



Date: 18 February 2025

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

**ORDINARY COUNCIL MEETING
NOTICE AND AGENDA**

An Ordinary Council meeting of the Shire of Waroona will be held at the Shire of Waroona Council Chamber at 4.00 pm Tuesday 25 February 2025 to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in blue ink, appearing to be "MG", is positioned above the name of the Chief Executive Officer.

**MARK GOODLET
CHIEF EXECUTIVE OFFICER**



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Please be aware that all Council meetings are recorded, as required by legislation.

If you wish to ask a public question, or provide a deputation or submission, please contact the Shire on (08) 9733 7800 or warshire@waroona.wa.gov.au.



AGENDA

1. **DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS**
2. **ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE**
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **PETITIONS, APPROVED DEPUTATIONS & SUBMISSIONS**
6. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Ordinary Council Meeting – 17 December 2024

OFFICER RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held 17 December 2024 be confirmed as being a true and correct record of proceedings.

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

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

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

10.1 Annual Electors Meeting – 17 December 2024

RECOMMENDATION

That Council:

1. **receives the unconfirmed minutes (Appendix 10.1) of the Annual Electors Meeting held 17 December 2024; and**
2. **notes that no decisions were made at the elector's meeting that require Council's further consideration for the purpose of section 5.33 of the Local Government Act 1995.**



11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS

11.1 DIRECTOR INFRASTRUCTURE SERVICES

11.1.1 Land Required for Intersection Improvements – Forrest Highway & Preston Beach Road	
File Ref:	GR.16 – Government Relations – State Liaison – Department of Main Roads; RO.5 I17459 – Invitation for Submission – Proposed Clearing for Forrest Highway / Preston Beach Road, northbound acceleration lane upgrade
Previous Items:	Nil
Applicant:	Nil
Author and Responsible Officer	Depot Administration Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.1.1 A – MRWA drawing number 202302-0454-1 11.1.1 B – Clearing Assessment report CPS 818 (Link below under environment heading)

RECOMMENDATION

That Council authorises Chief Executive Officer to endorse a letter of support to Main Roads WA for improvements to the intersection of Forrest Highway & Preston Beach Road in support of a new northbound acceleration lane, being the dedication of land subject of Main Roads Land Dealing Plan 202302-0457-1 as a road pursuant to Section 56 of the Land Administration Act 1997.

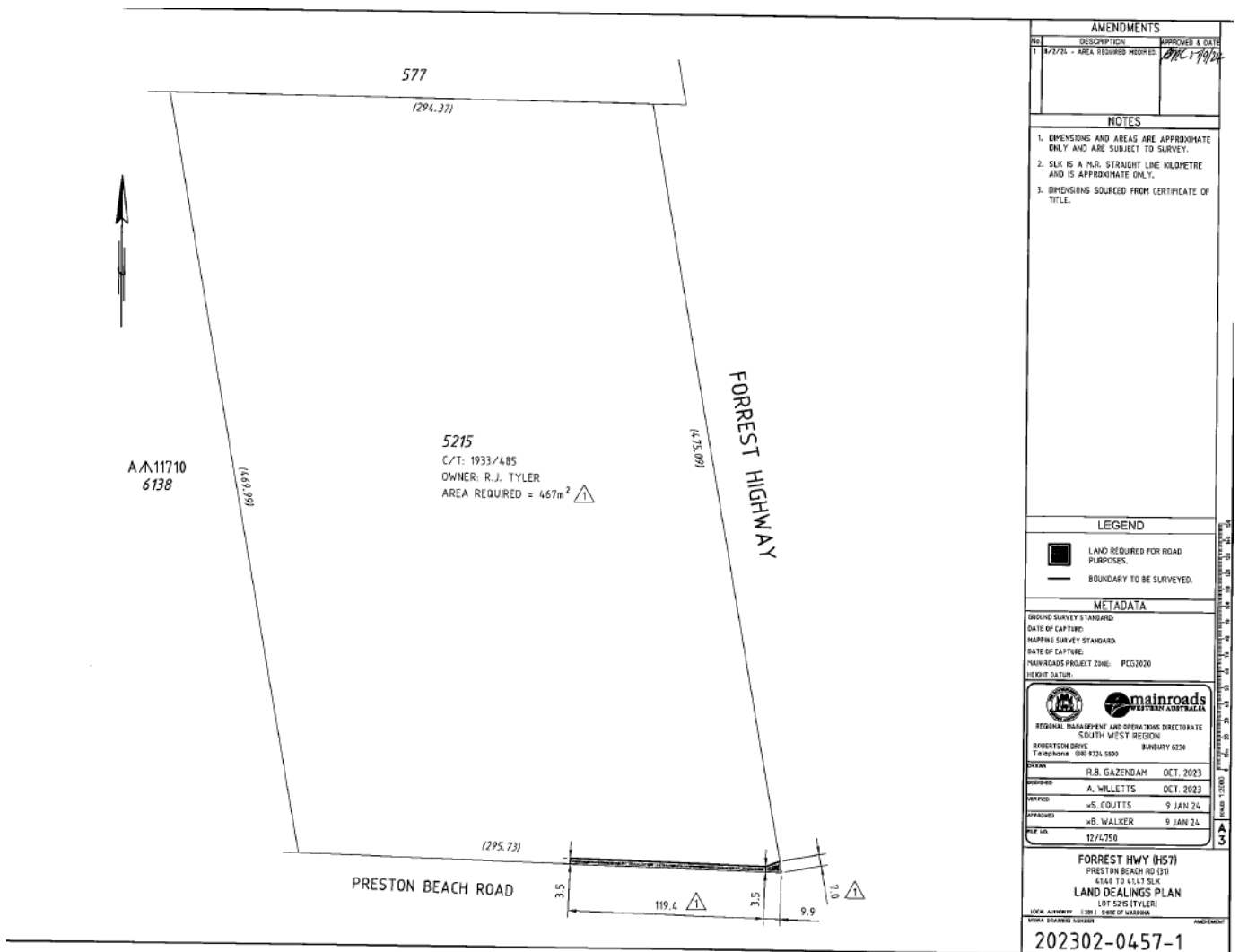
IN BRIEF

As the statutory authority responsible for providing and managing a safe and efficient main road network in Western Australia, Main Roads focuses on improving road safety by proposing to address traffic congestion & safety concerns at the intersection of Forrest Highway & Preston Beach Road through the construction of a 670m North bound acceleration lane.

BACKGROUND

Shire support invited for road dedication at the intersection of Forrest Highway and Preston Beach Road. Correspondence to the Shire of Waroona 20 July 2023 I17459 RO.5. Main Roads WA have approached the landowner with arrangements for an acquisition of freehold land A3158 being finalised.





REPORT DETAIL

Main Roads Western Australia proposes to address traffic congestion and safety concerns at the intersection of Forrest Highway (H057) and Preston Beach Road (2090031) through the construction of a 670 m long northbound acceleration lane. The Proposal is part of Main Roads Western Australia's ongoing efforts to improve road infrastructure and ensure the safety of motorists across the South West Region. The acceleration lane will enhance the efficiency of traffic flow from the townsite of Preston Beach, particularly during heavy northbound traffic periods on Forrest Highway. The Proposal will also help to mitigate the risk of rear end collisions at the intersection, where drivers may pull onto the highway when it is unsafe to do so.





STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Built Assets
Aspiration	To build and effectively manage our assets to continually improve our standard of living
Objective	4.2 Manage assets in a consistent and sustainable manner
Strategy	4.3.2 Develop and promote an efficient, safe and connected local and regional transport network

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Section 56 of the Land Administration Act 1997.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Improved safety outcomes for residents, tourists, Forrest Highway road users & Shire of Waroona staff exiting Preston Beach Road on to Forrest Highway, North bound.

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

Clearing Assessment Report, can be found here [3107 - Forrest Hwy \(H057\) & Preston Beach Rd NB Acceleration Lane | Main Roads Western Australia](#)

The Proposal will involve the removal of 0.2 ha of native vegetation directly adjacent to the existing roads of Forrest Highway and Preston Beach Road. Of the 0.2 ha of native vegetation proposed for removal:

- 0.2 ha is secondary Western Ringtail Possum habitat
- 0.15 ha of low-quality foraging habitat for Threatened black cockatoos
- 0.14 ha forms part of the Commonwealth listed Tuart Woodlands and Forests of the Swan Coastal Plain and DBCA listed Priority 3 Priority Ecological Community (Tuart Woodlands TEC/PEC)

Clearing of native vegetation for this project will be undertaken using Main Roads' Statewide Purpose Clearing Permit CPS 818/16.

