crossovers is required. It is intended that the Shire will work with the groups to identify and plan for these works. In the 21/22 budget, Council agreed to contribute up to \$10,000 for a qualified draftsman or architect to prepare concept plans and costings for this work. External funding will be sought for the refurbishment works, in addition to capital contributions agreed to by Council for the improvements - \$20,000 towards the office building refurbishment and \$3,000 towards the CRWA fencing, gates and crossovers.

The establishment of the property as a regional environment hub provides increased activation of the town centre and increases local employment opportunities.

DPIRD has indicated it is their intention to progress the vesting of the property with the Shire however the timeline for this is currently unconfirmed.

Vacating Irrigation House also enables the potential refurbishment of the building, incorporation into the new Community Precinct and its reestablishment as of a multi-purpose, community facility with shared and flexibility meeting spaces.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

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

<b>Focus Area</b>	Our Environment
<b>Aspiration</b>	To continually care for, protect and enhance our environment for the generations to come
<b>Objective</b>	3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity
<b>Strategy</b>	3.1.1 Collaborate with local environmental community organisations and volunteers

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

Nil

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Occupancy of the property as a regional environment hub provides benefits for Waroona including:

- Increased town centre activity through expanded environmental service delivery being based in Waroona.
- Visual improvements and more fit-for-purpose facilities for the groups in a currently vacant site.
- Enables groups to grow and provide more local employment.

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

Provides opportunities for community members to come together in a fit-for-purpose facility to work together on environmental programs.

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

Enhances local opportunities for landowners, land managers and community members to access support, education, information and equipment to assist in land care and environmental initiatives.

### *Policy Implications*

Policy CGP019 – Application of the Shire of Waroona Common Seal

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

## **CONSULTATION**

- Department of Primary Industries and Regional Development
- Waroona Landcare
- Harvey River Restoration Trust
- Peel Harvey Catchment Council
- Peel Harvey Biosecurity Group
- Community Recycling WA (Containers for Change)

## **RESOURCE IMPLICATIONS**

### *Financial*

Council contributions approved at Special Council Meeting 10 August 2021 (SCM21/08/102).

\$20,000 refurbishment contribution

\$3,000 CRWA fencing / gates

\$10,000 draftsman for refurbishment concepts

\$10,000 annual contribution to maintenance and insurance

Tenant contributions

\$10,000 annual sub-lease fee

Should one or more of the sub-lessees withdraw from the sub-lease arrangements, Council may incur increased costs to ensure the upkeep of the property. Alternate tenants will be sought.

### *Workforce*

Nil.

## **OPTIONS**

Council has the option of:

1. Supporting the recommendation provided.
2. Amending or not supporting the recommendation.

## **CONCLUSION**

This lease with WAAA and the sub-lease with tenants provides clarity of responsibilities and compliance with agreed conditions regarding the premises, and ensure that the property is occupied by valued environmental groups doing good work in our community.

**11.5 CHIEF EXECUTIVE OFFICER**

Nil.

**11.6 ITEMS FOR INFORMATION**

**11.6.1 Outstanding Council Resolutions – Appendix 11.6.1.**

**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**

**COUNCIL RESOLUTION**

**OCM21/08/128**

**Moved: Cr Vitale**

**Seconded: Cr Scott**

**That Council approves Item 15.1 – Late Item – Review of Free Recreation Vehicle Short Stays as new business of an urgent nature.**

**CARRIED 7/0**

Cr Vitale declared an interest affecting impartiality in Item 15.1 as the reporting officer is a family member.

<b>15.1 Late Item – Review of Free Recreational Vehicle Short Stays</b>			
<b>File Ref:</b>	27/1		
<b>Previous Items:</b>	23 October 2018	Item 9.2.2	OCM18/10/097
	26 November 2019	Item 9.5.2	OCM19/11/138
<b>Applicant:</b>	Not Applicable		
<b>Author and Title:</b>	Brad Vitale, Corporate Compliance Officer		
<b>Declaration of Interest:</b>	Nil		
<b>Voting Requirements:</b>	Simple Majority		
<b>Appendix Number</b>	Appendix 15.1A – Waroona Showgrounds Proposed Site Appendix 15.1B – Drakesbrook Weir Proposed Site Appendix 15.1C – Preston Beach Proposed Site Appendix 15.1D – The Self-contained RV Tourist – Who They Are and How Will They benefit Your Local Community Appendix 15.1E – RV Survey Summary		

