



Date: 19 October 2021

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

ORDINARY COUNCIL MEETING NOTICE AND AGENDA

An Ordinary Council meeting of the Shire of Waroona will be held in Council Chambers on 26 October 2021 at 4.00pm to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in blue ink, appearing to read "Patrick Steinbacher", is positioned above the printed name and title.

**PATRICK STEINBACHER
ACTING CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

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

TABLE OF CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS	5
2.	ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....	5
3.	OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION OF OFFICE TO BE TAKEN BY ELECTED COUNCILLORS	5
4.	ELECTION OF SHIRE PRESIDENT	5
5.	SWEARING IN OF SHIRE PRESIDENT.....	9
6.	ELECTION OF DEPUTY SHIRE PRESIDENT	9
7.	SWEARING IN OF DEPUTY SHIRE PRESIDENT	9
8.	SEATING ALLOCATION FOR COUNCILLORS	10
9.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	10
10.	PUBLIC QUESTION TIME	10
11.	PETITIONS AND APPROVED DEPUTATIONS.....	10
12.	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	10
	12.1 Ordinary Council Meeting – 28 September 2021	10
	12.2 Special Council Meeting – 12 October 2021	10
13.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	10
14.	ANNOUNCEMENTS BY MEMBERS.....	10
15.	DISCLOSURES OF INTEREST	10
16.	RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES.....	10
17.	ELECTION OF COMMITTEE MEMBERS AND REPRESENTATIVES	11
18.	REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS.....	14
	18.1 DIRECTOR INFRASTRUCTURE SERVICES.....	14
	18.2 DIRECTOR PLANNING & SUSTAINABILITY	15
	18.2.1 Adoption of Preston Beach Foreshore Management Plan	15
	18.3 DIRECTOR CORPORATE SERVICES	23
	18.3.1 Listing of Payments for the Month of September 2021	23
	18.3.2 Monthly Statement of Financial Activity for the Period 1 July 2021 to 30 September 2021	26
	18.3.3 Peel Harvey Catchment Council – Call for Local Government Nominations.....	29
	18.3.4 Policy HRP015 – Alcohol and Drugs in the Workplace	32
	18.3.5 Disposal of Lot 6 (No. 13) Mitchell Avenue, Waroona	35
	18.4 DIRECTOR PLACE, COMMUNITY & ECONOMIC DEVELOPMENT	38
	18.5 CHIEF EXECUTIVE OFFICER	39
	18.5.1 Peel Development Commission Board Nominations	39
	18.5.2 Policy Proposal – Superannuation for Election Members	41
	18.6 ITEMS FOR INFORMATION	44
	18.6.1 Outstanding Council Resolutions Report (35/1) – Attached at Appendix 18.6.1 ...	44
	18.6.2 - Corporate Business Plan – Progress Report – Q4	44
19.	BUSINESS LEFT OVER FROM A PREVIOUS MEETING.....	44
20.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	44
21.	NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING	44
22.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING.....	44
23.	MEETING CLOSED TO THE PUBLIC.....	45

23.1	Confidential Item – Request for Quote 2021/22-10 Supply and Delivery of a Combination 6-Wheeler Tip Truck with Plant Trailer and the Trade of Existing 6 Wheeler.....	45
23.2	Confidential Item – Appointment of Chief Executive Officer.....	45
24.	CLOSURE OF MEETING.....	45

AGENDA

1. **DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**
2. **ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
3. **OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION OF OFFICE TO BE TAKEN BY ELECTED COUNCILLORS**

Mr John Salerian JP will conduct the Oath or Affirmation of Allegiance and Declaration of office for the elected Councillors.

- | | | |
|------|--------------------------|----------------|
| i. | Cr John Michael Walmsley | Four Year Term |
| ii. | Cr Naomi Grace Purcell | Four Year Term |
| iii. | Cr Dion Pisconeri | Four Year Term |
| iv. | Cr Ryan Woodbury | Four Year Term |

4. **ELECTION OF SHIRE PRESIDENT**

File Ref: 35/1
Author and Title: Dean Unsworth, Chief Executive Officer

RECOMMENDATION

That:

1. **The Chief Executive Officer reads aloud nominations for the position of Shire President and requests those nominated to state verbally if they are willing to accept that nomination, and that votes are cast accordingly as per the *Local Government Act (1995)*.**
2. **That those nominated for Shire President are invited to speak to their nomination for no more than five (5) minutes.**

IN BRIEF

Under the *Local Government Act 1995 (as amended)* for the election of President, when elected by the Council, nominations are to be given to the CEO in writing at a time announced by the CEO.

If a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.

Voting is by secret ballot as if they were electors voting at an election.

If, when the votes are counted there is an equality of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days.

BACKGROUND

As the election for President is to be conducted as if they were electors voting at an election, it is requested that all nominations be received by **3.30pm** on Tuesday 26 October 2021. This will then give officers time to have election papers printed prior to the **4.00pm** commencement of the meeting.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section – 2.11. Alternative methods of filling office of mayor or president

- (1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be —
 - (a) elected by electors of the district under Part 4; or
 - (b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.
- (2) A local government may change* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.

** Special Majority Required*

- (3) A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12.
- (4) The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of electors of the district who voted at the poll voted in favour of the change.

Section 2.15 – Filling office of deputy mayor or deputy president

The deputy mayor or deputy president is to be elected by the council under Schedule 2.3, Division 2.

Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by council

[Sections 2.11(1)(b) and 2.15]

Division 1 – Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —

- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When council elects deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is a equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

SUMMARY

Nominations for Shire President may be made prior to, or at the time of dealing with Item 6 of this Agenda. Nominations will then close and ballot papers will be immediately printed and then the ballot held. A short adjournment will occur while ballot papers are printed.