A Clearing Assessment Report (CAR) has been prepared for the project and the outcome of this assessment identified that the clearing of native vegetation is or may be at variance with one or more of the clearing principles.

Outgoing correspondence to Clearing Submissions O20625- RO.5.

Given the minimal area of 2000m² and thin lineal nature, of the area in the proposal – as shown below:



And the need to improve road safety, along with the minimal expected environmental impacts, as outlined in the proposal being:

The overall proposed native vegetation clearing of 0.2 ha will result in the removal of vegetation containing black cockatoo habitat as outlined below:

- Up to 0.15 ha of native vegetation within the Proposal Area assessed as low-quality foraging habitat (Figure 3a and 3b).
- One tree (tuart – no hollows) with DBH>500 mm, which is potential breeding habitat (Figure 3a and 3b).
- No trees will be removed that are known roosting sites.
- No trees will be removed that contain hollows.
- No vegetation within 3.4 km of a known black cockatoo roosting site (Biota 2023).
- No vegetation within 6 km of a known black cockatoo nesting site (Biota 2023)



Policy Implications

Nil.

Risk Management Implications

Context / Risk Category	Environmental - Regulatory compliance, contamination, inadequate processes
Risk	Objecting the proposed intersection improvements will not align with the Shire of Waroona’s Risk Management Framework 2020/21. Main Roads WA have identified a risk, proposing a control by implementing an acceleration lane to mitigate the risk.
Consequence	1 - Insignificant
Likelihood	2 - Unlikely
Risk Rating, prior to treatment	Low (1-3)
Key Controls / Treatment	1. Letter of support 2. Correspondence - Conditions of clearing native vegetation.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

- Main Roads Western Australia
- Chief Executive Officer
- Director Infrastructure and Development Services
- Manager of Works and Waste Services

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

MRWA Letter dated 10 January 2025, 14/542,
Main Roads will indemnify Council against all costs and charges that may arise as a result of the dedication.

Workforce

Nil

CONCLUSION

Main Roads WA seeks support from the Shire of Waroona Council to mitigate risk to road users at the intersection of Preston Beach & Forrest Highway, Lake Clifton.

Shire of Waroona Chief Executive Officer to endorse letter of Support to Main Roads Western Australia supporting improvements proposed to the Intersection.



11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the Months of December 2024 and January 2025	
0-23File Ref:	FM.3 – Financial Management – Creditors
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer	Senior Finance Officer; Acting Director Corporate & Community Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number:	11.2.1 – Monthly Creditors Report - December 2024 to January 2025

OFFICER RECOMMENDATION

That Council receives the following payments made throughout the months of December 2024 and January 2025;

Municipal	Cheque	10338 – 10352	\$	40,919.88
	EFT	41983 – 42349	\$	1,169,252.66
Direct wages	01/12/2024 – 31/01/2025 inclusive		\$	519,686.53
Direct Debit	01/12/2024 – 31/01/2025		\$	435,506.30
Trust	Cheque	11272	\$	22,500.00
	EFT		\$	-
GRAND TOTAL			\$	2,187,865.37

as per Appendix 11.2.1.

IN BRIEF

The purpose of this report is to present the listing of payments made from the Shire’s Municipal and Trust funds throughout the month of December 2024 and January 2025.

BACKGROUND

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

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

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

REPORT DETAIL

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



STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

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

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared
 - (a) the payee’s name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.

- (2) A list of accounts for approval to be paid is to be prepared each month showing
 - (a) for each account which requires council authorisation in that month
 - (i) the payee’s name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and
 - (b) the date of the meeting of the council to which the list is to be presented.

- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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



Nil

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

Nil

Policy Implications

Nil

Risk Management Implications

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

CONSULTATION

Nil

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

CONCLUSION

The listing of payments as per the attached appendix is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the months of December 2024 and January 2025. All expenditure is accordance with the 2024/25 adopted budget and is presented as prescribed in regulation 13 of the *Local Government (Financial Management) Regulation 1996*.



11.2.2 Statement of Financial Activity for the period ending 31 December 2024	
File Ref:	FM.1 – Financial Management – Creditors
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer:	Acting Manager Corporate Services; Acting Director Corporate & Community Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number:	11.2.2 – Monthly Agenda Report 24-25 December 2024

OFFICER RECOMMENDATION:

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

IN BRIEF

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

BACKGROUND

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

REPORT DETAIL

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

- a) Annual budget estimates taking any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c) of the *Local Government Act 1995* into account;
- 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 2024/25 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

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

Nil

Policy Implications

All financial policies from Policy FIN002 through to Policy FIN035

Risk Management Implications

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



Likelihood	2 - Unlikely
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Monthly scheduled review of statements.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

CONCLUSION

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



11.2.3 Statement of Financial Activity for the period ending 31 January 2025	
File Ref:	FM.1 – Financial Management – Creditors
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer:	Acting Manager Corporate Services; Acting Director Corporate & Community Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number:	11.2.2 – Monthly Agenda Report 24-25 January 2025

OFFICER RECOMMENDATION:

That Council receives the Statement of Financial Activity for the period ending 31 January 2025 as per Appendix 11.2.2.

IN BRIEF

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

BACKGROUND

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

REPORT DETAIL

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

- a) Annual budget estimates taking any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c) of the *Local Government Act 1995* into account;
- 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 2024/25 Annual Budget

STATUTORY ENVIRONMENT

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

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

Nil

Policy Implications

All financial policies from Policy FIN002 through to Policy FIN035

Risk Management Implications

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



Likelihood	2 - Unlikely
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Monthly scheduled review of statements.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

CONCLUSION

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



11.2.4 Local Government Compliance Audit Return – 1 January 2024 to 31 December 2024	
File Ref:	CM.13 – Corporate Management – Reporting – Statutory Returns
Previous Items:	OCM24/02/015
Applicant:	Nil
Author and Responsible Officer	Acting Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.2.2 - Compliance Audit Return 2024 - Version for Council Signing

RECOMMENDATION

That Council adopts the Compliance Audit Return for the period 1 January 2024 to 31 December 2024.

IN BRIEF

Council is requested to adopt the Compliance Audit Return for the twelve-month period 1 January 2024 to 31 December 2024.

BACKGROUND

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

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

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

REPORT DETAIL

Each year, officers complete an annual compliance return, which is then submitted to the Finance and Audit Committee for endorsement. Once endorsed by the Finance and Audit Committee the return is tabled for the Council's consideration. If there are any areas of non-compliance, an officer will make recommendations on improvements to mitigate these issues.

During the 2024 calendar year, there was one instance of non-compliance with s.5.75 of the Local Government Act 1995 and r.22, Form 2 of the *Local Government (Administration) Regulations 1995*: an elected member failed to submit their completed primary return within three months of their start date. The return was submitted and completed correctly, however it missed the statutory deadline. This has been detailed in the return.

Officers have assessed the process for requesting and collating primary returns and have concluded that the initial request and number of reminders sent is a sufficient process. On investigation, officers determined that this instance was a one-off occurrence and all subsequent annual returns by that elected member have been completed and submitted within the statutory timeframe. This process will be closely monitored during the 2024/25 return period to ensure its continued sufficiency.



The Shire of Waroona complied with all other statutory requirements listed in the 2024 Compliance Audit Return.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Local Government Act 1995

7.13. Regulations as to audits

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

Local Government (Audit) Regulations 1996

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

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

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

14. Compliance audits by local governments

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



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

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

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Nil.

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

Nil.

Policy Implications

The compliance return relates to adherence to several Council Policies.

Risk Management Implications

Context / Risk Category	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Risk	There is a risk surrounding the annual compliance return. Officers have put in place good governance procedures to ensure that all legislative requirements are complied with. The annual return is a good instrument to review these procedures to ensure continued compliance.
Consequence	3 - Moderate
Likelihood	3 - Possible
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Each process is given practices that highlight the relevant legislation. Elected Members and Officers are expected to be familiar with the legislation that covers each procedure.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Internal consultation with officers of the Shire of Waroona.



Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

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

CONCLUSION

It is the Committee's recommendation that the 2024 compliance return be adopted by Council and submitted to the Department of Local Government, Sport and Cultural Industries.



