



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

**Tuesday 22 September 2020**  
(Held in the Council Chambers)

**TABLE OF CONTENTS**

1.	<b>DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....</b>	<b>4</b>
2.	<b>RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE.....</b>	<b>4</b>
3.	<b>RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....</b>	<b>4</b>
4.	<b>PUBLIC QUESTION TIME .....</b>	<b>4</b>
5.	<b>PETITIONS AND APPROVED DEPUTATIONS.....</b>	<b>5</b>
6.	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS .....</b>	<b>6</b>
6.1	<b>ORDINARY COUNCIL MEETING – 25 AUGUST 2020 .....</b>	<b>6</b>
7.	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER .....</b>	<b>6</b>
8.	<b>ANNOUNCEMENTS BY MEMBERS .....</b>	<b>6</b>
9.	<b>DISCLOSURES OF INTEREST .....</b>	<b>6</b>
10.	<b>RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES.....</b>	<b>6</b>
10.1	<b>WAROONA LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 2 SEPTEMBER 2020 – APPENDIX 10.1 .....</b>	<b>6</b>
10.1.1	<b>MINUTES – LEMC MEETING 4 MARCH 2020 .....</b>	<b>6</b>
10.1.2	<b>MINUTES – SPECIAL LEMC MEETING 18 MARCH 2020 .....</b>	<b>6</b>
10.1.3	<b>MINUTES – LEMC MEETING 3 JUNE 2020 .....</b>	<b>7</b>
10.2	<b>WAROONA LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES OF MEETING HELD 2 SEPTEMBER 2020 – ITEMS TO BE DEALT WITH SEPARATELY.....</b>	<b>7</b>
10.2.1	<b>BEACH EMERGENCY NUMBER SIGNS .....</b>	<b>7</b>
10.2.2	<b>AMALGAMATION OF THE SHIRE OF MURRAY AND SHIRE OF WAROONA LOCAL EMERGENCY MANAGEMENT COMMITTEES .....</b>	<b>11</b>
11.	<b>REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS.....</b>	<b>16</b>
11.1	<b>DIRECTOR INFRASTRUCTURE SERVICES .....</b>	<b>16</b>
11.2	<b>DIRECTOR PLANNING &amp; ECONOMIC DEVELOPMENT .....</b>	<b>17</b>
11.2.1	<b>LOT 15 (234) RICHARDS ROAD, WAROONA – DEVELOPMENT APPLICATION (RENEWAL) FOR INDUSTRY - EXTRACTIVE AND AN EXTRACTIVE INDUSTRY LICENSE .....</b>	<b>17</b>
11.2.2	<b>RETROSPECTIVE DEVELOPMENT APPROVAL AT LOT 295 (18) BERRY ROAD, WAROONA – USE NOT LISTED .....</b>	<b>26</b>
11.2.3	<b>RESERVE 8746 SOUTH WESTERN HIGHWAY, WAROONA - PROPOSED CONTAINERS FOR CHANGE MOBILE REFUND POINT .....</b>	<b>34</b>
11.3	<b>DIRECTOR CORPORATE SERVICES .....</b>	<b>39</b>
11.3.1	<b>LISTING OF PAYMENTS FOR THE MONTH OF AUGUST 2020 .....</b>	<b>39</b>
11.3.2	<b>MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2020 TO 31 AUGUST 2020 .....</b>	<b>42</b>
11.4	<b>CHIEF EXECUTIVE OFFICER .....</b>	<b>45</b>