### **COUNCIL RESOLUTION**

**OCM21/08/129**

**Moved: Cr Scott**

**Seconded: Cr Purcell**

**That Council:**

- 1. Continues its formal support in the long-term for a new free recreational vehicle short stay location for the town of Waroona, to be located at the Waroona Community Precinct site.**
- 2. Supports, in the shorter term free recreational vehicle short stays (for not more than 5 recreational vehicles at any one time) at Waroona Showgrounds (in the area of the old Basketball Courts) and at Drakesbrook Weir (in the area illustrated in Appendix 15.1B), until the establishment of the new free recreational vehicle short stay site at the Waroona Community Precinct all year round, with the following conditions:**
  - a. Maximum period of stay is 24 hours only,**
  - b. The time frame between one period of stay and the next period, by the same recreational vehicle, is 5 consecutive nights,**
  - c. Recreational vehicle means a caravan, buses, coach or similar that is designed and used for recreational use, that are:**
    - (i) fitted with an operable integrated black water waste system with a holding tank, and**
    - (ii) a grey water waste system that is capable of capturing grey water without it being deposited on the ground (an integrated holding tank is not required),**
  - d. Erecting a fixed annex is not permitted,**
  - e. Clotheslines external to a recreational vehicle are not permitted,**
  - f. Accessing any power outlet is not permitted, and**
  - g. Camp or cooking fires are prohibited at all times.**
- 3. Request a further report to be presented to Council prior to the completion of the Waroona Community Precinct to determine conditions for the free recreational vehicle short stay site at the new Waroona Community Precinct;**

- 4. Supports the relocation of the Preston Beach free recreational vehicle short stay site at the public carpark on Reserve 32010 to a portion of the green waste area (as illustrated in Appendix 15.1C), accessible all year round, with the conditions for recreational vehicle short stays being, as follows:**
- a. Maximum period of stay is 48 hours only,**
  - b. The time frame between one period of stay and the next period, by the same recreational vehicle, is 5 consecutive nights,**
  - c. Recreational vehicle means a caravan, buses, coach or similar that is designed and used for recreational use, that are:**
    - (i) fitted with an operable integrated black water waste system with a holding tank, and**
    - (ii) a grey water waste system that is capable of capturing grey water without it being deposited on the ground (an integrated holding tank is not required),**
  - d. Erecting a fixed annex is not permitted,**
  - e. Clotheslines external to a recreational vehicle are not permitted,**
  - f. Accessing any power outlet is not permitted, and**
  - g. Camp or cooking fires are prohibited at all times.**

**CARRIED 7/0**

Note: the Officer's recommendation was amended as follows:

- to move the allocated area at the Waroona showgrounds further South of that proposed to the old Basketball Courts;
- to allow 48 hours free stay at Preston Beach to assist in local economic development opportunities.

#### RECOMMENDATION

That Council:

1. Continues its formal support in the long-term for a new free recreational vehicle short stay location for the town of Waroona, to be located at the Waroona Community Precinct site.
2. Supports, in the shorter term free recreational vehicle short stays (for not more than 5 recreational vehicles at any one time) at Waroona Showgrounds (in the area illustrated in Appendix 15.1A) and at Drakesbrook Weir (in the area illustrated in Appendix 15.1B), until the establishment of the new free recreational vehicle short stay site at the Waroona Community Precinct all year round, with the following conditions:
  - a. Maximum period of stay is 24 hours only,
  - b. The time frame between one period of stay and the next period, by the same recreational vehicle, is 5 consecutive nights,
  - c. Recreational vehicle means a caravan, buses, coach or similar that is designed and used for recreational use, that are:
    - (j) fitted with an operable integrated black water waste system with a holding tank, and
    - (ii) a grey water waste system that is capable of capturing grey water without it being deposited on the ground (an integrated holding tank is not required),
  - d. Erecting a fixed annex is not permitted,
  - e. Clotheslines external to a recreational vehicle are not permitted,
  - f. Accessing any power outlet is not permitted, and
  - g. Camp or cooking fires are prohibited at all times.