11.2.5 Budget Review for the Period 1 July 2024 to 31 December 2024	
File Ref:	FM.6 – Financial Management – Budgeting
Previous Items:	OCM24/02/016
Applicant:	Nil
Author and Responsible Officer	Acting Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Numbers:	11.2.5 – 2024/25 Shire of Waroona Budget Review Financial Statements

RECOMMENDATION

That Council:

- 1. receives the 2024/25 budget review as per Appendix 11.2.5 for the period 1 July 2024 to 31 December 2024;**
- 2. adopts the amendments proposed in Appendix 11.2.5 note 4 to the 2024/25 budget; and**
- 3. authorises the creation of a new reserve account for ‘Waroona North Development’ with the purpose of ‘providing funds for the development of recreation land, infrastructure and facilities in Waroona North’.**

IN BRIEF

Between the 1st of January and the last day of February each financial year, local governments must conduct a review of their annual budget. This review assesses the financial performance for the period, the current financial position, and the projected year-end position.

Following Council adoption, legislation provides that the review must be submitted to the Department of Local Government, Sport and Cultural Industries within 14 days.

As part of this process, Council is also requested to approve budget amendments and establish a new reserve account for the future development of Waroona north. This financial reserve will fund the development of recreation land, infrastructure, and facilities.

BACKGROUND

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

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

- 1) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- 2) consider the local government’s financial position as at the date of the review; and
- 3) review the outcomes for the end of that financial year that are forecast in the budget; and



4) include the following —

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

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

Included with the agenda in Appendix 11.2.5 is a detailed financial report (including predicted financial position as of 30 June 2025) pertaining to the 2024/2025 budget. The report covers the 6-month period to 31 December 2024 by which this review is based.

REPORT DETAIL

Operating Revenue

Rates

Rating income is currently sitting at \$216,639 below the budgeted amount for the financial year. However, this shortfall is expected to be offset through interim rates income once Landgate have completed the revaluation process requested due the recently approved change of rating method.

Grants, subsidies and contributions

The Shire has been notified that untied grant funding received from the federal government in the way of Financial Assistance Grants has been reduced as a result of an adjustment of grant funding from prior years. This adjustment was unanticipated and as a result a budget amendment will be required.

Since budget adoption in August 24, the Shire has successfully several operating grants, including:

- Thank a Volunteer Day (\$1,000)
- Youth Week Grant (\$3,000)
- Seniors Week (\$2,629)
- Australia Day (\$13,200)
- Public Health Initiatives (\$13,489)
- Waste Sorted Community Education (\$4,429)

Fees and Charges

Income from fees and charges from planning, building and waste operations are tracking higher than originally budgeted. The additional income will offset additional expenses for building services and the tip contract required due to the increase in operations.

Interest & Other Revenue



Higher interest rates on term deposits have led to greater-than-expected investment income from both general investments and reserve investments. Investments are expected to realise an additional \$25,000 in interest income. Additional unexpected income from mine closures approvals is proposed to be allocated to a new financial reserve account for future planning and development of Waroona North.

Capital Revenue

Two capital grants have been approved since budget adoption including:

- Disaster Recovery Funding Round 2 (\$37,769)
- WA Bike Network Grant – 24/25 portion (\$4,596)

On adoption of the budget, Council approved expenditure of \$40,000 being the 50% contribution required to secure Disaster Recovery Funding to upgrade the switchboard at the Shire's evacuation centre (WRAC). The Shire's application for \$37,769 has been approved.

Funding from the WA Bike Network Grant for \$175,477 for recreation and community shared path upgrades has been secured. The Shire will receive the funding in instalments (\$4,596 in 24/25, \$40,000 in 25/26 and \$130,881 in 26/27) over the next three financial years.

Operating Expenditure

Employee costs

Minor budget amendments have been proposed to employee costs resulting from a reallocation of duties and costs associated with higher than anticipated leave expenditure from works employees. While these factors increase the annual and personal leave budget, they also decrease the works maintenance budget due to reduced productivity when employees are on leave. Adjustments have been made to the works program and the overall effect to employee costs nets to \$0.

Materials and contracts

Several budget amendments have been proposed for materials and contracts mainly resulting from expenditure for grant income. Additional expenditure was required for emergency works relating to IT repairs for point-to-point connections and security/access. This expenditure was necessary to ensure the continuation of day-to-day operations and should increase overall IT security moving forward. It is also proposed to reallocate savings from a contingency budget for election expenses to expenses associated with transferring the website platform and completing the Shire's tourism website.

Budgeted expenditure allocated to consultants for the development of the Long-Term Financial Plan and Preston Beach Visitor Strategy has been reduced due to the skills and ability of Shire employees to complete them inhouse.

Capital Expenditure

Land & Buildings

A reallocation of own source expenditure from the Environmental Centre upgrades is proposed due to the likelihood of this project not being completed within the 24/25 financial year. In addition, anticipated expenditure from the Council Construction reserve account (approved in the 23/24 financial year) will be required to complete the Administration Disability Access renovation. Other capital expenditure includes emergency repairs required



to the leach drains at the Anglican Opportunity Shop (leased building) and expenses associated with the expenditure of the Disaster Recovery Funding grant.

Plant & Equipment

Amendments to the plant replacement budget are proposed to address savings for the purchase of the tip truck. Additionally, an amendment to income from the sale of assets is proposed due to the offset by the corresponding asset disposal transaction.

Infrastructure

A budget amendment is submitted to amend the capital expenditure for the three Regional Road Group capital road construction programs to match the funding application submission, resulting in little effect to the overall capital expenditure budget.

Several Roads to Recovery and own source construction projects were included in the road construction budget, with a total capital expenditure of \$412,843. This was funded through \$328,281 in Roads to Recovery income, \$146,756 in Direct Grant income and \$15,883 in Shire own source expenditure. However, a resource assessment determined that the Shire lacks the capacity to complete all the projects within the 2024/25 financial year and allowed for a more accurate allocation to jobs. Consequently, the Holmes Road reseal project, valued at \$16,985, will be deferred to the 2025/26 financial year, reducing own-source funding to \$1,811 for road construction projects.

An update for 2024/25 capital expenditure projects as of 31st December 2024 is provided below:

Details	Budget Amount	Actual 31/12/2024	Comments
Admin Building – Disability Access Renovations	\$187,831.27	\$135,989.89	Progressing. Estimated completion April 2025.
Evacuation centre upgrades	\$40,000.00	\$0.00	Matched funding confirmed Dec 24. To commence approx. June 25.
Replace Volunteer ranger ute	\$40,000.00	\$34,090.91	Project complete.
Replace Volunteer ranger ATV	\$24,200.00	\$0.00	RFQ issued.
CCTV Installation Cricket Club	\$14,375.00	\$14,373.75	Project complete.
Community Centre – Repairs to walls and doorways inc. repainting	\$12,000.00	\$0.00	Purchase order raised.
Playgroup roof repairs	\$39,000.00	\$41,953.17	Project complete.
Transfer station – Tip shop, tyre compound and scrap metal area	\$80,000.00	\$1,755.00	Work commenced on tyre compound with scrap metal and tip shop scheduled for May.
Enviro Centre LRCI Phase 4	\$139,346.00	\$1,250.00	Requests for Quotation now sought.
Memorial Hall – Repair toilet floors	\$7,000.00	\$0.00	Purchase order issued.
Football Club – Repair roof leaks, stormwater	\$5,000.00	\$0.00	Not commenced.



PB Golf Club – Repair roof sheeting	\$3,730.00	\$480.00	Purchase order issued.
Centennial Park – Paint toilets and floor	\$4,000.00	\$3,000.00	Project complete.
Town Oval – New pump & extend reticulation	\$20,000.00	\$0.00	Not complete. Tyre of pump under review.
WRAC – Ceiling mtce & water leaks, gym window replacements, wall seal painting, painting multipurpose room, install patio and BBQ	\$59,270.00	\$6192.61	Louvres replaced with glass windows.
WRAC – Replace poolside furniture	\$12,100.00	\$5,999.76	Chairs replaced.
WRAC – Main pool pump x 2	\$6,600.00	\$0.00	Not yet commenced.
Depot Office – Repair, patch and paint walls	\$8,000.00	\$0.00	On hold. Quotes exceeded budget estimate.
Vehicle changeover – DIDS	\$55,000.00	\$0.00	Purchase order issued.
Purchase tip truck & works vehicle	\$310,000.00	\$281,421.64	Project complete.
Install security camera installation	\$3,190.00	\$2,899.23	Project complete.
Railside Park	\$1,027,557.00	\$183,455.71	Tender for Big Shed to be issued in February 2025.