11.4.1	REVIVING THE HARVEST HIGHWAY CONCEPT FEASIBILITY STUDY .....	45
11.4.2	RESPONSE TO THE LOCAL GOVERNMENT REVIEW PANEL FINAL REPORT – RECOMMENDATIONS FOR A NEW LOCAL GOVERNMENT ACT.....	51
12.	BUSINESS LEFT OVER FROM A PREVIOUS MEETING .....	80
13.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	80
14.	NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING.....	80
15.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING .....	80
15.1	(LATE ITEM) APPLICATION OF COMMON SEAL – SECTION 195 AND 196 OF THE LAND ADMINISTRATION ACT 1997 FOR THE SUBDIVISION OF LOT 50 FORRINGTON HEIGHTS AND 51 ELLIOTT STREET, WAROONA.....	80
16.	MEETING CLOSED TO THE PUBLIC .....	84
16.1	HONORARY FREEMAN OF THE SHIRE OF WAROONA.....	84
16.2	CONFIDENTIAL ITEM - WAROONA TOWN CENTRE REDEVELOPMENT – STAGE 1 .....	85
16.3	CONFIDENTIAL ITEM - TENDER – RFT 2020/03 – SUPPLY & DELIVERY OF GRAVEL BASE COURSE MATERIAL .....	87
16.4	CONFIDENTIAL ITEM - TENDER – RFT 2020/04 – SUPPLY & DELIVERY OF CRUSHED LIMESTONE .....	87
16.5	CONFIDENTIAL ITEM - TENDER – RFT 2020/02 – PROVIDE TRAFFIC MANAGEMENT SERVICES	88
16.6	CONFIDENTIAL ITEM – QUOTATION – RFQ 2020/15 – PURCHASE OF VIBE ROLLER .....	88
17.	CLOSURE OF MEETING.....	89



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

The Shire President declared the meeting open at 4.00 pm and welcomed Councillors, Staff and members of the public present.

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

Cr Mike Walmsley	Shire President
Cr Naomi Purcell	Deputy Shire President
Cr Karen Odorisio	Councillor
Cr Larry Scott	Councillor
Cr Laurie Snell	Councillor
Cr John Mason	Councillor
Cr Vince Vitale	Councillor
Cr Noel Dew	Councillor
Mr Dean Unsworth	Chief Executive Officer
Mr Leonard Long	Director Planning & Economic Development
Mr Patrick Steinbacher	Director Technical Services
Miss Ashleigh Nuttall	Director Corporate Services
Mrs Kirsty Ferraro	Manager Corporate Services
Mrs Sue Cicolari	Executive Support Officer

**APOLOGIES**

Nil

**LEAVE OF ABSENCE PREVIOUSLY APPROVED**

Nil

**COUNCIL RESOLUTION**

**OCM20/09/143**

**Moved: Cr Odorisio**

**Seconded: Cr Purcell**

**That Leave of Absence be granted to Cr Laurie Snell for the period 25 September to 10 October 2020 inclusive.**

**CARRIED 8/0**

There were three members of the public present at the commencement of the meeting.

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

Nil

**4. PUBLIC QUESTION TIME****4.1 Mr Noel Mulholland – Fawcett Road, Waroona – TP2162**

Mr Mulholland advised that he opposed the retrospective development approval submitted by the Rowe Group on behalf of Browns, because of health and safety concerns. He asked the Shire Councillors not to approve the application because of the following:

His questions were directed at Leonard Long, Director Planning & Economic Development and author of the report.

1. “In his submission it was stated that if the Shire Council allows the proposed development application to go ahead, it would be setting a precedent that is, to allow such business to operate on any small acreages including Hamel, Lake



Clifton, Preston Beach or any where in the Shire (ie, Harry Carna's Shed) provided they operate as per condition (c) of the submission, (operate inside the site plan) and the Shire will not stop them, but support them. Is this correct?"

*The Shire President advised that every application is assessed on its merits.*

2. "The health and safety of the people living at the applicant's house, and the neighbours, that have been affected by the sand blasting is of the utmost importance, because sand blasting is a known carcinogenic ie, possible to cause cancer. They have been doing it for 10 years illegally; and have taken no notice of our complaints, or to carry out the works in a safe manner, where silica dust, rust removed from the panels, abrasive sand and other contaminants were blasted on to our paddocks, where the animals grazed, in our water tanks and washing hanging on the line, with an easterly wind blowing. It only stopped when I made a formal complaint to the health inspector of the Shire on the 14 May 2020. They were sand blasting all hours of the day and weekends, and when required. Sand blasting is a critical part of their Panel Beating Auto-restoration business and they cannot operate with-out doing it.

What is the Shire going to do to follow up and check on the conditions of granting a licence to operate the panel beating, auto restoration business, and they abide by them now and in the future?"

*Mr Leonard Long advised that the application if approved does not include Sand Blasting. He advised that the Shire would act on any complaints if they are received in relation to the proposal. He advised that the Shire does not conduct checks on conditions once they are approved.*

Mr Mulholland asked the Councillors to vote against the retrospective development approval of Lot 295 Berry Road, Waroona – Use Not Listed because of health and safety concerns and the difficulties to police.