For the purpose of having ballot papers printed, it is suggested that nominations be provided to the Returning Officer (CEO) prior to this meeting. This may alleviate the need for an adjournment.

5. SWEARING IN OF SHIRE PRESIDENT

Mr John Salerian JP will conduct the Oath or Affirmation of Allegiance and Declaration of office of Shire President.

6. ELECTION OF DEPUTY SHIRE PRESIDENT**RECOMMENDATION**

That the elected President calls for nominations for the position of Deputy President from the members.

IN BRIEF

Once nominations close for the position of Deputy President, if there is more than one nomination, there will be a short adjournment to print the ballot papers.

In regards to the election of the Deputy President, Schedule 2.3(2) of the *Local Government Act 1995* states that this election is to be conducted in accordance with the procedure prescribed by the President, or if he or she is not present, by the CEO. Nominations are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations. Council members are to vote on the matter by way of secret ballot.

7. SWEARING IN OF DEPUTY SHIRE PRESIDENT

Mr John Salerian JP will conduct the Oath or Affirmation of Allegiance and Declaration of office for Deputy Shire President.

8. SEATING ALLOCATION FOR COUNCILLORS

RECOMMENDATION

That the CEO shall allot, by ballot, a position at the Council table by each member.

9. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

10. PUBLIC QUESTION TIME

11. PETITIONS AND APPROVED DEPUTATIONS

12. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

12.1 Ordinary Council Meeting – 28 September 2021

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 28 September 2021 be confirmed as being a true and correct record of proceedings.

12.2 Special Council Meeting – 12 October 2021

RECOMMENDATION

That the Minutes of the Special Council Meeting held 12 October 2021 be confirmed as being a true and correct record of proceedings.

13. ANNOUNCEMENTS BY THE PRESIDING MEMBER

14. ANNOUNCEMENTS BY MEMBERS

15. 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.)

16. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES

Nil.

17. ELECTION OF COMMITTEE MEMBERS AND REPRESENTATIVES

Council Standing Committees (Members only)

- a. Finance & Audit Committee
(All Councillors)

Meeting requirements: Meets 3-4 times per year, Feb, July, Dec and additional in April/May if needed.

RECOMMENDATION:

That all Councillors are elected to the Finance and Audit Committee.

Other Council Committees/Groups

- a. Recreation Advisory Committee
4 Councillors & 2 Community Representatives

Meeting requirements: As required (generally in evening)

RECOMMENDATION:

That Councillors _____, _____, _____ and _____ are elected to the Recreation Advisory Committee.

- b. Small Grants & Awards Committee
(4 Councillors)

Meeting requirements: As required (usually 2 meetings per year)

RECOMMENDATION:

That Councillors _____, _____, _____ and _____ are elected to the Small Grants and Awards Committee.

- c. Waroona Visitor Centre Working Group
(3 Councillors supported by the Director Place, Community & Economic Development and Visitor Centre Manager)

RECOMMENDATION:

That Councillors _____, _____ and _____ are elected to the Waroona Visitor Centre Working Group.

The appointment of Representatives and delegates to the Advisory Committees; Committees and Progress Associations; Local Organisations; Regional Bodies/Committees; and Special Purpose Committees and Groups for the 2021-2023 period:

Advisory Committee Representatives

- a. Bush Fire Advisory Committee
(1 Councillor) Meets as required (2 meetings per year)
- b. Local Emergency Management Committee
(1 Councillor, EMC) Meets quarterly at 3 pm)

Committees and Progress Association Representatives

- a. Preston Beach Progress Association
(1 Councillor) Meets once a month.
- b. Lake Clifton/Herron Residents Association
(1 Councillor) Meets once a month.

Delegates to Local Organisations

- a. Wagerup Community Consultative Network
(2 Councillors)

Delegates to Regional Bodies/Committees

- a. Peel Zone – Western Australian Local Government Association
(2 Councillors – Shire President & Deputy Shire President)
- b. Regional Road (Sub) Group (South West)
(1 Councillor & 1 proxy) Meets 3 times per year evenly spaced, Monday mornings at 9.30 am at Shire of Dardanup, Eaton.
- c. COASTSWAP
(1 Councillor) & TP. Meets as required (generally 2 meetings per year)
- d. Regional Joint Development Assessment Panel
(2 Councillors and 2 alternate delegates) (*requires training – previously Cr Dew & Scott*) Meets as required.

Special Purpose Committees and Groups

- a. Waroona Interagency Committee
(1 Councillor) Meets Bi-monthly, Tuesdays/Wed 11am to 1pm
- b. Harvey River Task Force
(1 Councillor)
- c. Alcoa Waroona Sustainability Fund
(2 Councillors)

Liaison to other Committees/Organisations

- a. Coolup Land Conservation District Committee
(1 Councillor)
- b. Peel Mosquito Management Group
(1 Councillor)
- c. Waroona Historical Society
(1 Councillor) Meets monthly 3.30 – 5.00pm
- d. Long Term Residue Management Committee
(1 Councillor) Meets once a quarter
- e. Peel Trails Group
(1 Councillor)
- f. Peron Naturaliste Partnership
(1 Councillor & 1 proxy)
- g. Alcoa Wagerup Environmental Improvement Plan Stakeholder Reference Group
(1 staff member)
- h. Willowdale Mine Environmental Improvement Plan Stakeholder Reference Group
(1 staff member)
- i. Peel Biosecurity Group
(1 Councillor)

18. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS

18.1 DIRECTOR INFRASTRUCTURE SERVICES

A confidential item will be considered under item 23.1

18.2 DIRECTOR PLANNING & SUSTAINABILITY

18.2.1 Adoption of Preston Beach Foreshore Management Plan	
File Ref:	168/1
Previous Items:	Item 9.3.3 13 Sep 2019 OCM 19/09/103
Applicant:	Shire of Waroona
Author and Title:	Tom Lerner, Coordinator Environmental Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	18.2.1 – Foreshore Management Plan

RECOMMENDATION

That Council:

1. adopts the *Preston Beach Foreshore Management Plan*, prepared by Water Technology and dated 31 August 2021 as set out in Appendix 18.2.1; and
2. thanks the members of the Preston Beach Foreshore Management Plan Review Steering Committee for their contribution towards this plan;
3. publishes notice of the newly adopted plan in a newspaper circulating within the Shire.