Transfers to Reserve

A new reserve account is proposed to plan for the future development of Waroona North. This financial reserve will fund the development of recreation land, infrastructure, and facilities. Funds for the establishment of this reserve will be allocated from income from a mine closure application within the development area.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

- Shire of Waroona Corporate Business Plan
- Shire of Waroona Long Term Financial Plan
- Shire of Waroona 2024/25 Adopted Annual Budget

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996



33A. Review of budget

- (1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget; and
 - (d) include the following —
 - (i) the annual budget adopted by the local government;
 - (ii) an update of each of the estimates included in the annual budget;
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.
- (2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.
- (4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

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



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

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

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

Policy Implications

Nil

Risk Management Implications

Context / Risk Category	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
Risk	Failure to manage the Shire’s ongoing expenditure and income against budget estimates would increase the risk of a negative impact on the year-end position. Compliance with legislation is essential to ensure an unqualified audit.
Consequence	3 - Moderate
Likelihood	3 - Possible
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Mid-year budget review is conducted in line with legislation. Further budget reviews are conducted at regular intervals following the mid-year review to ensure compliance with predicted income and expenditure levels by year-end. Additional budget amendments may need to be considered in May/June.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

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

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

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

Workforce

Nil.



CONCLUSION

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

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



11.2.6 Corporate Business Plan – Quarterly Progress Report October to December 2024	
File Ref:	CM.4 – Corporate Management – Planning - Business Plans – Principal Activity Plan
Previous Items:	Nil
Applicant:	Not applicable
Author and Responsible Officer	Corporate Planning & Governance Officer; Acting Director Corporate & Governance Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.2.6 – 2024.25 Corporate Business Plan – Quarterly Progress Report October to December 2024

RECOMMENDATION

That Council receives the Corporate Business Plan – Quarterly Progress Report October to December 2024 as per Appendix 11.2.6.

IN BRIEF

Updates have been provided by responsible officers against Towards Waroona 2030 - Corporate Business Plan 2024 - 2028 projects and actions for the period covering 1 October 2024 to 31 December 2024. Council is requested to review and receive the Corporate Business Plan – Quarterly Progress Report October to December 2024.

BACKGROUND

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

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

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

REPORT DETAIL

The Progress Report structure reflects that set out in the Towards Waroona 2030 – Corporate Business Plan 2024 - 2028. Actions and projects are grouped under objectives, which align with the strategies from the five key focus areas and aspirations in the Strategic Community Plan: Our Community, Our Economy, Our Environment, Our Built Assets, and Our Leadership.

A quarterly progress comment has been provided against most projects and actions by the responsible officer and lead department.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN



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

OTHER STRATEGIC LINKS

Towards Waroona 2030 – Corporate Business Plan 2024 - 2028

STATUTORY ENVIRONMENT

Not Applicable

SUSTAINABILITY & RISK CONSIDERATIONS

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

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

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

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

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

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

Policy Implications

Nil.

Risk Management Implications

Context/ Category	Risk	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Risk		A councillor may subsequently be uninformed in the event they receive an enquiry from a member of the community regarding current Shire projects, as they have not received regular updates against planned corporate business objectives.
Consequence		2 - Minor
Likelihood		2 - Unlikely
Risk Rating, prior to treatment		Moderate (4-9)
Key Controls / Treatment		Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
Risk Acceptance		Accept - Risk acceptable with adequate controls



CONSULTATION

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

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Nil.

CONCLUSION

A Corporate Business Plan progress report has been prepared for Council to deliver a brief update against all agreed projects and actions, and to demonstrate that work towards planned objectives is progressing. Council is requested to review and receive the Corporate Business Plan – Quarterly Progress Report October to December 2024.



11.2.7 Amendments to Register of Delegations	
File Ref:	GO.4 – Governance – Authorisations – Delegations and Authorisations
Previous Items:	11.2.5 – Amendments to Register of Delegations - OCM24/08/129
Applicant:	Nil
Author and Responsible Officer	Corporate Planning & Governance Officer; Acting Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Numbers:	11.2.7 – Register of Delegations, with tracked Changes

RECOMMENDATION

That Council:

- 1. amends delegations 2.2.12, 2.5.1, 2.5.2, 2.5.3, 2.5.4, 2.5.5, 2.5.6 and 2.5.7 to remove Director Infrastructure and Development Services and add Director Customer and Development Services; and**
- 2. endorses the revised and amended Register of Delegations as per Appendix 11.2.7.**

IN BRIEF

Amendments to the Register of Delegations – Council to Committees and Chief Executive Officer are required following the cessation of the Shire’s Director Infrastructure & Development Services role, and the subsequently created Director Customer & Development Services.

BACKGROUND

The aim and purpose of delegated authority is to assist with the efficiency of the local government activities by way of quicker decisions. In accordance with the *Local Government Act 1995* and other legislation, Council may delegate its functions, duties and powers to the Chief Executive Officer (CEO) to assist with efficient and timely decision making.

Effective January 2025, the Shire’s Executive Management Team was restructured, following the unanticipated transition of its Director of Infrastructure and Development Services into a parttime Executive Officer role.

A new Director Customer & Development Services role has been created as a result which oversees day-today customer service roles, along with planning, building and development services, and community safety and ranger services.

Following these changes, amendments to Council’s Register of Delegations are recommended as set out in the report detail.

REPORT DETAIL

Amendments to the following delegations are recommended, to replace all Delegate titles of Director Infrastructure & Development Services to Director Customer and Development Services:



Delegation reference number	Delegation title	Head of Power
2.2.12	Prosecution of Offences	Bush Fires Act 1954
2.5.1	Determine Compensation	Food Act 2008
2.5.2	Prohibition Orders	Food Act 2008
2.5.3	Food Business Registrations	Food Act 2008
2.5.4	Appoint Authorised Officers and Delegated Officers	Food Act 2008
2.5.5	Debt Recovery and Prosecutions	Food Act 2008
2.5.6	Abattoir Inspections and Fees	Food Act 2008
2.5.7	Food Business List – Public Access	Food Act 2008

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

**Part 3 - Functions of local governments
Division 2 - Legislative functions of local governments**

s. 3.5. Legislative power of local governments

- (1) A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

**Part 5 – Administration
Division 4 – Local Government Employees**

s.5.42 Delegation of some powers and duties to CEO

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

* *Absolute majority required.*

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

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



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

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

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

Nil

Policy Implications

Nil

Risk Management Implications

Context / Risk Category	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Risk	Failing to endorse the amendments would result in non-compliance with legislation and potential consequences from the relevant State Government department.
Consequence	3 - Moderate
Likelihood	2 - Unlikely
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Nil

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

Financial



Nil

Workforce

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

CONCLUSION

Delegation of Council duties and powers to the Chief Executive Officer and delegates where applicable, is a proven effective organisational tool that enhances productivity and supports effective customer service and timely decision making.

Amendments to the Register of Delegations – Council to Committees and Chief Executive Officer are required, to align Council's express powers and duties delegated to the CEO and relevant delegates to those contained within governing Acts, Regulations and local laws.



11.2.8 Memorandum of Understanding between the Shire of Waroona and the Shire of Harvey	
File Ref:	ED.6 – Economic Development – Industries – Tourism Peel Region
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer	Acting Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple majority
Appendix Numbers:	11.2.8 - MoU – Shire of Waroona and Shire of Harvey

RECOMMENDATION

That Council:

- 1. endorses the Memorandum of Understanding (MoU) between the Shire of Waroona and the Shire of Harvey provided at appendix 11.2.8 of this report; and**
- 2. authorises the Shire President and the Chief Executive Officer to sign and execute the MoU.**

IN BRIEF

- The Shire's of Waroona and Harvey have historically collaborated on the use of a billboard located on Forrest Highway.
- The billboard was funded as part of the Pinjarra to Brunswick Strategy following the construction of Forrest Highway in 2009, aiming to encourage road users to utilise the South Western Highway, benefiting businesses along the route.
- The lack of formal guidelines and alignment with individual Shire style guides has led to a complex, time-consuming process, resulting in faded and ineffective signage.
- As a result, it is proposed that the Shire of Waroona and Shire of Harvey enter into a Memorandum of Understanding (MoU) for biennial use of the billboard.

BACKGROUND

As part of the Forrest Highway construction in 2009, the Pinjarra to Brunswick strategy allocated funding for a billboard to promote use of the South Western Highway. The objective of the billboard was to encourage road users to utilise this route, mitigating the impact of reduced traffic on businesses along the highway.

The billboard is constructed on Main Roads land situated (heading south on Forrest Highway) on the left-hand side, 1 kilometre north of the Greenlands Road turn off (coordinates - 32.633376, 115.813435 Forrest Highway) located in the Shire of Murray.

Since its construction, the Shire's of Waroona and Harvey have collaborated to design signage that aligns with the billboards original purpose, encouraging road users to choose the South Western Highway as an alternative to the Forrest Highway.