3. Request a further report to be presented to Council prior to the completion of the Waroona Community Precinct to determine conditions for the free recreational vehicle short stay site at the new Waroona Community Precinct;
4. Supports the relocation of the Preston Beach free recreational vehicle short stay site at the public carpark on Reserve 32010 to a portion of the green waste area (as illustrated in Appendix 15.1C), accessible all year round, with the conditions for recreational vehicle short stays being, as follows:
  - a. Maximum period of stay is 24 hours only,
  - b. The time frame between one period of stay and the next period, by the same recreational vehicle, is 5 consecutive nights,
  - c. Recreational vehicle means a caravan, buses, coach or similar that is designed and used for recreational use, that are:
    - (j) fitted with an operable integrated black water waste system with a holding tank, and
    - (ii) a grey water waste system that is capable of capturing grey water without it being deposited on the ground (an integrated holding tank is not required),
  - d. Erecting a fixed annex is not permitted,
  - e. Clotheslines external to a recreational vehicle are not permitted,
  - f. Accessing any power outlet is not permitted, and
  - g. Camp or cooking fires are prohibited at all times.

### **IN BRIEF**

- A previous Council resolution supported a new recreation vehicle (RV) free stay location being developed on Fouracre Street, including the installation of a dump point on site, to replace the RV free stay locations at Drakesbrook Weir and Waroona Showgrounds.
- Since this resolution, the Waroona Revitalisation Strategy and Waroona Community Precinct projects have progressed, presenting an opportunity to incorporate the new RV free stay location into these projects.
- It is proposed to extend the period which RVs can access the RV free stay locations from the current May 1 to October 31 period, to all year round.

### **BACKGROUND**

At the Ordinary Council Meeting held on 23 October 2018, Council considered whether it would support 24 hour RV free stay locations in Waroona and Preston Beach. In the report, it was stated that a 24 hour RV free stay area was trialled at the Preston Beach carpark between May 1 and October 31, 2018. There were no negative responses to this trial and there was minimal regulation required by Shire Rangers. Due to this success, the Economic Development Committee recommended that two new trial sites be implemented in Waroona being:

- Waroona Showgrounds; and
- Drakesbrook Weir.

At this meeting, Council made the following resolution:

#### **COUNCIL RESOLUTION**

OCM18/10/097

Moved: Cr Scott

Seconded: Cr Purcell

*That in relation to the 24 Hour Recreational Vehicle Free Stay Area, the Committee recommends to Council that the Shire of Waroona:*



6. *Replicates the initiative at Waroona Showgrounds, allocating bays adjacent to the Waroona Junior Football Club canteen illustrated in APPENDIX 9.2.2B for the period of May 1 – October 31 in 2019 as a trial, in accordance with the restriction and limitations of the Preston Beach site outlined in APPENDIX 9.2.2A;*
7. *Replicates the initiative at Drakesbrook Weir, allocating bays in the carpark area adjacent to the ablutions illustrated in APPENDIX 9.2.2C for the period of May 1 – October 31 in 2019 as a trial, in accordance with the restrictions and limitations of the Preston Beach site outlined in APPENDIX 9.2.2A; and*
8. *Approve the Preston Beach trial site to be established as a permanent 24 Hour Recreational Vehicle Free Stay Area for the period of May 1 – October 31 each year, in accordance with the current restrictions and limitations outlined in APPENDIX 9.2.2A*
9. *The CEO be authorised to extend or reduce the season of the Free Stay Areas based on seasonal and other factors that may impact the suitability or providing such a service.*

*CARRIED BY ABSOLUTE MAJORITY 7/0*

Following the end of the trial sites for Waroona Showgrounds and Drakesbrook Weir, at the Ordinary Council Meeting held on 26 November 2019, Council made the following resolution:

**COUNCIL RESOLUTION**

OCM19/11/138

Moved: Cr Dew

Seconded: Cr Purcell

*That Council:*

1. *Formally supports a new Recreational Vehicle (RV) location for the town of Waroona, being on the recreation reserve on Fouracre Street between Millar Street and Palmerston Street, replacing the locations of the Drakesbrook Weir and the Showgrounds.*
2. *That the RV location on Fouracre Street allow stays for RV vehicles for up to 72 hours at any one time.*
3. *Requests formal approval from Department of Lands & Heritage to use this site for the purpose of RV vehicle stays.*
4. *Allocates \$11,000 from the CEO Salary savings (A/C# 0052) towards the installation of a dump point at the site and signage on and leading to the site (Expenditure A/C# 3944 \$11,000).*
5. *Continues to support the current arrangement for RV vehicles at the Preston Beach car park between May 1 and 31 October annually.*
6. *A further review of the Drakesbrook Weir 24 hour free RV parking prohibition be carried out in 12 months (November 2020).*