IN BRIEF

- The current Foreshore Management Plan for Preston Beach was adopted in 2002 and is due for review.
- Grant funding was sourced from the Department of Planning Lands and Heritage under its Coastal Management Plan Assistance Program, a Steering Group established, and in mid-2020 specialist consultants, Water Technology, were engaged to undertake the review.
- The Management Plan review has since been completed in close consultation with the community and key stakeholders, has received unanimous support of the Steering Group and is now ready to be considered for adoption by Council.

BACKGROUND

In 2001, the Preston Beach Progress Association, in conjunction with the Shire of Waroona, commissioned Coastwise Coastal Planning and Management to prepare a Foreshore Management Plan for the Waroona Coastline. A number of the recommendations have been implemented since this time and the plan is now due for review.

In July 2019 the Shire was awarded a grant of \$30,000 from the Department of Planning Lands and Heritage under its Coastal Management Plan Assistance Program and in September 2019 Council endorsed a Steering Committee to oversee the preparation of a new Foreshore Management Plan. Specialist consultants, Water Technology, were subsequently appointed in May 2020 to prepare the Foreshore Management Plan.

REPORT DETAIL

The study area for the Foreshore Management Plan (Plan) is the entire, approximate 15 kilometre coastline of the Shire of Waroona, from the high water mark to the eastern extent of the abutting coastal reserves.

The aim of the Plan is to set a 10-year strategy for the coordinated management of the coastal foreshore. The Plan seeks to identify coastal management issues, pressures, risks, and opportunities as well as actions required to address these issues in a strategic and integrated manner.

A suite of objectives were developed for the Plan to ensure that the outcomes are consistent with the principles of ecologically sustainable development for the social, cultural, and economic well-being of the Shire's coastline. The objectives of the Plan are:

- to identify existing and potential future risks from coastal hazards;
- to protect and enhance the integrity and resilience of the environmental values of the study area for current and future generations;
- to support the social and cultural values of the foreshore and maintain public access and recreational amenity;
- to acknowledge Aboriginal peoples' spiritual connection to the study area and to protect local indigenous cultural heritage;
- to recognise the Shire's coast as a vital economic resource for the region; and
- to maintain meaningful engagement with the community, to support public participation in coastal management and planning, and to foster greater public awareness, education and understanding of coastal processes and management actions.

The Scope of Work for the development of the FMP comprised the following key elements:

- a site inspection, and liaison with the Shire staff and project stakeholders;
- review of the existing 2002 Foreshore Management Plan;
- preparation of a summary of the strategic context for the Plan, including the prevailing coastal processes (tides, waves, winds, and sediment transport pathways), ecological processes (local flora and fauna) and recreational usage;
- assessment of the recreational amenity and community uses, identifying issues such as access, public safety and projected future usage associated with local and regional population change;
- an overview of existing coastal land use and tenure;
- development of a Plan that provides a staged program of management actions for the foreshore for the next 10 years; and
- consultation with the local community and project stakeholders throughout the preparation of the new Plan, consistent with a Stakeholder Engagement Strategy.

The Plan has been prepared in accordance with the State Coastal Planning Policy (State Planning Policy 2.6) and supporting guidelines. It specifically establishes a management framework that will enable the coastal foreshore reserve to be managed in a sustainable manner providing access and amenity to local residents and the wider local community.

A full copy of the Plan is included at **Appendix 18.2.1**. It includes some 16 recommendation actions for implementation over the next 10 years. These actions are found in Table 6.1 of the Plan which is partly included below (the full table includes recommended timeframes and indicative costs):

#	Recommended Management Actions
1	Continue to provide beach access for vehicles to the north and south of the swimming beach and prohibit vehicle access to the swimming beach.
2	Continue to restrict access to the foredune. Current policies of education, monitoring by Volunteer and Shire Rangers, demarcation of access tracks and pedestrian paths and foredune brushing should continue to ensure informal access into the vegetated foredune is minimised as much as possible to protect the condition of the foredunes and vegetation.
3	Continue brushing of foredunes with donated green waste but provide advice on what green waste is suitable for foredune brushing and welcome at the green waste disposal area and what is considered weeds and is prohibited to be deposited.
4	<p>Continue to undertake and support programs for the eradication of weeds and the rehabilitation and revegetation within the foreshore reserves. Appropriate local species should be used.</p> <ul style="list-style-type: none"> ▪ Works near the car park could be enhanced by descriptive signage to provide education and tell the story of the natural flora and fauna for the various locations. ▪ Input from DBCA, Peel Harvey Catchment Council and the Peel Harvey Biosecurity Group should be sought for vegetation condition inspection, the eradication of weeds, and rehabilitation and revegetation activities.
5	Continue coastal monitoring activities to characterise the behaviour of the coastline in the study area. This background information will be valuable in the event of severe storm damage (where beach surveys should be undertaken ASAP after such an event) or for future coastal planning and development applications to ensure sustainable management of the coast into the future. Collaborative efforts such as these being undertaken with the PNP are appropriate for the Shire, given the coast is largely undeveloped and contains no coastal erosion hotspots.
6	Pursue grant funding opportunities from state and federal government to assist with the implementation of these recommendations.
7	<p>Review options to permanently demarcate swimming beach from 4WDing and fishing beaches either side. Options to consider include:</p> <ul style="list-style-type: none"> ▪ Installing large steel piles, driven into sand, or placed in drilled holes if there is limestone bedrock (understood to be present near 0.0 mAHD on parts of the swimming beach). ▪ Another option is “jettable” smaller steel posts which are installed by pumping large volumes of water down them to fluidise the sand. ▪ A possible innovative design could include the provision of beach shade attached to the piles, or able to be temporarily attached for school/summer holidays.