REPORT DETAIL



Although previous arrangements for the reskin of the billboard has yielded positive outcomes in the past, the absence of formal guidelines, combined with the challenges in aligning with the individual style guides and destination marketing strategies of each shire, has led to a complex and time-consuming process. This has ultimately reduced the overall effectiveness of the signage and caused delays in the reskinning process, leading to faded and unattractive displays.

To address these challenges moving forward, it is proposed that the Shire of Waroona and Shire of Harvey enter into an agreement to alternate usage rights to the billboard on a biennial basis, ensuring equitable access for destination advertising.

The MoU will serve as a framework for cooperation, outlining mutual agreements concerning the statutory functions of each party. The MoU is not intended to create legally binding obligations. Its objectives include establishing the framework for two-year alternating use, guaranteeing both parties equal opportunities to utilise the billboard, and clarifying financial, operational and maintenance responsibilities. Under this MoU, the Shire of Waroona will commence usage on the 1 April 2025, concluding on 31 March 2027. The Shire of Harvey will then begin usage on 1 April 2027, concluding on 31 March 2029, and so on.

As part of the MoU, both Shires agree to display content that:

- complies with local, state and federal laws.
- any installation and maintenance activities (including reskinning) are subject to Main Roads requirements.
- aligns with the values and objectives of the billboard's original intent (Pinjarra to Brunswick Strategy destination tourist drive to direct traffic along South Western Highway).
- encourages messaging that promotes travel along South Western Highway and is not exclusively focused on promoting the Shire responsible for use during that time.
- the Shire holding usage rights for the specified period is responsible for the design and content of the billboard. If the Shire with usage rights wishes to include the logos of both the Shire's of Waroona and Harvey, they may do so with the prior consent of the other Shire, however the final design decision rests with the Shire holding the usage rights.
- each Shire agrees to ensure that any content displayed during the usage period is respectful and does not reflect negatively on the other Shire.
- is free from commercial advertising.

The MoU is proposed to commence on the 1 April 2025 and remain in effect for a four-year period with the option to renew by mutual agreement.

Introduction of a MoU for joint billboard use will provide several benefits for both parties included and includes:

1. Clear framework for cooperation – The MoU sets out a structured approach for how the parties will work together, outlining roles, responsibilities and expectations. This reduces misunderstandings and promotes smoother collaboration.
2. Equitable access – By alternative usage rights, the MoU ensures both parties has equal opportunities to utilise the billboard for destination advertising, promoting fairness and preventing one party from dominating the space.
3. Defined terms and responsibilities – The MoU clarifies operational, financial, and maintenance responsibilities for both parties, helping to prevent conflicts over costs, upkeep, or other logistics associated with the billboard's use.



4. Consistency in signage – With a MoU in place, there is a formal agreement to reskin the billboard regularly, which helps maintain a fresh, appealing appearance for both shires, avoiding the issue of outdated or unattractive signage.
5. Reduced conflict or disputes – A formalised agreement fosters cooperation and minuses the risk of disagreements over usage, signage style or timing, as it defines the rights and duties of each party clearly from the start.
6. Strategic alignment – The MoU ensures that both shires can align their marketing and promotional strategies, ensuring the billboard serves the best interests of both communities, maximizing its effectiveness.
7. Operational efficiency – With a clear, agreed upon process for reskinning and usage, the billboards management becomes more streamlined, saving time and resources for both parties.
8. Financial planning – The establishment of the MoU outlining a definitive timeline for reskinning allows for sufficient budget allocation.
9. Flexibility for future collaboration – The MoU can serve as a basis for future partnerships, allowing the parties to expand or adapt the agreements as needs evolve, fostering ongoing collaboration.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Shire of Waroona Strategic Community Plan
 Shire of Waroona Corporate Business Plan
 Shire of Waroona Destination Management Strategy

STATUTORY ENVIRONMENT

A Memorandum of Understanding (MoU) is a written agreement between two or more parties that defines the working relationship, expectations and responsibilities. MoU's are not legally binding on the parties. They are commonly used to clarify arrangements between non-corporate Commonwealth entities.

SUSTAINABILITY & RISK CONSIDERATIONS

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

The MoU promotes support for local businesses by promoting local tourism attractions, encouraging a focus on the economic growth of both shires.



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

Social sustainability considerations include designs that reflects the communities’ values and the interests and promotes inclusivity in tourism messaging that helps foster a sense of belonging and pride

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

As an existing infrastructure asset, the billboard is located on Main Roads land and has been installed in an area that is not environmentally sensitive.

Policy Implications

Nil.

Risk Management Implications

Context / Risk Category	Reputation - Public perception, poor customer service, sub standard work, corruption
Risk	Continuation of the existing process for billboard renewal may result in poor public perception and management, negative tourism experience, decreased visitor interest and engagement, and missed marketing and branding opportunities.
Consequence	2 - Minor
Likelihood	3 - Possible
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Key controls of the MoU include review and control of content management, stakeholder engagement, finance and budgets, risk management, operational control, public awareness and performance monitoring.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Significant consultation with the Shire of Harvey has been undertaken and includes approval of the provided MoU. In addition, consultation has been undertaken with Main Roads Western Australian, Shire of Murray and the South West Development Commission. All parties were supportive of the proposed arrangement.

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Officer time was required for the compilation of the MoU and communication with stakeholders.



CONCLUSION

The proposed MoU for shared billboard use between the Shire's of Waroona and Harvey presents a valuable opportunity to enhance tourism promotion and support local businesses. By collaborating on this initiative, both shires can maximise the visibility of their key attractions, whilst also sharing the financial and operational responsibilities associated with the billboard.

By adopting the MoU, the Shire's of Waroona and Harvey will position themselves as proactive and forward-thinking partners in promoting regional tourism, contributing to the economic growth and vitality of the area. Therefore, it is recommended that the MoU be adopted as presented, enabling both shires to move forward with this collaborative project for mutual benefit.



11.2.9 Shire of Waroona Fencing Local Law 2025	
File Ref:	LE.6 – Laws and Enforcement – Local Laws – Fences
Previous Items:	Nil
Applicant:	N/A
Author and Responsible Officer	Corporate Planning & Governance Officer; Director Customer & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.2.9 A – Draft Shire of Waroona Fencing Local Law 2025 – with tracked changes 11.2.9 B – Draft Shire of Waroona Fencing Local Law – proposed 11.2.9 C – Shire of Waroona Fencing Local Law 2014

RECOMMENDATION

That Council:

1. approves the making of the proposed Shire of Waroona Fencing Local Law 2025 (Fencing Local Law), as presented at Appendix 11.2.9 A and 11.2.9 B, in accordance with section 3.12 of the *Local Government Act 1995*;
2. requests the Shire President to give notice to this meeting in accordance with section 3.12(2) of the *Local Government Act 1995* of the purpose and effect of the proposed Shire of Waroona Fencing Local Law 2025, that being:
 - a. The purpose of this local law is to prescribe a sufficient fence and the standard for the construction of fences throughout the district; and
 - b. The effect of this local law is to establish the minimum requirements for fencing within the district;
3. in accordance with sections 3.12(3)(a) and (b) of the *Local Government Act 1995*, approves for the Chief Executive Officer to –
 - a. undertake local advertising, and arrange for the display of public notices relating to the proposed local law that invite public submission for a minimum of 6 weeks;
 - b. make copies of the proposed local law available to the general public;
 - c. forward a copy of the proposed local law to the Departmental CEO – Director General of the Department of Local Government, Sport and Cultural Industries; and
 - d. prepare a further report on the proposed local law for Council consideration after the closing date for submissions.

IN BRIEF

- Under the *Local Government Act 1995* (the Act), local laws are required to be reviewed every fifteen (15) years.



- The Shire of Waroona Fencing Local Law 2014 was adopted by Council on 25 November 2014, Item 9.3.6, resolution OCM14/11/141.
- Officers have reviewed the Shire of Waroona Fencing Local Law 2014 and recommend that the local law review process commence.
- The proposed local law prescribes a sufficient fence and standards for the construction of fences throughout the district.
- The intended effect is to establish the minimum requirements for fencing within the district.

BACKGROUND

The current Shire of Waroona Fencing Local Law 2014 (Fencing Local Law) was reviewed with public consultation in August 2014 and formally adopted by Council in November 2014, as per the following resolution:

COUNCIL RESOLUTION

OCM14/11/141

MOVED: CR WITNEY

SECONDED: CR DEW

1. *That the proposed Fencing Local Law, as attached at Appendix 9.3.6, be adopted;*
2. *That the proposed Infringement Penalties be adopted under sections 6.16 of the Local Government Act, and that these be advertised as Charges applicable from the date that this Local Law amendment becomes effective.*

CARRIED BY ABSOLUTE MAJORITY 7/0

At its ordinary meeting on 27 August 2024, Council resolved to commence the Shire of Waroona Fencing Local Law-making process and approved for the Chief Executive officer (CEO) to undertake local advertising that invites public submissions in relation to the proposed local law.