*CARRIED BY ABSOLUTE MAJORITY 8/0*

## **REPORT DETAIL**

Part 1 of Council's resolution from 26 November 2019 (OCM19/11/138) to formally support a new RV location on Fouracre Street is still in effect, however recent significant progressions of the Waroona Revitalisation Strategy and Waroona Community Precinct projects has presented an opportunity to incorporate the new RV free stay location into these projects. Given that the Waroona Community Precinct is not anticipated to be completed for at least twelve months, and therefore a new RV short stay site will not be established during this time, the Waroona Showgrounds and Drakesbrook Weir free RV short stay locations should remain in effect for the remainder of the May 1 to October 31, 2021, period and May 1 to October 31, 2022, period.

Part 2 of the resolution to allow stays for RVs for up to 72 hours at any one time should be considered in a further report presented to Council closer to the completion of the Waroona Community Precinct to provide Council the opportunity to consider a complete list of conditions for the new site.

Part 3 of the resolution to request formal approval from Department of Planning, Lands and Heritage will be addressed through the development of new RV short stay site as part of the Waroona Community Precinct.

Part 4 of the resolution to allocate funds towards the installation of a dump point at the new site and accompanying signage was completed, however the funds were not spent in the 2019/20 financial year. No funding has since been allocated for this expense, therefore the cost will be included in the overall Waroona Community Precinct project.

Part 5 of the resolution to support the current arrangement for RVs at the Preston Beach carpark was completed, however it is recommended that the site be relocated from the carpark to the green waste area. This relocation will provide increased parking for day visitors to the beach whilst still maintaining an adequate distance to ablutions and rubbish collection points. This new location will also still provide passive surveillance and a presence in the carpark area to continue as a deterrent for potential undesirable behaviour.

Part 6 of the resolution to further review the Drakesbrook Weir RV short stay site is completed through the consideration of this report.

It is also proposed to extend the period which RVs can access the RV free stay locations from the current May 1 to October 31 period, to all year round.

**Appendix 15.1D** summarises the economic opportunities that RV tourists can bring to a community.

**Appendix 15.2E** summarises a 2019 survey completed with 82 RV users in Pinjarra regarding RV short stay.

The officer recommendation of this report will assist in clarifying and formalising the current arrangements for RV short stay areas throughout the Shire until a new site is established and maximise the economic opportunities available through RV short stay areas.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning

<b>Objective</b>	1.2 Maximise and connect our natural assets to the community
<b>Strategy</b>	1.2.1 Connect natural assets, waterways, parks and reserves to the community
<b>Action</b>	Nil

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To create a diverse economy base that supports opportunity and employment
<b>Objective</b>	2.3 Create a vibrant, inviting and thriving town centre and maximise Waroona's natural assets, cultural and heritage as drivers for tourism development
<b>Strategy</b>	2.3.2 Develop key sectors of the tourism economy where Waroona has a competitive advantage
<b>Action</b>	Nil

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

Nil.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

There is no income to the Shire associated with the proposed temporary free RV short stay sites, however there will be a positive impact on local businesses as RV users often support local supermarkets, service stations, eateries, shops etc.

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

It is not anticipated that the proposed temporary free RV short stay sites will cause any social issues. RVs in the incorrect area will contravene the Shire's local laws and the *Caravan Parks and Camping Grounds Act 1995*, and can be dealt with by modified penalties.

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

Both proposed temporary free RV short stay sites have adequate rubbish collection and bins, and signage will be installed to promote conditions around waste management.

#### *Policy Implications*

Nil.

#### *Risk Management Implications*

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

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Perception that Council is not promoting economic opportunities that will benefit local tourism and economy.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.

<i>Review Frequency</i>	Semi-annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

Nil.

Given the fencing of the Waroona Showgrounds, the proposed trial site may impact formal and informal arrangements with community organisations and for events including Peel Football League matches, Waroona Agricultural Show, and Waroona Vintage Machinery Rally, requiring specific arrangements with access during these events.

The use of the proposed Drakesbrook Weir trial site is subject to a lease agreement with the Water Corporation.

However no major issues occurred in the previous trials at these sites, and the proposed arrangement is only temporary, ending once the permanent site is developed at the Waroona Community Precinct.

## **RESOURCE IMPLICATIONS**

*Financial*

Nil.

*Workforce*

Nil.