8	<p>Undertake networking with other local governments and organisations to review the management strategy/approach to improve relationships and education of people 4WDing on beach. Possible items to include are:</p> <ul style="list-style-type: none"> ▪ Liaison with local and state 4WD clubs such as the Peel 4x4 Club and the Four-Wheel Drive Club of WA. It may be possible to plan educational events/showcases with clubs in combination with Shire Rangers, PBPA and Volunteer Rangers, local police and emergency services. ▪ Share the challenges faced and collaborate with the Peron-Naturaliste Partnership as a regional coastal network and groups like Track Care WA who are experienced with these issues. ▪ Seek support and collaboration with the Peel Harvey Catchment Council as the regional NRM group to establish a site-specific Code Off-road educational brochure. ▪ Coordinate the approach with the PBPA and Volunteer Rangers ▪ Consider installation of an air compressor at the beach car park to make tyre reinflation easier – maybe a token fee could be charged to provide an income stream to support education of beach users. Need to consider potential for vandalism. ▪ Continue Volunteer Ranger program.
9a	<p>Provide universal access to the sandy beach. Options include:</p> <ul style="list-style-type: none"> ▪ Prepare appropriate design (with detailed capital and maintenance cost estimates) of a universal access to sandy beach area via a path which traverses the current pedestrian beach access to the 2030 erosion hazard line - to reduce vulnerability to storm erosion. Options may consider having a universal access decline ramp at the western end; the path material could be boardwalk, but it is likely concrete will be more cost-effective. The design should include for the seasonal provision of beach matting from the western end of the path onto the sandy beach, and/or appropriate access and landing for a free-hire option of a wheelchair suitable for use on the beach. It is likely that the matting, the transition from matting to path, and possibly the western end of the path may experience erosion damage and require higher levels of maintenance – these issues will be considered in the design process. This option is proposed following consultation with Shire staff, and would make use of the Shire’s currently available \$100K State funding for the provision of universal access to the beach ▪ Investigate the feasibility of providing universal beach access via the purchase of a beach wheelchair which the PBPA could take custodianship of and provide as a free hire service (possibly one or more days a week in summer months, or over school holidays). Beach access matting could be considered also to be put out on a temporary basis by the PBPA, Volunteer Rangers or other volunteers. This would also make use of the funding, however, represents a cheaper option that could potentially allow for funding to also be spent on the lookout.
9b	<p>Ocean-view lookout – This recommendation seeks to provide more convenient access for the community to view the ocean horizon and sunsets. Options include:</p> <ul style="list-style-type: none"> ▪ Prepare preliminary design (with detailed capital and maintenance cost estimates) to provide a lookout on foredune near car park to provide a destination for community members and visitors to appreciate the ocean vista and sunset views. Options can include the provision of universal access via an appropriate ramp. Detailed survey of foredune area would be required. Concrete may be suitable, and cheaper, for some components rather than a raised boardwalk style construction. This option acknowledges the feedback received on the draft FMP preferring it to the alternative location in the point below but it is noted that the number of respondents was small. This option is likely to require appropriate handrails, fencing and revegetation of the surrounding foredune. ▪ Investigate upgrading the existing lookout on the north side of Mitchell Road (approximately 250m east of the beach car park) to provide a destination for community members and visitors to appreciate the ocean vista and sunset views. Consider providing universal access and appropriate car-parking nearby on

	Mitchell Road. As a minimum the lookout should be refurbished as a destination point for people walking from town.
10	Undertake a more detailed feasibility study of several sites around town for the future establishment of a caravan park. Consider coastal hazard risk areas, weather exposure, vehicle access, requirement for pedestrian beach access, land tenure, land zoning, provision of services, design life, economic forecasts of different business models and scale of operation.
11	Aboriginal Heritage - The sensitivity of connections, sites and cultural values should be explored through reference to local traditional owners. Consultation with local elders should be prioritised in the process to explore those cultural values and connections along the coast that are not yet registered. Subsequently, appropriate methods of recognition, celebration and acknowledgement and implementation should also be explored with local elders.
12	Consider refurbishment options for the ablution block, car park and foreshore amenities. <ul style="list-style-type: none"> ▪ Potential upgrades for the ablution block should address current maintenance and upkeep issues and allow for improved infrastructure for use by patrons of the 24hr RV free stay area. A small campers kitchen area suitable for washing dishes could be provided. Refurbishment works could be undertaken in short-term or planned to coincidewith scheduled maintenance. ▪ Car park layout modifications – consider improvements to allow for a turnaround loop for larger RV’s/buses andcaravan/camper trailer combinations. ▪ Refurbishment of car park and ablution block will need to consider the feasibility of the establishment of a caravan park in the Town. If a caravan park was established close to the car park area, facilities may be shared or replaced by new ones at the caravan park and the 24hr RV free stay area could be shut down. Alternatively, if a caravan park is established elsewhere in town, facilities would still be required at the car park, but could be planned to complement those at the caravan park.
13	Review the signage provided at the car park and vehicle and pedestrian access points. Remove/replace outdated signage and install new signage as required. Focus should be on education of beach users with regard to the local natural environment and its protection (e.g., best practice four-wheel drive usage on the beach). The combined effect of the signs should be to enhance the experience of the users and the condition of the foreshore environment, without detracting significantly from the visual landscape.
14	A review of feral animal management should be undertaken in conjunction with input from DBCA.
15	The foreshore amenities are generally of a good standard. To maintain or improve this standard to 2030 however, it will be important to undertake maintenance and refurbishment of the facilities as required every few years. Ongoing collaboration with the PBPA regarding these facilities and their renewal is recommended. Government grant funding for upgrades and additions should be sought.
16	Should any future development progress for the north or south end of town, appropriate planning should be undertaken to incorporate the construction of additional pedestrian beach access point(s).

The Plan should be reviewed in 10 years’ time unless significant coastal erosion or inundation in line with a 100-year event or similar; changes to the overarching planning framework; or drastic changes to the coastline occur within the 10-year period.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Environment
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity
Strategy	3.1.2 Develop future plans and strategies to protect and enhance Preston Beach and the Yalgorup National Park

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

State Planning Policy 2.6 – Coastal Planning

SUSTAINABILITY & RISK CONSIDERATIONS

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

It is not expected that this plan would lead to a greater financial cost to the wider community.

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

The actions listed in the Plan will lead to greater use and enjoyment of the coastal area in a managed way.

Environment – (Impact on environment’s sustainability)

Adoption of the Plan will help to provide a coherent framework for specific protection of a key local environmental asset. The actions within the Plan will lead to greater appreciation of the reserve and its environmental values which will in turn have a positive feedback effect on its long-term viability.

Policy Implications

The Plan will result in stronger access management which may also require compliance and enforcement. It is anticipated that with increased awareness and education will increase the level of self-management.

Risk Management Implications

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

Overall, it is considered that the adoption of this Plan is low risk as it merely provides a framework for the future management of the foreshore reserve.

<i>Theme</i>	Environmental - Regulatory compliance, contamination, inadequate processes
<i>Description</i>	Should the Council not adopt the Plan there is a risk of unmanaged further degradation to the coastal environmental assets.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)

CONSULTATION

The review process was overseen by a Steering Group that included former Councillor Dew and six community representatives.

A Community and Stakeholder Engagement Plan was prepared to guide community engagement throughout the project (Appendix B of the Plan).

A community survey was open between 20 November 2020 to 22 January 2021 and on Thursday 3 December 2020, a community workshop was held at the Preston Beach Community Centre. These engagement initiatives were undertaken to understand community values and their perceptions of the key coastal issues. 67 surveys were received and the community workshop was attended by some 33 people.

On Saturday 17 July 2021 following the preparation of the draft Plan a community drop-in session was held at the Preston Beach Community Centre where community members were able to review the draft Plan and ask questions. This session was attended by approximately 30 people. A feedback survey was also available for several weeks to obtain feedback on the draft Plan, with six submissions being received.

Key Stakeholders the Peron Naturalise Partnership, Peel-Harvey Catchment Council, the Department of Biodiversity, Conservation and Attractions, the Department of Planning Lands and Heritage, the Shire of Harvey and the City of Mandurah were consulted during the preparation of the Plan.

A summary of the feedback received during the engagement exercises is included in section 4.2 of the Plan. The final version of the Plan was presented to the Steering Group in early October 2021 and received unanimous support.

RESOURCE IMPLICATIONS

Financial

A \$55,000 budget was allocated for the project, including a \$30,000 grant under the Department of Planning Lands and Heritage Coastal Management Plan Assistance Program with the remaining \$25,000 being Council funding.

Implementation of some of the recommendation will require significant funding. The adoption of the plan does not commit Council to funding any specific action in the Plan, however it will put the Shire in a stronger position when leveraging funds from external bodies. Seed funding could be sought from Council which would lead to better opportunities in seeking grants. There are several funding programs run by the State Government linked to coastal management.

Workforce

Preparation of the Plan has been undertaken within existing Shire resource levels. Adoption of the Plan does not commit the Shire to the implementation actions however some will involve onsite works and will require varying levels of staff resources, which can be considered on an action-by-action basis.

OPTIONS

Council has the option of:

1. Adopting the Preston Beach Foreshore Management Plan as recommended.
2. Seek changes to the recommended version of the Preston Beach Foreshore Management Plan.

CONCLUSION

Given the work undertaken, the significant levels of stakeholder and community consultation, and the level of support for the recommendations, it is recommended that the Plan be adopted in its current form.

18.3 DIRECTOR CORPORATE SERVICES

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

RECOMMENDATION

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

Municipal	Cheque 9782 – 9798	\$19,463.51
	EFT 34901 - 35063	\$431,354.50
Direct wages	01/09/2021 – 30/09/2021	\$171,824.20
Direct Debit	01/09/2021 – 30/09/2021	\$37,441.85
Trust	Cheque – Nil	\$ -
	EFT 35065	\$15,000.00
GRAND TOTAL		\$675,084.06

as attached at Appendix 18.3.1.

IN BRIEF

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

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following is required;

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing
 - (a) for each account which requires council authorisation in that month
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

Environment – (Impact on environment's sustainability)

Nil

Policy Implications

Nil

Risk Management Implications

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

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Control measures are in place whereby payments are checked and verified by two authorising officers.
<i>Review Frequency</i>	Monthly
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. Receive the listing of payments presented for the month of September 2021.
2. Not receive the listing of payments presented for the month of September 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 September 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.

18.3.2 Monthly Statement of Financial Activity for the Period 1 July 2021 to 30 September 2021	
File Ref:	1/1 – Annual Statements
Previous Items:	N/A
Applicant:	N/A
Author and Title:	Kirsty Ferraro, Manager Corporate Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number	<u>18.3.2</u>

RECOMMENDATION

That Council receive the Monthly Statement of Financial Activity for the period 1 July 2021 to 30 September 2021 as presented.

IN BRIEF

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

BACKGROUND

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

REPORT DETAIL

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

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

The following information is included in the report;

- Statement of Financial Activity by Programme
- Statement of Financial Activity by Nature and Type, and
- Statement of Financial Position
- Note 1 – Significant Accounting Policies
- Note 2 – Graphical Representation
- Note 3 – Net Current Funding Position
- Note 4 – Cash and Investments
- Note 5 – Major Variances
- Note 6 – Budget Amendments
- Note 7 – Receivables
- Note 8 – Grants & Contributions
- Note 10 – Capital Disposals and Acquisitions

- Note 11 – Significant Capital Projects
- Note 12 – Trust
- Note 13 - Borrowings

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona 2020/21 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4
 Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

Environment – (Impact on environment’s sustainability)
 Nil

Policy Implications
 All financial policies from Policy FIN002 through to Policy FIN035

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

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

CONSULTATION

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

OPTIONS

Council has the option of:

1. Receiving the monthly financial statements.
2. Not receiving the monthly financial statements.

CONCLUSION

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

18.3.3 Peel Harvey Catchment Council – Call for Local Government Nominations	
File Ref:	35/1; 120/1
Previous Items:	Nil
Applicant:	Peel Harvey Catchment Council
Author and Title:	Brad Vitale, Corporate Compliance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	18.3.3

RECOMMENDATION

That Council endorses Cr _____'s nomination as a local government representative for the Peel Harvey Catchment Council Board.

IN BRIEF

- Councillors have been invited to nominate for local government representation on the Peel Harvey Catchment Council board for a two-year term.
- The current local government representatives are Cr Brad Cardilini from Shire of Murray representing coastal local governments, and Cr Robert Harris from Shire of Cuballing representing inland local governments.

BACKGROUND

The Peel-Harvey Catchment encompasses an area of more than 1.1 million hectares south of Perth and extends from the Peel Harvey Estuary at Mandurah up to 150 km into the Wheatbelt. Defined by the catchments of the Serpentine, Harvey and Murray Rivers, the catchment is host to extensive agricultural areas, residential populations, state forests, mining and an array of ecosystems across three distinct bioregions. The catchment encompasses all of the Peel Region and parts of the Perth Metropolitan Region and Wheatbelt Region.

Peel Harvey Catchment Council (PHCC) are a not-for-profit community based natural resource management organisation that promotes an integrated approach to catchment management and how the Peel Harvey catchment environment is protected and restored. PHCC have a strong emphasis on partnerships, working with landholders, community groups, Industry, Federal Government, State Government and Local Government to affect change 'on-ground' and in environmental management. Their activities address sustainable natural resource management including climate change, river and wetland restoration, biodiversity protection, sustainable agriculture and building community capacity. PHCC believe that the past ecological collapse of the Peel Harvey Estuarine System demands a continued emphasis on water quality issues.

REPORT DETAIL

PHCC has invited councillors from the catchment area to nominate for two local government representative positions on the PHCC Board, with a term of tenure of two years. The successful nominees will join ten community members, one representative from key State Government agencies with environmental responsibilities and the Peel Development Commission. Meetings are held on the third Thursday of every second month with some recompense made for the cost of travel to meetings.

Interested councillors must complete and submit the nomination form, accompanied by a letter addressing the following selection criteria and the Association Liability Insurance Questions for Members/Proposed Members:

- Knowledge, interest and understanding of the ecological principles of natural resource management.
- Experience and expertise in sustainable natural resource management practice.
- Knowledge of social, economic, environmental and/or indigenous issues in the Peel-Harvey Catchment.
- Experience in coordinating and managing projects, business and/or community engagement activities.
- Experience in legislative programs or environmental policy framing.
- Ability to communicate and use community networks effectively.
- Ability to analyse and work strategically across a wide range of complex integrated issues.
- Knowledge and experience in financial and/or risk management.
- Skills/experience/knowledge in mentoring, developing, supporting and training of team members.

Nominations must be received by PHCC by 10am on Thursday 18 November 2021.

The Nomination Form, Selection Criteria and Association Liability Insurance Questions for Members/Proposed Members are included at **Appendix 18.3.3**.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Environment
Aspiration	To continually care for, protect and enhance our environment for the generations to come
Objective	3.1 Protect and enhance our natural assets, waterways, bushland and biodiversity
Strategy	3.1.1 Collaborate with local environmental community organisations and volunteers
Action	3.1.1.1 Support initiatives and activities implemented by Peel Harvey Catchment Council, Peel Biosecurity Group and other relevant organisations

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Nil.

Environment – (Impact on environment’s sustainability)

PHCC promotes an integrated approach to catchment management and how the Peel Harvey catchment environment is protected and restored.

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 a Councillor nomination will result in no representation from the Shire of Waroona, however with two positions allocated for local government representatives from the catchment area, the proximate local government industry will be represented.
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	1 - Rare
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil.

RESOURCE IMPLICATIONS*Financial*

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

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

CONCLUSION

More information regarding the Peel Harvey Catchment Council, including the constitution, strategic directions, previous meeting minutes, policies and annual reports is available at www.peel-harvey.org.au or by contacting PHCC Manager Corporate Services/Executive Support Deborah Chard on 6369 8800 or Deborah.chard@peel-harvey.org.au

18.3.4 Policy HRP015 – Alcohol and Drugs in the Workplace	
File Ref:	17/1
Previous Items:	OCM 26 June 2021 OCM 21/06/071
Applicant:	Shire of Waroona
Author and Title:	Kathy Simpson, Senior Finance Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	18.3.4 – Amended Policy HRP015 – Alcohol and Drugs in the Workplace

RECOMMENDATION

That Council endorse the amended Policy HRP015 – Alcohol and Drugs in the Workplace as per Appendix 18.3.4.

IN BRIEF

- To seek Council’s endorsement to amend the current Alcohol and Drug Policy HRP015 under section 4.6 Positive Results from Alcohol and Drug Testing

BACKGROUND

The Shire is committed to safety as the major priority for all of its operations. The goal is to perform work in such a manner that the potential for injury is reduced. It is the intention to create an environment where employees, volunteers and contractors recognise the health and safety risks of misusing alcohol and other drugs and thus provide an opportunity for them to obtain assistance to avoid such misuse.

This policy outlines the circumstances and methods for the screening tests of Shire employees and contractors for alcohol and other drugs and describes the processes which will be adopted following a positive test and the course of events for the employee or contractor who has tested positive to alcohol or another drug.

This policy has also been formulated so that Shire employees and contractors recognise the potential impact of alcohol and drug misuse for both themselves personally and in the work environment for the safety of all.

This policy applies to all staff at corporate functions, events, and meetings including Council, Advisory, Committee and staff meetings, and any other forum of official business of Council and Council Officers, on Council premises.

The Alcohol and Drug Workplace Policy is an intrinsic component of the Shire of Waroona’s commitment to safety.

REPORT DETAIL

The intention of Council Policy HRP015 is to implement a fair and proactive alcohol and other drugs screening program that will contribute to the safety and health of all employees, volunteers and contractors of the Shire of Waroona.

This report proposes an amendment resulting in section 4.6 as follows:

Positive Results from Alcohol and Drug Testing

The test results delivered by the Testing Authority will be binding on the employee.

Please note that any Contractor/Employee operating machinery with a gross combined mass of 22.5 tonnes must have a 0.00% BAC (Blood Alcohol Content) as per the Road Traffic Act 1974.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

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>	Health - Exposure to health risks, injuries to public or staff with Council buildings or on Council property, personal wellbeing
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<i>Description</i>	Not amending the policy to include this clause may result in misunderstanding of the relevant legislation
<i>Consequence</i>	3 - Moderate
<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 of 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.

18.3.5 Disposal of Lot 6 (No. 13) Mitchell Avenue, Waroona	
File Ref:	A2169; 36/1
Previous Items:	28/07/2020 Item 11.2.6 OCM20/07/124
Applicant:	Not Applicable
Author and Title:	Brad Vitale, Corporate Compliance Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

RECOMMENDATION

That Council does not renew the listing of Lot 6 (No. 13) Mitchell Avenue, Waroona for sale.

IN BRIEF

- Council previously approved the listing of Lot 6 (No. 13) Mitchell Avenue, Waroona for sale at market valuation.
- The Selling Agency Agreement expired on 29 July 2021.

BACKGROUND

In 2020, the Shire completed a Land Rationalisation Plan. The research identified several lots as being freehold to the Council including Lot 5 (No. 11) and Lot 6 (No. 13) Mitchell Avenue, Waroona which were being used as ad-hoc parking servicing the cemetery. This parking was not formally developed and had a number of large trees scattered over both lots. It was proposed to sell the two lots and formalise the remaining two lots as parking with approximately 56 parking bays and 4 disabled parking bays provided.

At the Ordinary Council Meeting held 28 July 2020, Council resolved the following:

*OCM20/07/124
Moved: Cr Mason
Seconded: Cr Odorisio*

That Council:

- 1. Approves the listing of Lot 5 (11) and Lot 6 (13) Mitchell Avenue, Waroona for sale at market valuation; and*
- 2. Following compliance with s3.58(3) of the Local Government Act 1995, will formally consider an "Offer to Purchase".*
- 3. That the proceeds of the sale of the lots be allocated towards cemetery parking.*

CARRIED BY ABSOLUTE MAJORITY 8/0

REPORT DETAIL

Since resolution OCM20/07/124 above was made, Lot 5 (No. 11) Mitchell Avenue, Waroona was sold for \$85,000, however Lot 6 (No. 13) Mitchell Avenue, Waroona has not sold.

The Non-exclusive Selling Agency Agreement with Professionals Waroona for Lot 6 (No. 13) expired on 29 July 2021.

At the Special Council Meeting held 12 October 2021, it was suggested that the listing of Lot 6 (No. 13) for sale not be renewed as this land is required to provide an adequately sized car park for the Drakesbrook Cemetery.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

The sale proceeds from Lot 6 (No. 13) Mitchell Avenue, Waroona have not been budgeted, therefore the 2021/22 Annual Budget will not be impacted. However, sale proceeds from Lot 6 could be used to enhance the Drakesbrook Cemetery.

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

Not selling Lot 6 and using this land for additional car parking would provide the community with more space at Drakesbrook Cemetery.

Environment – (Impact on environment's sustainability)

Nil.

Policy Implications

Nil.

Risk Management Implications

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

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Failing to retain the ownership of Lot 6 could result in inadequate car parking space provided at Drakesbrook Cemetery
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	4 - Likely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Council's endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.

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

CONSULTATION

- Director Infrastructure Services believes that the retention of Lot 6 for now allows greater flexibility in terms of options for the future of the cemetery now that it is known that no internal expansion is possible due to the rare flora in the existing cemetery. It is prudent to retain Lot 6 until the future of the existing cemetery becomes clearer via the preparation of the next iteration of the Cemetery Masterplan. Should it be shown that Lot 6 is ultimately not required, a decision can be made in the future to dispose of it at that time.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

OPTIONS

Council has the option of:

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

CONCLUSION

Although the sale of Lot 6 (No. 13) Mitchell Avenue, Waroona would provide the Shire with an unbudgeted source of revenue to assist in enhancing Drakesbrook Cemetery, it would considerably decrease the space available to be used as close proximity car parking.

18.4 DIRECTOR PLACE, COMMUNITY & ECONOMIC DEVELOPMENT

18.5 CHIEF EXECUTIVE OFFICER

18.5.1 Peel Development Commission Board Nominations	
File Ref:	117/1
Previous Items:	N/A
Applicant:	Peel Development Commission
Author and Title:	Dean Unsworth, Chief Executive Officer
Voting Requirements:	Simple Majority
Appendix Number	18.5.1

RECOMMENDATION

That Council endorses Cr _____'s nomination to the Peel Development Commission's Board.

IN BRIEF

- Council has been invited to nominate up to two Councillors, who are willing and able to be candidates, for appointment to the Peel Development Commission Board (**See Appendix 18.5.1**).

BACKGROUND

The Peel Development Commission is seeking nominations for two Local Government representative vacancies from the Peel Region on its Board.

All five local governments in the Peel region are invited to nominate up to two Councillors, who are willing and able to be candidates, for appointment.

The Commission is seeking nominees that can contribute to the overall development of the Peel Region and provide insight and commentary on the key issues impacting on the economic and social development of the Peel region, not just within their LGA.

Meetings are held approximately bi-monthly and held at various locations within the Peel region. Duration of meetings are from 3 – 7 hours.

There are approximately 5 meetings held per year.

REPORT DETAIL

The objectives of the Commission are to:

- Maximise job creation and economic diversification within the region;
- Develop and broaden the economic base of the region;
- Identify infrastructure services to promote economic and social development within the region;
- Provide information and advice to promote business development within the region;
- Seek to ensure that the general standard of government services and access to those services in the region is comparable to that which applies in the metropolitan area; and

- Generally take steps to encourage, promote, facilitate and monitor the economic development in the region.

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

Environment – (Impact on environment’s sustainability)

Nil

Policy Implications

Nil

CONSULTATION

Peel Development Commission

RESOURCE IMPLICATIONS

Financial

There are no financial implications to the Shire of Waroona.

Workforce

There are no workforce implications to the Shire of Waroona.

OPTIONS

Council has the option of:

1. Endorsing a Shire of Waroona representative to join the Peel Development Board.
2. Not endorsing a nomination.

CONCLUSION

As per the report.

18.5.2 Policy Proposal – Superannuation for Election Members	
File Ref:	35/1
Previous Items:	
Applicant:	N/A
Author and Title:	Dean Unsworth, Chief Executive Officer
Declaration of Interest:	
Voting Requirements:	Simple Majority
Appendix Number	18.5.2 – Superannuation for Elected Members Draft Policy Proposal

RECOMMENDATION

That Council does not support the proposal for the Western Australian Local Government Association to lobby for superannuation to be provided to Elected members.

IN BRIEF

The Western Australian Local Government Association (WALGA) is seeking feedback on a draft policy proposal, as per APPENDIX 18.5.2, to advocate for Elected Members to be required to be paid superannuation.

BACKGROUND

WALGA is requesting feedback from local governments as to whether to advocate for superannuation being paid to elected members. The recommended advocacy approach from WALGA is to propose that the *Local Government Act 1995* be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances.

This approach is proposed as it avoids the problems associated with the current arrangements around the need to withhold income tax and pay fringe benefits tax.

Feedback from the Local Government sector will inform a State Council agenda item, which will be considered at November Zone meetings and the 1 December meeting of State Council. Following a State Council.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.2 Develop a skilled, safe and compliant organisation
Strategy	5.3.2 Deliver efficient and effective Council services to the community

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

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>	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
<i>Description</i>	Regulatory requirement
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Nil as this report is to advise WALGA of its view on Elected Member superannuation.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil.

RESOURCE IMPLICATIONS

Financial

Nil.

The Shire of Waroona is considered a ‘Band 3’ local government. The range of allowances that can be paid to a Band 3 is as follows:

	Range From	Range To	Maximum superannuation liability
President	7,688	16,367	1,637
Deputy President	3,716	7,787	779
Councillors (x8)	61,504	130,936	13,094
TOTALS	72,908	155,090	15,509

Currently, the allowances paid are as follows:

President	9,943
Deputy President	2,486
Councillors (x8)	75,440
Superannuation liability would be:	8,787

Workforce

There would be some additional administration tasks to be undertaken by payroll staff.

OPTIONS

1. Supporting the proposal to provide superannuation to elected members.
2. Not supporting the proposal to provide superannuation to elected members.

CONCLUSION

The proposal is problematic in terms of whether an elected member is an employee. By providing superannuation, it then deems elected members as employees of a local government and then potentially blurs the line between the role of an elected member and the role of the Chief Executive Officer.

The WALGA report states that ‘many Elected Members are sacrificing opportunities for paid work to serve their community on Council’.

With that statement, the remedy would be to increase the allowances being paid to Elected Members rather than blurring the lines of elected members and administration staff.

The WALGA report also states that “...it is crucial to the functioning of Local Government that Elected Members are appropriately remunerated for their time and contribution”.

This comment is certainly true. However, the pathway WALGA should consider is to lobby for the Salaries and Allowances Tribunal to review its band levels for Elected Members.

18.6 ITEMS FOR INFORMATION

18.6.1 Outstanding Council Resolutions Report (35/1) – Attached at Appendix 18.6.1

18.6.2 - Corporate Business Plan – Progress Report – Q4

Attached at Appendix 18.6.2.

19. BUSINESS LEFT OVER FROM A PREVIOUS MEETING

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

21. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING

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

23. MEETING CLOSED TO THE PUBLIC

23.1 Confidential Item – Request for Quote 2021/22-10 Supply and Delivery of a Combination 6-Wheeler Tip Truck with Plant Trailer and the Trade of Existing 6 Wheeler.	
File Ref:	RFQ 2021/22-10
Previous Items:	Nil
Applicant:	N/A
Author and Title:	Patrick Steinbacher, Director Infrastructure Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

A confidential report is provided under separate cover.

23.2 Confidential Item – Appointment of Chief Executive Officer	
File Ref:	
Previous Items:	Nil
Applicant:	N/A
Author and Title:	Ashleigh Nuttall, Acting Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Number	23.2

A confidential report is provided under separate cover.

24. CLOSURE OF MEETING