Following Council's resolution but prior to local advertising, officers made a decision to add several provisions to the draft fencing local law, which were:

1. Stipulations for the adequate containment of stock and/or other types of animals on the property has been added; and
2. Add a subclause to clarify that an owner or occupier of a lot commits an offense if that person fails to maintain their fence.

As the proposed amendments to the Fencing Local Law were considered significant, it became necessary to re-commence the full local law-making process, in accordance with section 3.12 of the *Local Government Act 1995*. As a result, the local law was presented to Council at its ordinary meeting in November 2024, but Council decided to lay the local law on the table for further discussion at a Council briefing session.

Several amendments have been made to wording and new clauses have been included in the draft fencing local law, as outlined in the report detail.

REPORT DETAIL

Several amendments have been made to the draft Shire of Waroona Fencing Local Law 2025 since its presentation to Council on 26 November 2024. These include:



- Clause 1.5 -
 - (a) ‘special residential’ has been removed from the definition of residential lot
 - (b) ‘special residential’ has been added to the definition of rural lot.

- Clause 2.1 -
 1. Addition of subclause (5) to deem asbestos fencing, whether lawfully erected or posing a health or safety risk or not, an insufficient fence.
 2. Addition of subclause (6), being a requirement for fencing to adequately contain all stock or animals on any property.
 3. Addition of subclause (7) to include standards for erected fences.

- Clause 2.4 –
 - (a) Addition of requirement for front fence on an industrial lot to be maintained as an open ‘garrison’ style fence.
 - (b) addition of requirement for a front fence on a rural lot to be constructed of posts and wire.

- Clause 2.7 – Addition of a subclause to state that any occupier or owner who fails to maintain a fence commits an offence.

- Part 3 – Addition of whole Part 3 to cover process required when applying for a variation to the requirements of the local law.

As the proposed amendments to the Fencing Local Law are considered significant, it is necessary to undertake the full local law-making process, in accordance with section 3.12 of the *Local Government Act 1995*.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

N/A

STATUTORY ENVIRONMENT

Procedure for Making Local Laws

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

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



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

Table 1 - Timeline for making local law.

Task	LGA Section	Effective Date
Report to Council for approval to advertise proposed new Local Law. <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i>	3.12(2)	Tuesday, 25 February 2025
Give local public notice and make copies available to the general public.	3.12(3)(a)	<u>Harvey Waroona Reporter</u> – Tuesday, 11 March 2025
Give copy of the proposed local law and the notice to the Department CEO – Director General of the Department of Local Government Sport and Cultural Industry.	3.12(4)	Thursday, 13 March 2025
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 2 May 2025 (52 days)
Consider submissions and report back to Council to determine* whether to make a Local Law. <i>* absolute majority required.</i>	3.12(3)(b)	Tuesday, 27 May 2025
Publish Local Law in Government Gazette and give copy to the Minister for Local Government	3.12(5)	Tuesday, 10 June 2025
Give local public notice advising that the new law has been made, the title, and make copies available to the general public.	3.12(6)	Tuesday, 17 June 2025
Prepare explanatory memorandum and submit with copy of the new Local Law to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Wednesday 25 June 2025

Local Government Act 1995

s.3.16 Periodic review of local laws

- ii. Within a period of 15 years after the day on which a local law commenced or a determination in respect of the local law was last made under subsection (4), as the case requires, a local government must carry out a review of the local law to determine whether it considers that the local law should be repealed, be amended or remain unchanged.
- iii. The local government is to give local public notice stating that —
1. the local government proposes to review the local law; and
 2. a copy of the local law may be inspected or obtained at any place specified in the notice; and



3. submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.
- iv. After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.
- v. After the report has been submitted to its council, the local government must determine* whether it considers that the local law should be repealed, be amended or remain unchanged.

* *Absolute majority required.*
- vi. If no determination is made under subsection (4) within the applicable 15-year period under subsection (1), the local law is repealed at the end of that period.
- vii. If a local law is repealed by subsection (5), the local government must, not later than 14 days after the end of the applicable 15-year period —
 - (a) give notice of the repeal to —
 - (i) the Departmental CEO; and
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law was made — the chief executive officer of that other department;

and
 - (b) publish notice of the repeal in the *Gazette*; and
 - (c) give local public notice of the repeal.
- viii. If different provisions of a local law commenced on different days, the local law is taken, for the purposes of this section, to have commenced on the earliest of those days.
- ix. This section does not apply to a local law if all it does is amend the text of, or repeal, a local law.

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) Subject to subsection (3A), the local government is to —
 1. give local public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and



- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

and

- 2. as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to —
 - (i) the Departmental CEO; and
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department;

and

- 3. provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3A) The local government may, at the council meeting referred to in subsection (2), determine to proceed under subsection (3C) instead of subsection (3) if all the proposed local law would do is adopt, wholly and without modification —

- (a) a model local law; or
- (b) a model local law except certain provisions that the local government determines, at the council meeting referred to in subsection (2), are not relevant to the local government and the district.

(3B) In subsection (3A)(a) and (b), references to a model local law include an amendment of a model local law.

(3C) If the local government determines to proceed under this subsection, the local government must —

- (a) publish a notice on the local government’s official website stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 3 weeks after the notice is published;

and

- (b) as soon as the notice is published, give a copy of the notice to —
 - (i) the Departmental CEO; and
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department;
- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.



- (4) After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* *Absolute majority required.*
- (5) After making a local law, the local government must —
- (a) publish the local law in the Gazette; and
 - (b) give a copy of the local law to —
 - (i) the Departmental CEO; and
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is made — the chief executive officer of that other department.
- (6) After the local law has been published in the Gazette the local government is to give notice in the required way —
- (a) stating the title of the local law; and
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.
- (6A) For the purposes of subsection (6), the required way for giving a notice is as follows —
- (a) if the local government proceeded under subsection (3) — by local public notice;
 - (b) if the local government proceeded under subsection (3C) — by notice published on the local government's official website.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —
making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Local Government (Functions and General) Regulations 1996

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

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

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

In accordance with r.3 of the *Local Government (Functions and General) Regulations 1996*, the purpose and effect of the proposed local law have been provided in the Council Recommendation set out at the top of this council report.



SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Nil.

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

The Fencing Local Law will continue to promote the protection of native and flora by setting out construction specifications, preventing damage to nature reserves by containing livestock and domestic animals, reducing spread of diseases by limiting access to natural bushland, and encouraging sustainable land use.

Policy Implications

N/A

Risk Management Implications

Context / Risk Category	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
Risk	Non-compliance with the local law review requirements stipulated by the <i>Local Government Act 1995</i> .
Consequence	3 - Moderate
Likelihood	2 - Unlikely
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Scheduled review of all local laws within the 8 years statutory requirement.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

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

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

Financial

The cost of making the proposed local law which includes advertising and gazettal is approximately \$3,000. Funds are available in the 2024/2025 budget for the project cost.



Workforce

Nil.

CONCLUSION

It is recommended that Council recommences the review process under *the Local Government Act 1995* to update the current Shire of Waroona Fencing Local Law 2014, following the procedure outlined in section 3.12 of the Act. The Fencing Local Law intends to prescribe a sufficient fence, standards and minimum requirements for the construction of fences throughout the district.



11.3 CHIEF EXECUTIVE OFFICER

11.3.1 Rating of Large Scale Renewable Energy Facilities	
File Ref:	EM.12 – Environmental Management – Planning Renewable Energy; RV.4 – Rates and Valuations – Valuations – Legislation; RV.6 – Rates and Valuations – Valuations
Previous Items:	Nil
Applicant:	Shire of Waroona
Author and Responsible Officer	Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.3.1 – Implications for the renewable energy industry

RECOMMENDATION

That Council:

1. supports the rating of large scale renewal energy facilities as gross rental value (GRV) improvements on land;
2. supports a review through the Western Australian Local Government Association (WALGA) of the legal case history across Australia of item 1 above, for a legal opinion and recommendations regarding any legislative changes that will ensure GRV rating for renewable energy facilities in Western Australia;
3. subject to item 2 outcomes, supports the development of this position by WALGA as an advocacy position; and
4. requests that this matter be put to the WALGA Peel Zone and to WALGA State Council.

IN BRIEF

Renewable energy facilities such as large-scale solar panels and wind turbines which are designed as primary energy production sources are being planned and built across Western Australia as part of the State and Federal Governments’ energy transition program. As with any commercial activity they bring demands on a local government and its community. How best to deal with this uncertainty is being considered across Australia.

There is uncertainty with respect to the applicable land value rating method of these facilities which are typically located on rural land and this report seeks Council support to advance the prospect of local governments being able to apply gross rental valuations to the land on which they are built, with the aim for this to become supported by Peel Zone and then an advocacy position of the Western Australian Local Government Association (WALGA). This report also requests Council to support planning scheme instruments and legislative changes needed to ensure the ability to apply GRV valuations to these facilities.

BACKGROUND

GRV vs UV Rating – a Parallel Example

In 1961 an Act came into royal ascent called the Alumina Refinery Agreement Act 1961. The aim of this Act was to provide State Government support for the ability of a large mining



company to undertake bauxite mining in the escarpment east and southeast of Perth. In doing so this legislation provided a royalty scheme for the State Government, but explicitly prevented local governments from rating the significant mining infrastructure at GRV as improvements on the land. Instead, it dictated that the land on which this company's infrastructure was built would only ever be rated at unimproved value, the valuation applied to farmland (section 21).

The effect of this legislation for the past 64 years in Peel has been that local governments have been left to negotiate whatever they are able with the mining company in support of community benefits, as opposed to utilising a simple GRV rating mechanism that would have yielded suitable, substantial and equitable funds to the local governments in support of their communities. To a degree local governments have found a willing mining company in Alcoa to support communities through grants and voluntary agreements. GRV rating however, would have yielded many multiples of the UV rating method, and would have left local governments in a significantly better financial position.

Other State Agreement legislation carries similar clauses removing the right of the local government to GRV rate significant facilities. It is now recognised as a legacy clause that is no longer supported and does not serve the communities in which these large facilities are built and operated even when they provide a return to the State Government via royalties.

Perhaps the Peel local governments were unaware in 1960 of the impacts of these clauses in the new legislation that would fund the State Government but deliberately lock them out of meaningful recompense.

This story is told because local governments across Western Australia are at a similar point in time in respect to the coming proliferation of large scale renewable energy facility improvements to land. It is critical that local governments understand this and act to ensure that they are able to use GRV rating mechanism to derive meaningful and fair rates to enable them to support their communities.

The balance of this report details this proposal and how it can occur.

Renewable Energy Production in Western Australia

Progress on the uptake of renewable energy across Australia varies from state to state, however, within Western Australia the use of renewable energy was at 3% of total energy consumption in 2022-23, according to the most recent report of the Australian Government's Department of Climate Change, Energy, the Environment and Water, in "Australian Energy Update 2024, of August 2024.

(https://www.energy.gov.au/sites/default/files/2024-08/australian_energy_update_2024.pdf, accessed 6 Feb 2025). The graph below from page 24 of that report shows Western Australia's energy mix alongside those of the other states.



Figure 12 Australian energy mix, by state and territory, 2022–23

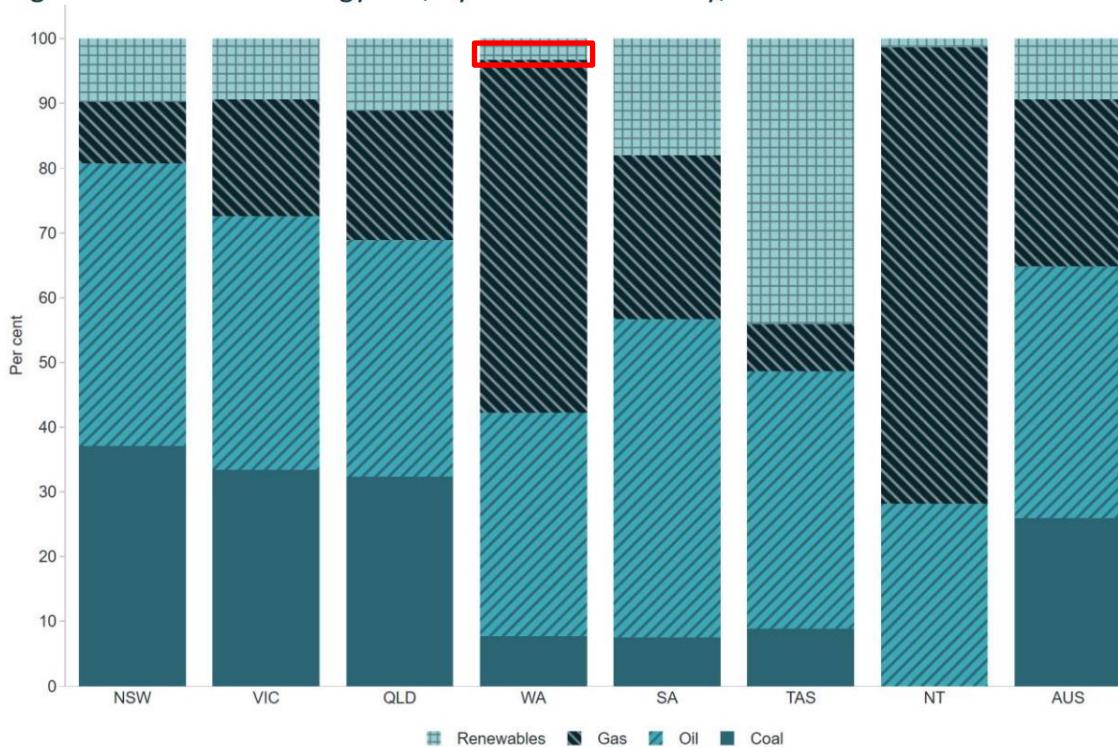


Figure 1. Australian energy mix, by state and territory, 2022-23

Page 27 of that report states that “renewable energy accounted for 3 per cent of total energy production in 2022–23”.

The Western Australian Government has entered into a bilateral agreement with the Australian Government to produce 82% renewable energy by 2030. (<https://www.dcceew.gov.au/about/news/boosting-renewables-western-australia-south-australia>, accessed 6 Feb 2025).

The Government of Western Australia entered into a bilateral Renewable Energy Transformation Agreement with the Australian Government on 19 July 2024.

Through the agreement, the Australian Government commits to support developers in Western Australia to build a minimum of:

- 6.5 TWh of new wind and solar projects in Western Australia
- 1.1 GW of new storage capacity, helping keep the electricity grid stable.

The Government of Western Australia commits to retire its state-owned coal-fired power stations by 2030 and replace them with reliable renewable electricity generation and storage.

Without a discussion on likelihood of this occurring, the escalation from 3% to 82% renewable energy nevertheless suggests a massive build of renewable energy facilities is to take place in the next 6 years across the State, impacting many local governments. It is essential that local governments are prepared for the impacts of these new facilities and are in a position to accrue the funding benefits needed to provide for the impacts in their communities.

REPORT DETAIL

Models to Address Impacts on Local Government



In terms of the local government benefit to deal with the impact of renewable energy facilities there are four approximate models, with permutations in each.

1. **Individual negotiation.** In this model the local government seeks to use the planning approval process to determine direct impact needs and writes these in as conditions (road upgrades etc.). They may also negotiate with the proponent and aim to settle on a package of ongoing benefits which are then approved under an agreement, hopefully reinforced as a planning condition.

Of course, this is hit and miss and leaves unprepared or under-resourced local governments with little in terms of a good outcome for the community. On the proponent side, they may or may not be particularly interested in their social licence and responsibility within the Shire and impacted community. By way of comparison with another industry, mining companies have a range of benefits schemes for the communities they operate in, often with agreements between the miner and the LG outside of any planning condition. These agreements represent the social licence contribution of the miner to the community.

Under this model renewable energy facilities are UV rated.

Whether this model adequately addresses the impacts is entirely dependent on the nature and scale of the contribution made under the agreement. There is no mandate on the proponent to contribute other than through public or political pressure. It could be described as a benefactor – recipient model. These agreements will vary widely from district to district and will depend on the success of individual local government to negotiate outcomes.

2. **Differential Rating.** In this model the renewable energy provider pays unimproved value (UV) on their rates, but at a differential rate determined by the local government. Without separate Ministerial approval this can yield double the UV rate.

The local government may then also seek to negotiate agreements for other funding with the renewable energy company in line with its view of its social responsibility as per the first model above.

3. **Payment in Lieu of Rates - Community Benefit Model.** In this model the proponent pays an amount to the State Government which then passes this on to the affected local governments based on the amount of renewable energy being generated. It does this by determining a payment to the local government based on a rate for each kWatt hour of the renewable energy the supplier generates in that local government district.

This is in addition to income derived by the local government from UV rating.

This model puts the State Government at the helm in terms of deciding what the scheme looks like and importantly how much gets allocated to the affected local governments. It is likely to be complicated and will no doubt have an acquittal and audit process build into it, and the participants will be subject to administrative complexity and increasing red tape for all parties. In effect it replaces a simple GRV income rating system with a new State Government run system.

Given the determination of the State Government to boost renewable energy generation, the State Government may be lukewarm in terms of its enthusiasm for this sort of payment system and administrative burden on itself and the local government sector. Determining the rate per kWatt will be a significant matter and no doubt a hotly debated topic.



The Community Benefit Scheme is also a benefactor – recipient model with the local governments not having direct line of sight to the funding, with the State Government now the benefactor. The red tape implications of an unnecessarily complicated funding model are self-evident, and the handler role of the State Government combine to add a further layer of bureaucracy with its costs and accountability processes.

This may have merit for the transmission line impacts, but if they are Government Trading Enterprises owned (e.g. Western Power) then they are rate exempt, and it seems highly unlikely that the State Government would stump up formal payment in lieu support for this when it never has previously.

- 4. Gross Rental Value (GRV) Rating.** What is needed is a system to account for local governments to accrue the benefit based on impacts to the district. It needs to be a system that is simple, both legislative and administratively and it should put the local governments in charge without relying on the proponent or the State Government to intervene in any new way. Fortunately, such a system exists. It is the rating system under the Local Government Act 1995.

The GRV rates model is one where the gross rental value is applied to the improvements on the land and the proponent pays rates according to the well know and well understood legislative principles of the Local Government Act 1995 and the Valuation of Land Act 1978.

This model provides direct line of sight between the business creating the impacts and the Local Government, based on well-established and legislated rating principles. It is also equitable for other businesses, generally, meaning that the same rating instrument applies to all businesses across the district.

This has the following benefits.

- The system is well known and well understood across government and industry. It takes the burden away from industry and LGs to develop agreements which may or may not be suitable.
- The system exists legislatively and doesn't need to be invented and implemented, unlike a community benefits scheme. At best it needs only to be reinforced to provide clarity and certainty regarding GRV rating of renewable energy facilities.
- The revenue derived goes to local government consolidated revenue rather than to specific spend requirements such as exists for some of the mining agreements. This gives the local government flexibility in its budget allocation and the freedom to meet the community needs as it determines these to be necessary.
- It is a system which scales fairly based on value of the development – the higher the value of the improvements the higher the rates and vice versa. The per kWatt community benefit scheme payment is attempting to emulate a scaling value system that already is available under GRV rating.
- The application of the GRV rating system on renewable energy facilities is fair on every other business that pays its share of rates.
- It cuts out the State Government's roles of funding middleman, administrator and arbiter of who gets what, and eliminates the benefactor - recipient relationship that local governments are so often in with the State Government.
- The State Government will be a direct beneficiary, given that its Emergency Services Levy funding is derived from a GRV formula. Similarly, the general health levy rate under the Health (Miscellaneous Provisions) Act 1911, section 40, is derived from a GRV based calculation.



GRV Rating for Renewable Energy Facilities and Case History

Whether a local government can charge GRV or not for renewable energy facilities has been challenged in both the New South Wales (NSW) and Victorian courts. A very good description of this is in Appendix 11.3.1 A, which can also be viewed online at <https://www.allens.com.au/insights-news/insights/2021/06/a-tale-of-two-courts-are-wind-farm-assets-fixtures-or-chattels/>.

In Victoria it was determined that the solar panels and the wind turbines are not permanent structures, that is, they are chattels rather than fixtures, and as such were not improvements on the land. This means that they can only be UV rated in Victoria. It isn't clear whether differential rating is being applied in Victoria, and this needs researching. However, differential UV rating is being used in Merredin, WA, successfully to yield double the UV value for a large scale renewable energy facility there.

In NSW renewable energy facilities were found not to be chattels, but rather fixtures, thus providing for capital improved rating, so there are two different case law positions now to confuse the matter.

It is noteworthy that the Victorian Valuer General has taken an interest in the matter. This has come about because the amount levied under the Fire Services Property Levy Act 2012 is calculated based on the improved value of the land. This is discussed in Appendix 11.3.1.

This may provide a lever for interest in this matter by the WA State Government, given that the Western Australian emergency services levy (ESL), is also calculate using a figure based on the improved value of the property. It is reasonable to draw a positive risk correlation between renewable energy facilities distributed throughout the countryside, with an increased fire risk. This is something that could carefully be brought to the attention of the WA State Government; however, whether this is seen as an impediment to the State Government's renewable energy targets needs consideration. If it is, then it may not be supported by the State Government and in fact GRV rating of renewable energy facilities may be deliberately shut down to local governments in the worst-case scenario.

Other Concerns

A concern has been raised that the rating issue is difficult to deal with as it imposed the rate on the landowner not the renewable energy lessee. The leasing concerns are that this forces the farmer to pay GRV rating rather than the renewable energy company.

This is simply dealt with in the same manner as every other commercial lease across Australia where the lessee is required to pay for outgoings, including rates. Farmers are known to be negotiating with a proponent to include a clause in their agreement that any rate increase due to the renewable energy is to be paid by the proponent.

Another concern is that there may be an argument put forward that changing the legislation will take a long time. Firstly, it should be determined whether legislative changes are in fact needed. Beyond this it is unlikely that the changes will be complex and likely less complex than those needed to support a State Government led community benefits scheme.

Next Steps for GRV Rating

In gaining certainty with respect to GRV rating of renewable energy facilities the matter could be taken to the courts in WA to test the legislation. This is likely to take several years, accounting for appeals through the court system.



The better, recommended alternative to this is to engage a competent specialist law firm to study the matter in the other states and the Western Australian legislation and provide an opinion on what if any legislative changes are needed. Should legislative changes be needed then State Government support to do this should be sought.

Advice with respect to any other legislative changes should also be sought.

The second part of this is advice for LGs on how to ensure that their Planning Schemes are worded so that they can capture the GRV rating for any new renewable energy projects.

The third avenue to pursue may be an alliance position with the State Government, though, as discussed, this needs careful consideration.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Economy
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	3.2.2 Secure energy resources to ensure energy sustainability for community needs

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Alumina Refinery Agreement Act 1961, section 21 – Rating.

Duties Act 2008, section 3 Terms used and section 15.

Fire and Emergency Services Act 1998, section 36H. Levy to be determined by reference to gross rental value etc

Health (Miscellaneous Provisions) Act 1911, section 40. 40. Power to levy general health rate

Local Government Act 1995, Part 6, Division 6 – Rates and services charges

Property Law Act 1969.

Valuation of Land Act 1978, Part 3.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Refer to discussion in Report Detail.

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



Refer to discussion in Report Detail.

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

Refer to discussion in Report Detail.

Policy Implications

Nil.

Risk Management Implications

Context / Risk Category	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
Risk	Insufficient and inequity in rates revenue
Consequence	4 - Major
Likelihood	3 - Possible
Risk Rating, prior to treatment	High (10-19)
Key Controls / Treatment	Actions to ensure legislative underpinning for GRV rating of renewable energy facilities.
Risk Acceptance	Monitor - Risk acceptable with adequate control

CONSULTATION

A verbal presentation of this information was provided to the WALGA Renewable Energy Forum in December 2024.

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

Financial

The difference between the value of UV rating and GRV rating is many multiples, from 4 to 12 times or more. Certainty of GRV rating of renewable energy facilities will provide financial stability and capacity to local governments across Western Australia.

Workforce

The ability to use the GRV rating system is well known and well understood and is baked into software programs used by local governments. The alternative community benefits scheme will add complexity and an administrative burden to local governments.

CONCLUSION

The proliferation of renewable energy facilities will be profoundly different to that of traditional energy producing facilities. Renewable energy production is a decentralised process, spread over many large tracts of land. Coal and gas facilities have a vastly smaller footprint to those of renewable energy facilities and renewable energy facilities will impact many rural and regional local governments across Western Australia. It is imperative therefore that local governments share a collective voice in dealing with this matter.



The acceleration of renewable energy facility builds across Western Australia is just beginning and ensuring that local governments are prepared to meet community needs through the already available rating mechanism of GRV rating is essential. Whether this needs clarifying or shoring up within legislation should be explored and resolved, through the representative work of WALGA.



11.4 ITEMS FOR INFORMATION

12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING

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

14. NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING

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

16. CLOSURE OF MEETING