## **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation; or
2. Amending or rejecting the officer recommendation.

## **CONCLUSION**

The provision of free RV short stay areas is considered to be an important improvement to the diversity of tourism accommodation within the Shire. The trial at Preston Beach held during 2018, and trials at Waroona Showgrounds and Drakesbrook Weir held during 2019, were deemed successful, providing an indication that a permanent site in the Shire would be beneficial.

A permanent free RV short stay area has been considered in the Waroona Revitalisation Strategy and Waroona Community Precinct projects, however it is anticipated that this will not be accessible for at least twelve months. The use of the Waroona Showgrounds and Drakesbrook Weir sites, as previously trialled, will provide a temporary solution to having free RV short stay areas for the remainder of the May 1 to October 31, 2021, period, and May 1 to October 31, 2022, period.

A further report presented to Council closer to the completion of the Waroona Community Precinct will allow for the consideration of conditions for the new permanent site, as well as determining whether the temporary sites at Waroona Showgrounds and Drakesbrook Weir should continue.

<b>15.2 Late Item – Venue for September Ordinary Council Meeting</b>	
<b>File Ref:</b>	35/1
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	Not Applicable
<b>Author and Title:</b>	Mike Walmsley, Shire President
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION**

OCM21/08/130

Moved: Cr Walmsley

Seconded: Cr Mason

That the September Ordinary Council meeting be held in Waroona Council Chambers.

**CARRIED 7/0**

**16. MEETING CLOSED TO THE PUBLIC****COUNCIL RESOLUTION**

OCM21/08/131

Moved: Cr Vitale

Seconded: Cr Purcell

That the meeting be closed to members of the public in accordance with Section 5.23(2)(d) of the Local Government Act 1995 to deal with confidential items relating to sale of land, the time being 4.58 pm.

**CARRIED 7/0**

Cr Vitale declared an interest affecting impartiality in Item 16.1 as the reporting officer is a family member.

<b>16.1 Late Item – Confidential Item – Disposal of Lot 220 (No. 27) Sundercombe Loop, Waroona</b>			
<b>File Ref:</b>	LD205; 36/1; A3489		
<b>Previous Items:</b>	26 November 2019	Item 10.1	OCM19/11/138
	22 June 2021	Item 16.2	OCM21/06/077
<b>Applicant:</b>	Professionals Waroona		
<b>Author and Title:</b>	Brad Vitale, Corporate Compliance Officer		
<b>Declaration of Interest:</b>	Nil		
<b>Voting Requirements:</b>	Absolute Majority		
<b>Appendix Number</b>	Appendix 16.1 – First Choice Valuation Services Valuation		

**COUNCIL RESOLUTION**

OCM21/08/132

Moved: Cr Vitale

Seconded: Cr Scott

That Council approves Item 16.1 – Late Item – Confidential Item – Disposal of Lot 220 (No. 27) Sundercombe Loop, Waroona as new business of an urgent nature.

CARRIED 7/0

**COUNCIL RESOLUTION**

OCM21/08/133

Moved: Cr Mason

Seconded: Cr Odorisio

That Council:

1. Supports the Offer to Purchase for Lot 220 (No. 27) Sundercombe Loop, Waroona for the amount of \$92,000 received from Professionals Waroona on 19 August 2021, subject to the following condition provided by the buyer:
  - a. this offer is subject to the seller organising an arborist's report on both of the trees within fourteen days from acceptance. If the report states that the trees are unsafe, then the buyer requests the removal of the trees prior to settlement by the seller;
2. Gives public notice of the proposed disposition of Lot 220 (No. 27) Sundercombe Loop, Waroona in accordance with s.3.58(3) of the *Local Government Act 1995*;
3. If no submissions are received by the date provided in the notice given in (2) above, authorises the Chief Executive Officer to formally accept the Offer to Purchase for Lot 220 (No. 27) Sundercombe Loop, Waroona for the amount of \$92,000 subject to the buyer's condition;
4. Following compliance with (1), (2) and (3) above, authorises the Chief Executive Officer and Shire President to sign and execute the relevant documents pertaining to the disposal of Lot 220 (No. 27) Sundercombe Loop, Waroona.

CARRIED BY ABSOLUTE MAJORITY 7/0

**COUNCIL RESOLUTION**

**OCM21/08/134**

**Moved: Cr Scott**

**Seconded: Cr Dew**

**That the meeting proceed in public, the time being 4.59 pm.**

**CARRIED 7/0**

**17. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 5.01 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 28 SEPTEMBER 2021 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE