



# MINUTES

## ORDINARY COUNCIL MEETING

**Tuesday 27 September 2022**  
(Held in the Council Chamber)

## **PUBLIC QUESTION TIME**

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

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

The Shire President declared the meeting open at 3.59 pm and welcomed Councillors, Staff and members of the public present.

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

Cr Mike Walmsley	Shire President
Cr Naomi Purcell	Deputy Shire President
Cr Karen Odorisio	Councillor
Cr Dion Pisconeri	Councillor
Cr Laurie Snell	Councillor
Cr Vince Vitale	Councillor
Mr Mark Goodlet	Chief Executive Officer
Miss Ashleigh Nuttall	Director Corporate & Community Services
Mrs Karen Oborn	Director Infrastructure & Development Services
Mrs Kirsty Ferraro	Manager Corporate Services
Mr Brad Oborn	Manager Works and Waste Services
Ms Merrin Kirk	Executive Assistant

There were no members of the public at the commencement of the meeting.

**APOLOGIES**

Cr John Mason Councillor

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

**APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

Nil

**4. PUBLIC QUESTION TIME**

Nil

**5. PETITIONS AND APPROVED DEPUTATIONS**

Nil

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

**6.1 Ordinary Council Meeting – 23 August 2022**

**COUNCIL RESOLUTION**

**OCM22/09/116**

**Moved: Cr Vitale**

**Seconded: Cr Odorisio**

**That the Minutes of the Ordinary Council Meeting held 23 August 2022 be confirmed as being a true and correct record of proceedings.**

**CARRIED 6/0**

**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 Walmsley declared an interest affecting impartiality regarding item 16.1 as an interested party phoned him on this matter.

Cr Walmsley declared an interest affecting impartiality in item 10.2 as he is a member of the Waroona Agricultural Society.

Cr Walmsley declared an interest affecting impartiality in item 10.2 as a family member is a member of the Waroona Historical Society.

Cr Purcell declared an interest affecting impartiality in item 10.2 as she is a committee member of the Just Cruizin Street Machiners.

Cr Odorisio declared an interest affecting impartiality in item 10.2 as a family member is a committee member of the St Joseph's Parents and Friends.

Cr Odorisio declared an indirect financial interest in item 16.1 as a family member is an interested party.

Cr Pisconeri declared an interest affecting impartiality in item 11.2.6 as the reporting officer is a family member.

Cr Snell declared an interest affecting impartiality in item 10.2 as she is a member of the Waroona Agricultural Society.

Cr Vitale declared an interest affecting impartiality as a family member is a committee member of the Harvey and Waroona Aboriginal and Torres Strait Islander Corporations.

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

**10.1 Waroona Visitor Centre Advisory Working Group – Meeting held Tuesday 14 June 2022**

**COUNCIL RESOLUTION**

**OCM22/09/117**

**Moved: Cr Purcell**  
**Seconded: Cr Snell**

**CARRIED 6/0**

**That the Confirmed Minutes (Appendix 10.1) of the Waroona Visitor Centre Advisory Working Group held 14 June 2022 be received.**

**10.2 Alcoa Waroona Sustainability Fund Advisory Committee – 31 August 2022**

**COUNCIL RESOLUTION**

**OCM22/09/118**

**Moved: Cr Vitale**

**Seconded: Cr Walmsley**

**That Council receives the Minutes of the Alcoa Waroona Sustainability Fund Advisory Committee Meeting held 31 August 2022 as appended**

**CARRIED 6/0**

Cr Walmsley declared an interest affecting impartiality in item 10.2 as he is a member of the Waroona Agricultural Society.

Cr Walmsley declared an interest affecting impartiality in item 10.2 as a family member is a member of the Waroona Historical Society.

Cr Purcell declared an interest affecting impartiality in item 10.2 as she is a committee member of the Just Cruizin Street Machiners.

Cr Odorisio declared an interest affecting impartiality in item 10.2 as a family member is a committee member of the St Joseph's Parents and Friends.

Cr Snell declared an interest affecting impartiality in item 10.2 as she is a member of the Waroona Agricultural Society.

**COUNCIL RESOLUTION**

**OCM22/09/119**

**Moved: Cr Odorisio**

**Seconded: Cr Purcell**

**That Council approves the recommendations of the Committee grant funding recipients, amounts and stipulated conditions.**

**CARRIED 6/0**

**11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS****11.1 DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES**

<b>11.1.1 Request to partially change purpose &amp; land use of Reserve 36315 - Lot 1701 (No. 702) Buller Road, Waroona</b>	
File Ref:	A2258
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Title:	Karen Oborn, Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	Nil

**COUNCIL RESOLUTION****OCM22/09/120****Moved: Cr Vitale****Seconded: Cr Purcell**

**That Council endorses the proposal to partially change the purpose and land use of part of Reserve 36315 - Lot 1701 (No. 702) Buller Road, Waroona to ‘Conservation of Flora and Fauna’, as per the diagram in this report.**

**CARRIED 6/0****IN BRIEF**

The Shire of Waroona is asking the Department of Planning, Lands and Heritage to partially amend the purpose and land use of this Reserve and use the western side of 16.1 hectares of the Reserve for the ‘Conservation of Flora and Fauna.’

**BACKGROUND**

Recently an application was made for a prospecting license on the western side of Reserve 36315 - Lot 1701 (No. 702) Buller Road, Waroona. The applicant also sought Council's interest in developing a sand extraction enterprise on the site. In reviewing these matters, consultation was undertaken with Councilors and traditional Aboriginal custodians of the land. All stakeholders consulted expressed that they were not supportive of any land clearing or land disturbance activities at that location.

In response, Shire staff lodged an objection to the prospecting application. As well, a request was made to the Minister under section 111A of the mining act, to reject the prospecting application, as this activity was not in the public interest. This submission was accompanied by objections from the neighboring landowners, as well as traditional Aboriginal custodians of the land.

**REPORT DETAIL**

To protect the site from land clearing and other land disturbance, the Shire of Waroona is seeking to partially amend the purpose and land use of Reserve 36315. Presently, approximately 13 hectares of the eastern part of the Reserve is used for landfill. This facility is managed and operated by the Shire of Waroona. The landfill is in transition to a transfer station to meet DWER requirements, as it is cost prohibitive to install the future lined landfill cells, required by regulation. The remaining 16.1 hectares on the western part of the Reserve,

contains remnant Banksia Woodland, which has never been cleared or disturbed. The Shire believes that this bushland should be retained and protected in perpetuity as it provides:

- An important ecological corridor for wildlife north and south, between land that contains conservation covenants and Buller Nature Reserve;
- An important habitat to valued and threatened species (Banksia Woodland and Black Cockatoos);
- The community has stated in the SCP they wish to continually care for, protect and enhance our environment for the generations to come; and
- The remnant landscape is valued by the Indigenous community.

To achieve these goals, the Shire is seeking a partial amendment to the purpose and land use for the western 16.1 hectares of the Reserve, changing the use to ‘Conservation of Flora and Fauna’. The intent of this change is to protect this land in perpetuity.



Diagram of Reserve 36315 - Lot 1701 (No. 702) Buller Road, Waroona, Showing in Red Shading the Area Proposed to be Changed to a “Conservation of Flora and Fauna” Purpose

This change in use is considered consistent with the Buller Reserve purpose to the south and the land bound by the conservation covenant to the north. The remaining 13.3507 hectares of active landfill to the east should remain as ‘Rubbish Disposal Site’. The Shire intends to continue management of both portions of the reserve.

**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>	3.2.4 Improve waste management practices through diversion, re-use and recycling



### **OTHER STRATEGIC LINKS**

- State Planning Strategy 1997
- State Planning Policy 2.0 environment and natural resources policy

### **STATUTORY ENVIRONMENT**

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015; and
- Shire of Waroona Local Planning Scheme No. 7.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

Consideration of continuing use of the site as a tip which has been discounted for the following reasons:

- Tightening of environmental regulatory controls will increasingly make the use of land fill sites more difficult to achieve compliance and will add cost to the operation, management, and rehabilitation of these sites;
- Broader environmental and heritage approval requirements make the opening up of new forested land very difficult; and
- Shire leadership on environmental protection of forested land is desirable and aligns with the State Government's position on Swan Coastal Plain protection of remnant vegetation.

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

Nil revenue. As sand mining is currently a State Government matter, and the State retains the mining royalties. Such activities are only likely to increase Shire expenses to maintain the road network.

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

The change of purpose for part of the Reserve, aligns with the community's desire to continually care for, protect and enhance our environment for the generations to come; and the remnant Banksia Woodland landscapes are culturally valuable to the local Indigenous community.

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

The site provides an important ecological corridor for wildlife north and south, between land that contains conservation covenants and Buller Nature Reserve; and the woodland is in 'excellent' condition and is an important habitat for valued and threatened ecological communities (Banksia Woodland and Black Cockatoos).

#### ***Risk Management Implications***

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

<b><i>Theme</i></b>	Environmental - Regulatory compliance, contamination, inadequate processes
<b><i>Description</i></b>	The community has stated in the SCP they wish to continually care for, protect and enhance our environment for the generations to come; and the remnant Banksia Woodland landscapes are valued by the Indigenous community. The site also contains "threatened ecological communities".
<b><i>Consequence</i></b>	4 - Major
<b><i>Likelihood</i></b>	3 - Possible
<b><i>Rating</i></b>	High (10-19)

<i>Controls / Review</i>	Council's endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Monitor - Risk acceptable with adequate control

### **CONSULTATION**

- Mark Goodlet, Chief Executive Officer
- Shire of Waroona Councillors
- Community consultation – traditional Aboriginal custodians of the land.

### **RESOURCE IMPLICATIONS**

*Financial* - Officers time is covered by salary package.

*Workforce* -Nil.

### **OPTIONS**

Council has the option of:

1. Accepting the officer's recommendation to endorse the proposed actions; or
2. Amending the officer's recommendation to endorse the proposed actions; or
3. Rejecting the officer's recommendation to endorse the proposed actions.

### **CONCLUSION**

To protect the site from clearing and land disturbance, the Shire of Waroona is seeking to partially amend the purpose and land use of Reserve 36315. This will change the Reserve use to 'Conservation of Flora and Fauna'. The intent of this change is to support the protection of this remnant woodland.

<b>11.1.2 Request to update the Road Hierarchy to include unmade road reserves</b>	
File Ref:	87/1
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Title:	Karen Oborn, Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.1.2 A – Road Hierarchy update 2022 11.1.2 B – Road Hierarchy List appendix updated 2022 11.1.2 C – PB 33 Rights of Way

**COUNCIL RESOLUTION****OCM22/09/121****Moved: Cr Snell****Seconded: Cr Odorisio**

**That Council endorses the updated Road Hierarchy 2022 (Appendix 11.1A), guide to Shire Road Hierarchy, including a new classification for “unmade roads” which are designated Shire of Waroona Road reserves.**

**CARRIED 6/0****IN BRIEF**

An update of the Shire’s previous Road Hierarchy 2015 has been carried out. It has updated information and now also captures additional information such as unmade road reserves, private and public rights of ways, emergency fire egress and very low volume track standards.

**BACKGROUND**

Recently there has been an increased number of landowner disputes regarding unmade portions of the Shire of Waroona’s designated road reserves. These matters have ranged from landowners storing scrap material and rubbish in road reserves; residents digging up access tracks and placing obstacles in road reserves and private right of ways.

There have also been complainants about speeding, dust, and wandering stock, as well as chained gates inhibiting access to private right of ways, potentially creating a range of associated risks in emergency situations. Whilst also preventing access for elderly, less able, and infirmed community members. There have also been landowners, seeking to acquire ownership of the Shire’s road reserves for their own purposes and to prevent the Shire and the community from accessing the land within the road reserves.

To resolve these issues the Shire has undertaken a review of the Shire’s Road classifications, road hierarchy and the Shires Road reserve management principles. As a result, the Shire is seeking to add the classification of the addition to the road hierarchy to include a classification for “unmade roads” designated as Shire of Waroona Road reserves.

**REPORT DETAIL****Road Reserves**

Many designated Road Reserves within the Shire of Waroona remain unmade. Some of these reserves have been cleared and utilised by private landowners to enable larger parcels

of land to be subdivided and meet the legal requirement, to allow landowners unhindered access to their property. Many of these unmade roads provide access to abutting properties with safety aspects having priority over the vehicle movement function, with very low traffic volumes using tracks to access the adjacent properties.

Adverse possession of Crown land does not exist, meaning an adjacent landowner who has had use of the unmade road reserve is not entitled to that use and the Shire at its sole discretion remains able to use the land for the purpose of its vesting.

### Tracks

Information regarding low volume tracks has been added to the Roads Hierarchy 2022 document to assist with standards for these minor thoroughfares.

Shire road reserves do not always contain constructed roads and may be “unmade roads”. Historically where roads have not been constructed some landowners have constructed tracks from the nearest made road, along the unmade road reserve to their properties.

Some of the tracks that service lots further along an unmade road reserve, are constructed so that they are not entirely within the road reserve.

- In these instances, the following principles apply: The Shire remains the vested owner of the Crown land in which the road reserve lies, whether or not a track or road is constructed on the road reserve;
- Where the track meanders off a road reserve, but nevertheless services properties further along the road reserve, the track is deemed to be a thoroughfare, and is subject to the Shire of Waroona’s “Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law”.

As such, the access tracks should not be interfered with. This includes a prohibition on placing obstacles, fencing and unauthorised gates across the road reserve and/or thoroughfares. This allows the Shire to facilitate ease of access and egress, including in an emergency situation.

### Requirement for Constructed Roads

The Shire is not explicitly required by law to construct nor maintain roads. However, there is an expectation and principle, that as a ratepayer, all landowners should be provided with vehicular access to their property, where so desired by the landowner, in response to them paying rates. This is also an equity principle, whereby all landowners are afforded vehicle access. In terms of risk, this road access must meet applicable standards, as presented in the updated Road Hierarchy 2022. Failure to construct and maintain roads to an acceptable standard exposes the Shire to liability claims in court.

There is a legal (Planning and Development Act 2005) requirement for developers engaging in the subdivision process to construct adequate roads to serve all properties. Historical lapses in this requirement have led to a number of misplaced expectations about the adjacent landowner’s rights to the unmade road reserve, as well as a position where instead of the developer funding the road, the Shire is left to do this.

### Private and Public Rights-of-Way

The update includes material relating to “Private right-of-way(s)”. This is, “*the balance of title from a subdivision held in private ownership over which adjacent owners have an implied right of access under Section 167A of the Transfer of Land Act 1893*” (1). In the updated road hierarchy, a classification will clarify that for a “Private right-of-way,” the adjacent owners will have an implied right of access under Section 167A of the Transfer of Land Act 1893.

A Public Right-of-Way is also described, being Crown reserve vested in the local government, typically for pedestrian purposes.

#### Other Additions to the Road Hierarchy 2022

In addition, the road reserves can still be utilised for emergency fire escape routes, facilitating ease of access and egress in an emergency situation. They may also be used for recreational purposes as a part of the Shire of Waroona’s ‘trails’ network, as an example, in which other transport modes such as cycling and walking are available. These road reserve also remain subject to the requirements in the Shires local laws regarding “*activities on thoroughfares and trading in thoroughfares in public places*”.

### **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>	1.1.2 Pursue a social environment that is accessible and inclusive for all ages and abilities

#### **OTHER STRATEGIC LINKS**

- State Planning Strategy 1997
- Transfer of Land Act 1893

#### **STATUTORY ENVIRONMENT**

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015; and
- Shire of Waroona Local Planning Scheme No. 7.

#### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

**Social** - (*Quality of life to community and/or affected landowners*)  
Updating the road hierarchy to include a classification for “unmade roads” designated as Shire of Waroona Road reserves, clarifying access and management matters, is likely to deescalate the range of disputes arising in relation to these matters.

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

#### ***Risk Management Implications***

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

<b>Theme</b>	Environmental - Regulatory compliance, contamination, inadequate processes
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<i>Description</i>	The Shire of Waroona is seeking to update the road hierarchy to include a classification for “unmade roads” designated as Shire of Waroona Road reserves. To support the safety of residents, protect Shire assets and clarify legally required right of access to private property.
<i>Consequence</i>	4 - Major
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	High (10-19)
<i>Controls / Review</i>	Council’s endorsement of the recommendation of this report may mitigate the likelihood of this risk coming into effect.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Monitor - Risk acceptable with adequate control

### **CONSULTATION**

- Mark Goodlet, Chief Executive Officer
- Road Engineer Consultants
- Community Consultation

### **RESOURCE IMPLICATIONS**

*Financial* - Officers time is covered by salary package.  
*Workforce* -Nil.

### **OPTIONS**

Council has the option of:

1. Accepting the officer recommendation to endorse the proposed actions;
2. Amending the officer recommendation to endorse the proposed actions; or
3. Rejecting the officer recommendation to endorse the proposed actions.

### **CONCLUSION**

To support the safety of residents, protect Shire assets and clarify legally required right of access to private property, the Shire of Waroona is seeking to update the road hierarchy to include a classification for “unmade roads” designated as Shire of Waroona Road reserves. Many of these road reserves provide access to abutting properties with safety aspects having priority over the vehicle movement function, with very low traffic volumes using these routes. Whilst road reserves remain Shire land, the Shire is not required to construct these access tracks. This is a requirement for developers engaging in the subdivision process and users are accessing these access tracks at their own risk. These access tracks are termed “*Private right-of-way(s), which means the balance of title from a subdivision held in private ownership over which adjacent owners have an implied right of access under Section 167A of the Transfer of Land Act 1893*” (1). However, some unmade road reserves may also be utilised for emergency fire escape routes, as well as for recreational purposes as a part of the Shire of Waroona’s ‘trails’ network.

#### **Ref:**

1. [Planning Bulletin 33/2017 Rights-of-way or laneways in established areas \(dplh.wa.gov.au\)](https://www.dplh.wa.gov.au/planning-bulletin-33-2017-rights-of-way-or-laneways-in-established-areas)

**11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES**

<b>11.2.1 Listing of Payments for the Month of August 2022</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>	11.2.1 - Monthly Report to Council – August 22

**COUNCIL RESOLUTION****OCM22/09/122****Moved: Cr Purcell****Seconded: Cr Vitale**

**That Council receives the following payments made throughout the month of August 2022;**

<b>Municipal</b>	<b>Cheque</b>	<b>9980 - 9996</b>	<b>\$95,240.95</b>
	<b>EFT</b>	<b>39633-37053</b>	<b>\$368,197.27</b>
<b>Direct wages</b>	<b>01/08/22 – 31/08/22 inclusive</b>		<b>\$212,423.20</b>
<b>Direct Debit</b>	<b>01/08/22 – 31/08/22</b>		<b>\$311,299.60</b>
<b>Trust</b>	<b>Cheque – Nil</b>		<b>\$ -</b>
	<b>EFT – Nil</b>		<b>\$ -</b>
<b>GRAND TOTAL</b>			<b>\$987,161.02</b>

as per Appendix 11.2.1.

**CARRIED 6/0**

**IN BRIEF**

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of August 2022.

**BACKGROUND**

The attached appendix lists the payments from Council Municipal and Trust funds for the month applicable as per requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

As per Regulation 13 of the Local Government (Financial Management) Regulations 1996 the following information is required to be presented to Council;

- The Payee's name;
- The amount of the payment;
- The date of the Payment; and
- Sufficient information to identify the transaction

**REPORT DETAIL**

As Council has delegated authority to the Chief Executive Officer to execute payments from the municipal fund and the trust fund a list of accounts paid are required to be submitted to Council showing the prescribed information.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<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 August 2022; or
2. Not receive the listing of payments presented for the month of August 2022.

### **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 August 2022. All expenditure is accordance with the 2021/22 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

<b>11.2.2 Monthly Statement of Financial Activity for the period ending 31 August 2022</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>	11.2.2 - Monthly Agenda Report 22-23 August

**COUNCIL RESOLUTION****OCM22/09/123****Moved: Cr Purcell****Seconded: Cr Odorisio**

**That Council receives the Monthly Statement of Financial Activity for the period ending 31 August 2022, as per Appendix 11.2.2.**

**CARRIED 6/0****IN BRIEF**

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

**BACKGROUND**

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

**REPORT DETAIL**

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

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

The following information is included in the report;

- o Statement of Financial Activity by Programme
- o Statement of Financial Activity by Nature and Type, and
- o Statement of Financial Position
- o Note 1 – Significant Accounting Policies
- o Note 2 – Graphical Representation
- o Note 3 – Net Current Funding Position
- o 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**

<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**

Shire of Waroona 2022/23 Annual Budget

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Nil

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

Nil

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

Nil

*Policy Implications*

All financial policies from Policy FIN002 through to Policy FIN035

*Risk Management Implications*

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

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	2 - Unlikely

<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Monthly scheduled review of statements.
<i>Review Frequency</i>	Monthly
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

Nil

### **RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil

### **OPTIONS**

Council has the option of:

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

### **CONCLUSION**

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

<b>11.2.3 Policy FP004 – Corporate Credit Card</b>	
<b>File Ref:</b>	17/1
<b>Previous Items:</b>	OCM 14 December 2021 11.3.3 OCM21/12/203
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Declaration of Interest:</b>	N/A
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	11.2.3 - FP004 - Corporate Credit Cards - Amended September 2022

**COUNCIL RESOLUTION****OCM22/09/124****Moved: Cr Purcell****Seconded: Cr Snell**

**That Council endorses the amended Policy FP004 – Corporate Credit Cards as per Appendix 11.2.3.**

**CARRIED 6/0****IN BRIEF**

*To seek Council's endorsement to amend the current Corporate Credit Card policy to issue a credit card for administration purposes to the Manager Works and Waste Services and reflect organisational structure title changes.*

**BACKGROUND**

The current policy states:

The Council approves the issue of a Business Credit Card facility to the value of \$52,000 per month for ease of on-line purchases and other incidental purchases where other payment methods are not practicable. Individual card holders are as follows:

- Chief Executive Officer with a limit of \$15,000
- Director Corporate and Community Services with a limit of \$10,000
- Director Place, Community & Economic Development with a limit of \$10,000
- Manager Corporate Services with a limit of \$5,000
- Community Services Coordinator with a limit of \$5,000
- Building Maintenance Officer with a limit of \$5,000
- Visitor Centre Manager with a limit of \$1,000
- Executive Assistant with a limit of \$1,000

Conditions of use shall be as follows:

- Expenditure to be for official Council purposes only. Personal use and recoup of expenditure is not permitted.
- No cash withdrawals are to occur.
- Inadvertent personal transactions in error to be reimbursed within 30 days of Bank Statement issue date.
- Receipts to be kept (orders where appropriate) and presented to Accounts staff.
- Access to card is restricted when not in use including adequate security.
- Statement to be reconciled monthly with supporting documents and signed.
- Authority form "Corporate Credit Cardholder Agreement" signed by card recipient.

- Use of card by other officers requires signed authority in the form of a Council Purchase Order.
- Purchase to be accordance with Shire of Waroona Purchasing Policy where relevant.

### **REPORT DETAIL**

It is recognised, that as a result of organisational changes and operational requirements that there is a need to amend policy FP004 to reflect the following changes:

Add the following position:

Manager Works & Waste Services with a limit of \$5,000

Amend the title for the following position:

Building Maintenance Officer to Coordinator Building Maintenance.

The existing conditions of use, as identified in the existing policy will continue to apply to all credit card holders.

### **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**

The following provisions of the Local Government Act 1995 (the Act) and associated regulations impact on the use and control of corporate credit cards;

- Section 2.7(2)(a) and (b) of the Act requires the council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.
- Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.
- Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

### **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>	Non-compliance with the requirements stipulated by the <i>Local Government Act 1995</i>
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Council Policy FP004
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Director
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

*Proposed Local Government reforms, developed on the basis of findings identified as part of the Local Government Act Review and recommendations of various reports, indicates improved financial management and reporting will be implemented through publicly reporting to Council, credit card statements by employee position on a monthly basis. It is anticipated, even though the reform changes have not yet been formerly implemented, that the Shire of Waroona will commence credit card reporting in December 2021 in an effort to improve transparency.*

**CONSULTATION**

No direct public consultation is required during the preparation of documentation, however, all policies will be placed on 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.



<b>11.2.4 Policy FP003 – Purchase Orders Authority</b>	
<b>File Ref:</b>	17/1
<b>Previous Items:</b>	OCM 24 <sup>th</sup> August 2022 - OCM21/08/125
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	APP 11.2.4 - FP003 - Purchase Orders Authority - Amended September 2022

**COUNCIL RESOLUTION****OCM22/09/125****Moved: Cr Pisconeri****Seconded: Cr Vitale**

**That Council endorses the amended Policy FP003 – Purchase Orders Authority for issue as per appendix 11.2.4.**

**CARRIED 6/0****IN BRIEF**

To seek Councils endorsement to amend policy FP003 Purchase Order Authority to:

- To amend the Coordinator Building Maintenance’s purchasing authority to include both operational and capital expenditure.
- To add purchasing authority to the Asset and Waste Support Officer.
- To reword the purchase order authority clause for the Depot Administration Officer to ensure clarity.
- To amend position titles to reflect the current organisational corporate structure.

**BACKGROUND**

The current policy, in reference to the Building Maintenance Officer, states that purchasing authority for this position extends to purchases of an operational nature only. As this officer’s responsibility extends to purchases for building maintenance, that may be capitalised through improvements to assets, it is necessary to extend the purchasing authority to operational and capital expenditure.

It is the responsibility of the Asset & Works Support Officer to provide administration and programming support to the building and infrastructure asset management function of Council. As a result, purchasing authority for the purchase of minor supplies/equipment associated with operations of this nature to a maximum value of \$1,000 will contribute to increased efficiencies and flexibility.

A slight rewording is requested for the purchase order authority clause for the Depot Administration Officer to ensure clarity around purchases of an operational nature.

In addition, it is necessary to amend the policy to reflect current position titles.

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.
- To enable residents to obtain immediate advice on matters of Council policy.

### **REPORT DETAIL**

Council policy FIN011 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 amendments to the following positions and levels of authority.

**Manager Works Services** – Recognising change in title to Manager Works & Waste Services. No changes to purchasing authority required.

**Works Supervisor** – Recognising change in title to Coordinator Works & Services. No changes to purchasing authority required.

**Building Maintenance Officer** – Authority to issue orders of an operational and capital nature with relation to building maintenance up to \$2,000 in addition to recognising a change in title to Coordinator Building Maintenance.

**Assets & Works Support Officer** – Authority to issue purchase orders of an operational nature associated with the daily operations of the Works Depot to a maximum of \$1,000.

**Depot Administration Officer (reworded)** - Authority to issue purchase orders of an operational nature associated with the daily operations of the Works Depot to a maximum of \$1,000.

### **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

### **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 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.

Cr Vitale declared an interest affecting impartiality as a family member is a committee member of the Harvey and Waroona Aboriginal and Torres Strait Islander Corporations.

<b>11.2.5 Strong Spirit Strong Mind Youth Project</b>	
<b>File Ref:</b>	145/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Harvey and Waroona Aboriginal and Torres Strait Islander Corporations
<b>Author and Title:</b>	Jade Salpietro, Community Services Coordinator
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Nil

### **COUNCIL RESOLUTION**

**OCM22/09/126**

**Moved: Cr Pisconeri**

**Seconded: Cr Snell**

**That Council:**

- 1. Waives the fees and charges pertaining to the hire of the Movie Screen and Set, including staff set up and pack down (\$500 per day), Popcorn Machine (\$50 per day) and Assessment of Event application (\$50) for two Aboriginal movie nights to be held within the Shire of Waroona; and**
- 2. Requests logo recognition and acknowledgement on promotional and publicity materials and assists to promote the events on the Shire's website and Facebook page.**

**CARRIED 6/0**

### **IN BRIEF**

- The Harvey and Waroona Aboriginal and Torres Strait Islander Corporations have partnered to receive a Strong Spirit Strong Mind Youth Project grant through the Mental Health Commission.
- As part of the funded project, the Corporations are looking to hold a series of 5 outdoor movie nights within Waroona and Harvey.
- The Shire has been approached to collaborate by providing free use of the movie screen, projector and popcorn machine for the screenings in Waroona.

### **BACKGROUND**

The Harvey and Waroona Aboriginal and Torres Strait Islander Corporations were recently successful in receiving a Strong Spirit Strong Mind Youth Project grant through the Mental Health Commission.

The Strong Spirit Strong Mind Youth Project aims to raise awareness of the harms associated with alcohol and other drug issues and improve social and emotional wellbeing among young Aboriginal people and their families and communities across Western Australia.

The Project focuses on young people aged 12 to 25 years and encourages these young Aboriginal people to develop the knowledge and attitudes to choose healthy lifestyles, promote healthy environments and create safer communities.

As part of the of the program, the Harvey and Waroona Aboriginal and Torres Strait Islander Corporations plan to hold the following community movie nights:

- |                             |                         |                     |
|-----------------------------|-------------------------|---------------------|
| 1. Friday 18 November 2022  | Waroona Cricket Oval    | Bran Nue Dae        |
| 2. Friday 16 December 2022  | Harvey Dam Amphitheatre | In My Blood It Runs |
| 3. Thursday 19 January 2023 | Harvey Dam Amphitheatre | The Sapphires       |
| 4. Friday 3 February 2023   | Waroona Cricket Oval    | Rabbit Proof Fence  |
| 5. Friday 10 March 2023     | Harvey Dam Amphitheatre | Emu Runner          |

Although Aboriginal themed movies, they would be open to the entire community and promoted as such.

The movie nights will be free to attend, with the movie licences fully funded by the Strong Spirit Strong Mind Youth Project grant.

The Shire has been approached to collaborate with the Corporations to bring these events to fruition.

### **REPORT DETAIL**

The Waroona Aboriginal and Torres Strait Islander Corporation is seeking a waiver of the fees involved with hiring the movie equipment to hold the two Waroona events. As per the Shire's Fees and Charges, the following fees would normally be applicable:

- Hire Movie Screen & Set (includes staff setup/pack down) (per day) \$500
- Hire Popcorn Machine (per day) \$50
- Assessment of Event Application \$50

The total value of the fee waiver for two Waroona events, along with the public event application would be \$1,150.

The Harvey Aboriginal and Torres Strait Islander Corporation is happy to pay to use the equipment for the three events in Harvey.

In accordance with CP010 – Waiver of Fees and Charges, all eligible waivers will be assessed at the discretion of Council or the Chief Executive Officer. Applications over the value of \$500 from Shire of Waroona based organisations or individuals require Council determination.

CP010 states that waivers will be considered where the application relates to a free community activity and at least one of the following criteria is met:

1. The activity educates or strengthens communities or complements Council activities.
2. The purpose of the activity supports a service or activity that the local government considers it would have undertaken and is beneficial to the community.
3. The purpose of the activity supports the development of infrastructure or services that can be considered the responsibility of Council.
4. The application supports the activities of an incorporated club or group within the first 12 months of their operation.

Supporting the Corporations with their movie events reflects the desires of the community as set out within the Strategic Community Plan, such as supporting events that activate the community and celebrating diversity within the community. Held during the warmer months at a previously popular outdoor movie night location, it is anticipated that the events will be well received and attended.

## **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>	1.1.5 Develop and facilitate events of a local and regional scale
<b>Action</b>	1.1.5.1 Support, attract and develop events that activate the community

## **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)

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

Environment – (Impact on environment’s sustainability)

Policy Implications

CP010 – Waiver of Fees and Charges

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>	Determination in line with Strategic Community Plan and CP010
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	1 - Rare
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Assessment by Council
<i>Review Frequency</i>	Quarterly
<i>Risk Owner</i>	Project manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

Brad Vitale - Waroona and Harvey Aboriginal and Torres Strait Islander Corporations

## **RESOURCE IMPLICATIONS**

Financial

Council would be waiving a hire fee amount of \$1,150 for the two Waroona movie nights and receiving an amount of \$1,650 for the three Harvey movie nights.

#### Workforce

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

### **OPTIONS**

*Council has the option of:*

1. Supporting the waiver of fees and charges as per Policy CP010
2. Not supporting the waiver of fees and charges

### **CONCLUSION**

The Shire has worked closely with the Waroona Aboriginal and Torres Strait Islander Corporation this year to hold a successful week of NAIDOC activities, as well as participating in monthly Waroona Aboriginal Advisory group meetings. Our support is enabling the group to build their capacity to run more events and projects that help to celebrate and educate the community.

It is recommended that Council waives the fees and charges pertaining to the hire of the movie equipment and public event application for the two proposed Aboriginal movie nights and helps to promote these events through the website and Facebook page.



Cr Pisconeri declared an interest affecting impartiality in item 11.2.6 as the reporting officer is a family member.

<b>11.2.6 Amendments to Bush Fires Act 1954 Delegations</b>	
<b>File Ref:</b>	52/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not applicable
<b>Author and Title:</b>	Kate Pisconeri, Corporate Planning & Governance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	11.2.6 - Extracted pages from Register of Delegations

### **COUNCIL RESOLUTION**

**OCM22/09/127**

**Moved: Cr Snell**

**Seconded: Cr Purcell**

**That Council:**

- 1. Amends delegation 2.2.1 to remove delegation to Shire President;**
- 2. Amends delegation 2.2.2 to remove s.48 Delegation by Local Government from Express power to delegate;**
- 3. Amends delegation 2.2.3 to remove s.17(7) Prohibited burning times may be declared by Minister, from Express power delegated; and**
- 4. Amends delegation 2.2.12 to;**
  - a. Add s.59(3) Delegation of prosecution of offences as an Express power to delegate; and**
  - b. Add delegation to the Director Infrastructure & Development Services and change Director Corporate Services to Director Corporate & Community Services title, as per Appendix 11.2.6.**

**CARRIED 5/0**

### **IN BRIEF**

A number of amendments to the Delegation of Authority Register under the *Bush Fires Act 1954* are required following an annual review by the Chief Executive Officer (CEO), in order to align with legislative requirements.

### **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.

Currently Council has delegated functions under section 48 of the *Bush Fires Act 1954* to the Chief Executive Officer, and under section 17(7) & (8) to the President and Chief Bush Fire Control Officer where prohibited burning times have been declared by the Minister.

### **REPORT DETAIL**

Amendment to Delegation 2.2.1 Make Request to FES Commissioner – Control of Fire:

- Shire President has been removed as a Delegate.

The *Bush Fires Act 1954* does not permit a delegation to the Shire President for this function. Amendment to Delegation 2.2.2 Prohibited Burning Times – Vary:

- Removed s.48 Delegation by Local Government, as an Express power to delegate.

The power to delegate under s.48 doesn't exist for this delegation.

Amendment to Delegation 2.2.3 Prohibited Burning Times – Control Activities:

- Removed s.17(7) Prohibited burning times may be declared by Minister as an Express power or duty delegated.

With respect to s.17(7) the Minister's declaration is not an expression of power or a duty delegated.

Amendment to Delegation 2.2.12 Prosecution of Offences:

- Added s.59(3) Delegation of prosecution of offences as an Express power to delegate;
- Added Director Infrastructure & Development Services as a Delegate; and
- Amended Director Corporate Services title to: Director Corporate & Community Services.

### **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**

#### ***Bush Fires Act 1954***

#### **Part III – Prevention of Bush Fires**

#### **Division 2 – Prohibited burning times**

#### **s.17 Prohibited burning times may be declared by Minister**

- (7) Subject to subsection (7B), in any year in which a local government considers that seasonal conditions warrant a variation of the prohibited burning times in its district

- the local government may, after consultation with an authorised CALM Act officer if forest land is situated in the district, vary the prohibited burning times in respect of that year in the district or a part of the district by —
- (a) shortening, extending, suspending or reimposing a period of prohibited burning times; or
  - (b) imposing a further period of prohibited burning times.
- (7B) A variation of prohibited burning times shall not be made under subsection (7) if that variation would have the effect of shortening or suspending those prohibited burning times by, or for, more than 14 successive days.
- (8) Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —
- (a) the local government —
    - (i) shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;
    - (ii) shall, by the quickest means available to it, give particulars of the variation to the FES Commissioner and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;
    - (iii) shall, as soon as is practicable publish particulars of the variation in that district;
  - (b) the Minister, on the recommendation of the FES Commissioner, may give notice in writing to the local government directing it —
    - (i) to rescind the variation; or
    - (ii) to modify the variation in such manner as is specified in the notice;
  - (c) on receipt of a notice given under paragraph (b) the local government shall forthwith —
    - (i) rescind or modify the variation as directed in the notice; and
    - (ii) publish in that district notice of the rescission or particulars of the modification, as the case may require.
- (10) A local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).

## **Part V – Miscellaneous**

### **s.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 subdelegate.
- (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.

### **s.59 Prosecution of offences**

- (3) A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control

officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Shire Assets and Resources will be protected from accidental fires started from high-risk activities during restricted and prohibited burning periods.

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

Nil.

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

Delegations are issued under the *Bush Fires Act 1954* to enable the Shire of Waroona to protect the Shire’s natural vegetation and waterways from damage by accidental bushfires and ensure the correct decisions are made in relation in restricted and prohibited burning periods, when risk of bushfire is at its highest.

#### *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**

Nil.

### **RESOURCE IMPLICATIONS**

#### *Financial*

Nil.

#### *Workforce*

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

**OPTIONS**

Council has the option of:

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

**CONCLUSION**

Council has delegated functions under section 48 of the *Bush Fires Act 1954* to the Chief Executive Officer, and under section 17(7) & (8) to the President and Chief Bush Fire Control Officer where prohibited burning times have been declared by the Minister. The aim and purpose of delegated authority is to assist with the efficiency of the local government activities by way of quicker decisions to manage and reduce bush fire risk.

<b>11.2.7 Review of Policy CGP014 – Work Health and Safety</b>	
<b>File Ref:</b>	111/1; 153/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Work Health and Safety Committee
<b>Author and Title:</b>	Kathy Simpson, Senior Finance Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.2.7– Policy CGP014 – Work Health and Safety

**COUNCIL RESOLUTION**

OCM22/09/128

Moved: Cr Pisconeri

Seconded: Cr Vitale

That Council endorses Policy CGP014 – Work Health and Safety as per Appendix 11.2.7.

CARRIED 6/0

**IN BRIEF**

- Policy CGP014 – Work Health and Safety is required to be reviewed annually.
- Amendments to the policy include the change of legislation from the Occupational Health and Safety Act 1984 and the Occupational Health and Safety Regulations 1996 to the Work Health and Safety Act 2020 and Work Health and Safety (General) Regulations 2022.

**BACKGROUND**

The policy was previously reviewed as part of the major policy review in June 2021 however the Work Health and Safety policy is required to be reviewed annually.

The intention of Policy CGP014 – Work Health and Safety is to demonstrate that the Shire of Waroona, under the direction of the Chief Executive Officer, is committed to providing a safe and healthy workplace by promoting and securing the health and safety of workers through a high standard of quality management practices.

**REPORT DETAIL**

The policy has been reviewed by the Work Health & Safety Committee (staff committee) with amendments to comply with the new legislation being the Work Health & Safety Act 2020 and the Work Health and Safety Regulations 2022. The review included compliance with the AS/NZS ISO 45001:2018 – Occupational Health and Safety Management Systems.

**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>	5.2 Develop a skilled, safe and compliant organisation
<b>Strategy</b>	5.2.2 Promote an organisational culture of safety, best practice and continuous improvement

**OTHER STRATEGIC LINKS**

Nil

## **STATUTORY ENVIRONMENT**

Nil

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Nil

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

Nil

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

Nil

*Policy Implications*

Amendment of Policy CGP014 – (Currently) Occupational Safety and Health

*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>	Updating the previous Occupational Safety and Health policy to a line with the newly formed Work Health and Safety Act and subsequent Regulation.
<i>Consequence</i>	3 - Moderate
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Annual updates of policy
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

Work Health and Safety Committee

## **RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil

## **OPTIONS**

Council has the option of:

1. Accepting the Work Health and Safety Committee recommendation; or
2. Amending the Work Health and Safety Committee recommendation

## **CONCLUSION**

The annual revision is an opportunity for the Shire of Waroona to check the compliance of the policy with the Work Health and Safety Act 2020, Work Health and Safety Regulations (General) 2022 and AS/NZS ISO 45001:2018.



**11.3 CHIEF EXECUTIVE OFFICER**

<b>11.3.1 Commemorative Planting in Memory of Her Majesty Queen Elizabeth II</b>	
<b>File Ref:</b>	31/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Mark Goodlet, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION****OCM22/09/129****Moved: Cr Odorisio****Seconded: Cr Snell**

**That Council approves the planting of a rose or other suitable plant in the gardens of the Administration Centre or other suitable location, accompanied by a commemorative plaque in memory of Her Majesty Queen Elizabeth II, to be maintained for the life of the planting.**

**CARRIED 6/0****IN BRIEF**

- Her Majesty, Queen Elizabeth II, ruled Australia for more than 70 years. She died, aged 96, on the 8<sup>th</sup> of September 2022.
- A memorial planting and commemorative plaque is proposed in her honour.

**BACKGROUND**

Queen Elizabeth II was queen regnant of 32 sovereign states during her lifetime and 15 at the time of her death. Her reign of 70 years and 214 days is the longest of any British monarch and the longest recorded of any female head of state in history.

The Queen was loved and respected across the world, including in Australia, as head of state.

**REPORT DETAIL**

Formal condolences are able to be lodged by members of the public through government channels, with State and Federal protocols and events being appropriate for participation of the public, in mourning the death of Queen Elizabeth II. A commemorative planting and plaque is proposed to be placed in the Administrative Centre area, or other suitable location, in her honour.

The Shire has been successful in securing a rare Queen Elizabeth rose, due to be available in October 2022. In the event that this selection falls through, it is proposed that another plant with meaningful links to Her Majesty, be found.

**STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
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<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>	1.5 Value, protect and celebrate our rich history and culture
<b>Strategy</b>	1.5.2 Foster arts and culture throughout the Shire
<b>Action</b>	Commemorative Planting and Plaque

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Nil

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

Aligned to the values of the Shire of Waroona community.

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

Planting provides a positive environmental outcome.

*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>	Not recognising the occasion.
<i>Consequence</i>	1 - Insignificant
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Commemorative Planting and Plaque
<i>Risk Owner</i>	Chief executive officer
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

### **CONSULTATION**

Formal protocols are being observed by the Shire at this time. The Shire has also undertaken social media awareness to guide those wishing to offer condolences, to do so through formal government channels.

### **RESOURCE IMPLICATIONS**

*Financial*

Approximately \$1,000 in materials and in-kind costs from existing budgeted funds (Refreshments & Receptions account).

*Workforce*

In-kind planting and arranging the plaque.

### **OPTIONS**

Council has the option of:

1. accepting the recommendation;
2. modifying the recommendation; or
3. not accepting the recommendation.

### **CONCLUSION**

Her Majesty, Queen Elizabeth II, died on 8 September 2022, as a much loved and respected monarch and head of state. A planting and commemorative plaque in her honour is recommended.

<b>11.3.2 WALGA 2022 Annual General Meeting Recommendations – Shire of Waroona Position Report</b>	
<b>File Ref:</b>	150/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Mark Goodlet, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.3.2 - WALGA AGM Agenda

**COUNCIL RESOLUTION**

OCM22/09/130

Moved: Cr Odorisio

Seconded: Cr Vitale

That Council:

1. resolves the following positions in respect to the recommendations of the WA Local Government Association's 2022 Annual General Meeting;
  - a. 3.1 Road Traffic Issues – Not Supported, for the reason that road standards are determined by Austroads and MRWA standards. The Shire of Waroona supports improved compliance with applicable standards including by Main Roads WA, where any evidence supports that they (or any other entity) is not adhering to applicable standards;
  - b. 3.2 Car Parking and Congestion Around Schools – Supported;
  - c. 3.3 Proposal for Regional Road Maintenance Contracts with Main Roads WA – Supported;
  - d. 3.4 Northern Australia Beef Roads Program – Supported;
  - e. 3.5 3D House Printing Building Compliance – Supported;
  - f. 3.6 South West Native Title Settlement – Supported;
  - g. 3.7 Land Offset Compensation to Local Governments – Supported;
  - h. 3.8 Review of the Rating Methodology used by the Valuer-General
  - i. 3.9 WA Local Government Rating Model – Not Supported, until valuation modelling is done and reviewed;
  - j. 3.10 Reform of the Cat Act 2011 – Supported;
  - k. 3.11 WALGA Best Practice Governance Review – Principles – Supported; and
2. requests that the Shire's delegates to this meeting vote accordingly.

**CARRIED 6/0****IN BRIEF**

- The WA Local Government Association's (WALGA) 2022 Annual General Meeting (AGM) contains recommendation to which representative Council's are able to vote on.
- This report establishes the position of Council in respect to the recommendations in the AGM agenda and requests that the Shire delegates to the AGM convey the Shire's position through their votes.

**BACKGROUND**

The WALGA AGM is an annual meeting. Member Council's bring motions to the floor of the AGM for consideration by the members. Eleven recommendations of this nature are in the 2022 AGM.

**REPORT DETAIL**

The position of Council is provided against each recommendation. Where the recommendation isn't supported, a reason is provided, should the delegated wish to debate the motion.

**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

**OTHER STRATEGIC LINKS**

Nil.

**STATUTORY ENVIRONMENT**

Local Government Act 1995, section 9.58(1) – Constitution of associations of local government.

**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**

The WALGA AGM was discussed with Councillors at a Briefing Session.

**RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil.

**OPTIONS**

Council has the option of:

1. Approving the recommendation with or without amendment;
2. Not approving the recommendation.

## **CONCLUSION**

Determination by Council, of its position in relation to the matters brought to the WALGA AGM by the WALGA Executive and Members, allows the Shire delegates to the meeting to vote in accordance with the Shire's position on the recommendations.

**11.4 ITEMS FOR INFORMATION**

Nil

**12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING**

Nil

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

Nil

**14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING**

Nil

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

Nil

**16. MEETING CLOSED TO THE PUBLIC****COUNCIL RESOLUTION****OCM22/09/131****Moved: Cr Odorisio****Seconded: Cr Purcell**

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

**CARRIED 6/0**

Cr Walmsley declared an interest affecting impartiality regarding item 16.1 as an interested party phoned him on this matter.

Cr Odorisio declared an indirect financial interest in item 16.1 as a family member is an interested party.

Cr Odorisio left the meeting, the time being 4.26 pm

<b>16.1 Lease of 26 &amp; 28 Fouracre Street, Waroona</b>	
<b>File Ref:</b>	36/1
<b>Previous Items:</b>	OCM21/12/209 Waroona Land Matters, 14 Dec 2021 OCM22/03/034 Waroona Land Matters, 22 March 2022 SCM22/06/61 Special Council Meeting 14 June 2022
<b>Applicant:</b>	Shire of Waroona
<b>Author and Title:</b>	Mark Goodlet, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	16.1 A – Expressions of Interest Received 16.1 B – Evaluation of Expressions of Interest

A confidential report has been provided under separate cover.

**COUNCIL RESOLUTION**

**OCM22/09/132**

**Moved: Cr Purcell**

**Seconded: Cr Pisconeri**

**That the item be deferred until the next Council meeting and the Chief Executive Officer obtains more information to report back to Council.**

**CARRIED 5/0**

Cr Odorisio returned to the meeting, the time being 4.46 pm

**COUNCIL RESOLUTION**

**OCM22/09/133**

**Moved: Cr Vitale**

**Seconded: Cr Snell**

**That the meeting proceed in public, the time being 4.46 pm.**

**CARRIED 6/0**

**17. CLOSURE OF MEETING**

There being no further business, the Presiding Member closed the meeting, the time being 4.46 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 25 October 2022 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER

.....  
DATE