## 5. PETITIONS AND APPROVED DEPUTATIONS

### **COUNCIL RESOLUTION**

**OCM20/09/144**

**Moved: Cr Mason**

**Seconded: Cr Purcell**

**That a Deputation be received from Mr Jeremy Hofland from Rowe Group.**

**CARRIED 8/0**

- 5.1 Mr Jeremy Hofland – Rowe Group – Deputation regarding Item 11.2.2 – Retrospective Development Approval at Lot 295 (18) Berry Road, Waroona – Use not Listed – TP2162

Mr Hofland provided a deputation on behalf of Mr Stephen Brown in support of the application for retrospective development approval for an Auto Restoration of Vintage /Collectable Vehicles Bodies.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****6.1 ORDINARY COUNCIL MEETING – 25 August 2020****COUNCIL RESOLUTION**

OCM20/09/145

Moved: Cr Snell

Seconded: Cr Vitale

That the Minutes of the Ordinary Council Meeting held 25 August 2020 be confirmed as being a true and correct record of proceedings.

**CARRIED 8/0****7. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil

**8. ANNOUNCEMENTS BY MEMBERS**

Nil

**9. DISCLOSURES OF INTEREST**

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

Cr Snell declared a proximity interest in Item 11.2.1, as a close relative of the owner of land adjacent to the proposal.

**10. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES****10.1 Waroona Local Emergency Management Committee Meeting held 2 September 2020 – Appendix 10.1****10.1.1 Minutes – LEMC Meeting 4 March 2020****COUNCIL RESOLUTION**

OCM20/09/146

Moved: Cr Dew

Seconded: Cr Purcell

That the minutes of the Local Emergency Management Committee meeting held on Wednesday 4 March 2020 be noted.

**CARRIED 8/0****10.1.2 Minutes – Special LEMC Meeting 18 March 2020****COUNCIL RESOLUTION**

OCM20/09/147

Moved: Cr Dew

Seconded: Cr Vitale

That the minutes of the Special Local Emergency Management Committee meeting held on Wednesday 18 March 2020 be noted.

**CARRIED 8/0**

**10.1.3 Minutes – LEMC Meeting 3 June 2020****COUNCIL RESOLUTION****OCM20/09/148****Moved: Cr Odorisio****Seconded: Cr Mason**

That the minutes of the Local Emergency Management Committee meeting held on Wednesday 3 June 2020 be noted.

**CARRIED 8/0****10.2 Waroona Local Emergency Management Committee Minutes of Meeting held 2 September 2020 – Items to be Dealt with Separately**

<b>10.2.1 Beach Emergency Number Signs</b>	
<b>File Ref:</b>	51/2
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Not Applicable
<b>Author and Title:</b>	Ron Porter, Manager Ranger and Emergency Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Appendix 2 (LEMC Minutes)

**COUNCIL RESOLUTION****OCM20/09/149****Moved: Cr Snell****Seconded: Cr Odorisio**

That Council supports:

1. suitable inland water locations being identified, in consultation with stakeholders, for the potential installation of Beach Emergency Number (BEN) signs;
2. correspondence be sent to the Director General of the Department of Biodiversity Conservation and Attractions seeking support for the installation of Beach Emergency Number (BEN) signs at suitable locations within the Lane Poole Reserve;
3. grant funding options be investigated to offset the costs associated with the installation of Beach Emergency Number (BEN) signs within the district, and;
4. a further report to be presented to Council to consider costs should grant funding not be secured.

**CARRIED 8/0****IN BRIEF**

- Council is requested to support the investigation of suitable locations for the potential installation of Beach Emergency Number ('**BEN**') signs within the district.
- Correspondence be sent to the Department of Biodiversity Conservation and Attractions seeking their support in installing BEN signs at suitable locations within the Lane Poole Reserve.

- Exploration of possible grant funding opportunities to offset the costs associated with the installation of BEN signs.

## **BACKGROUND**

BEN signs were initially implemented by the City of Mandurah in honour of Ben Gerring. Ben died in June 2016 after a shark bite at Geary's surf break, Falcon, and there were concerns about possible delays in emergency services being able to locate the closest beach access point to help him.

In December 2017, the State Government launched the grants program as part of its shark mitigation strategy to provide funding for the installation of BEN signs from Geraldton to the South Australian border. Up to \$25,000 was available for metropolitan local governments and up to \$50,000 for country local governments.

The Department of Primary Industries and Regional Development ('**DPIRD**') led the development of the BEN sign program, working with local governments and other stakeholders.

The system aimed to improve emergency response times by installing signs with unique codes primarily at beach access points. It also included other coastal areas like harbours, estuaries, boat ramps, fishing platforms, jetties.

Suitable sign locations are determined by the local government, Department of Biodiversity Conservation and Attractions ('**DBCA**') or other land managers in consultation with DPIRD. The BEN code prefixes are based upon the location and are consistent with the Department of Transport's system for vehicle number plates, followed by a one to four digit number.

The numbers are based on the distance between the sign location and the local governments northern or western boundary. e.g. WR101 means the Shire of Waroona, approximately 10.1 km from its northern boundary. Because the numbers increase going south or east but are not sequential, the system allows for infill of extra signs later without upsetting the number order.

The signs provide specific location information to emergency services and other responders just by referencing the BEN numbers. The unique codes and linked underlying location coordinates are integrated into computer aided dispatch ('**CAD**') systems used by emergency services.

Since May 2018 WA Police has logged 326 requests for assistance through 000 where BEN signs provided location information. The figure for St John Ambulance is 174 (very few emergencies have been shark-related).

All BEN signs installed under the program are reversible a uniform red and green sign on the front and a beach closure sign on the back (Location data is present on both). This consistent approach to signage helps ensure familiarity, improving sign awareness in the event of an emergency.

So far over 900 BEN signs have been installed from Irwin around to Esperance, well over 1200 signs are anticipated to be installed by the summer of 2020/21.

In early June 2020, Ms Marion Massam, the BEN Sign Coordinator from DPIRD contacted the Shire seeking to gauge interest on BEN signage being installed on the eastern side of the Peel Inlet.





Ms Massam indicated that the City of Mandurah had already installed a number of signs on the western side of the inlet and there has been a number of shires who have now installed signs in non-coastal locations such as inland rivers & lakes.

The WA government paid for the production of Mandurah's signs because they were eligible as a coastal local government, unfortunately the Shire would have to self-fund our signs – each estimated at about \$300 however DPIRD would provide in-kind support in data management, production and communications support.

It was raised with Ms Massam that more than 220,000 visitors attend the Lane Poole Reserve annually. The 2018 drowning incident was also raised as rationale for having BEN signs at popular destinations within the reserve.

Subsequent discussions between DPIRD and DBCA indicate that there is a reluctance on behalf of DBCA to install BEN signs within Lane Poole Reserve.

### **REPORT DETAIL**

Should the recommendation be supported by Council then Officers from the Shire, in consultation with relevant stakeholders, will identify and examine suitable locations for the potential installation of BEN signs.

Furthermore, the change in project scope provides an ideal opportunity for the Shire to lobby and seek cooperation from the Department of Biodiversity Conservation and Attractions in installing BEN signs at suitable locations within the Lane Poole Reserve.

Officers will also investigate possible grant funding opportunities to offset the costs associated with the installation of BEN signs, once the costs are better known. If grant funding cannot be secured then a further report will be presented to Council to consider costs before proceeding with any installation works.

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning.
<b>Objective</b>	Create a connected, safe and cohesive community with a strong sense of community pride.
<b>Strategy</b>	Ensure the safety of our community.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

Nil

### **Sustainability & Risk Considerations**

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

There are no economic impacts on the community.

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

The installation of BEN signs at well frequented public locations provides confidence to residents and visitors that there will be a suitable response in emergency situations.



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

Nil

*Policy Implications*

Nil

*Risk Management Implications*

Nil

**CONSULTATION**

- *Emergency Management Act 2005,*
- *Local Government Act 1995,*
- Department of Primary Industries and Regional Development,
- Sharksmart,
- LEMC membership,
- External agencies
- Shire of Murray staff; and,
- Relevant internal staff.

**RESOURCE IMPLICATIONS***Financial*

The cost of each BEN sign is about \$300.

*Workforce*

There will be minimal workforce implications associated with the installation of the BEN signs.

**OPTIONS**

Council has the option of:

1. Endorsing the recommendation.
2. Not endorsing the recommendation.

**CONCLUSION**

The BEN signs project provides residents and visitors with a consistent and well recognised system that ensures emergency services personnel and visitors unfamiliar with the area can seek and obtain emergency assistance in a timely manner.

Whilst there is no adverse reputational risk to the Shire should the recommendation not be supported there is significant benefit for visitors, the community and emergency services personnel by providing a well-established and clear location referencing system.

<b>10.2.2 Amalgamation of the Shire of Murray and Shire of Waroona Local Emergency Management Committees</b>	
<b>File Ref:</b>	51/2
<b>Previous Items:</b>	LEMC. 4 March 2020 Item 5.1.3 (LEMC20/002) OCM. 26 May 2020 Item 10.4.2 (OCM20/05/083)
<b>Applicant:</b>	Not Applicable
<b>Author and Title:</b>	Ron Porter, Manager Ranger and Emergency Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION****OCM20/09/150****Moved: Cr Dew****Seconded: Cr Mason****That Council supports:**

- 1. the amalgamation of the Shire of Murray and Shire of Waroona Local Emergency Management Committees, and;**
- 2. the Chief Executive Officer overseeing the formation of a Working Group to establish the administration arrangements of the combined Local Emergency Management Committee and then seek final endorsement from the State Emergency Management Committee.**

**CARRIED 8/0****IN BRIEF**

- At the Ordinary Council Meeting on the 26 May 2020, Council provided in principle support for the amalgamation of the Shire of Murray and Shire of Waroona Local Emergency Management Committees subject to consultation with stakeholders.
- The Shire of Murray Council endorsed an identical recommendation at its Ordinary Council Meeting on the 26 March 2020.
- Internal analysis and stakeholder consultation haven't uncovered any issues that would prevent the amalgamation from proceeding.
- Council is requested to support the finalisation of the amalgamation of the Shire of Murray and the Shire of Waroona Local Emergency Management Committees.

**BACKGROUND**

Under section 38 of the *Emergency Management Act 2005* ('Act') local governments must establish at least one Local Emergency Management Committee ('LEMC') for their district. However under section 34 of the Act local governments may unite for the purposes of emergency management with the approval of the State Emergency Management Committee ('SEMC').

The appointment of a shared Community Emergency Services Coordinator has meant that emergency management now forms part of the resource sharing arrangements between the Shires of Murray and Waroona. This provided the ideal opportunity to explore the possibility of amalgamating the LEMC's.

The LEMC Executive Officer has been in discussions with the Shire of Murray/Waroona Chief Executive Officer, the Chairpersons of the respective Committees and the Department of Fire



and Emergency Services ('DFES') District Emergency Management Advisor ('DEMA') on the feasibility of amalgamating the LEMC's.

The advantages of amalgamating the LEMC's would be:

- Significant improvement in emergency management planning,
- Reduction in the number of meetings required to be attended by agency and stakeholder representatives; and,
- Ability for additional local government resources to be utilised should an emergency occur within either district.

At the Ordinary Council Meeting on 26 May 2020 (OCM20/05/083) council endorsed the following LEMC recommendation;

*That Council:*

1. *Provides in principle support for the amalgamation of the Shire of Murray and Shire of Waroona Local Emergency Management Committees,*
2. *Requests that consultation be undertaken to ensure the amalgamation is achievable and practicable for all Agencies and Stakeholders; and,*
3. *Requests that another report be prepared for consideration at the Local Emergency Management Committee meeting outlining the future direction on amalgamation of the Shire of Murray and Shire of Waroona Local Emergency Management Committees.*

An identical report, seeking in-principle support, was presented at the Shire of Murray Ordinary Council Meeting (OCM20/027) on the 26 March 2020, having already been endorsed by the Shire of Murray LEMC on the 5 February 2020 (LEMC20/002).

### **REPORT DETAIL**

Subsequent to the abovementioned recommendation from both local governments providing in-principle support, a process was established to ensure agency and stakeholder consultation occurred in accordance with the requirements of State Emergency Management Preparedness Procedure 14 which states the following –

*“Each local government must conduct an analysis of its ability to comply with the provisions of the EM Act in respect to EM. This analysis must examine the local government's ability to provide both effective and efficient EM and identify any associated risks.”*

To meet this obligation a risk analysis assessment was designed and distributed to the Shire of Murray and the Shire of Waroona LEMC memberships on the 11 June 2020, with recipients being provided until 3 July 2020 to respond.

LEMC members were requested to identify and analysis any potential risks from their agency/stakeholder perspective that they believed may compromise either local governments' ability to provide both effective and efficient emergency management. Six agencies/stakeholders provided feedback with none identifying any issues or concerns.

Should Council support the recommendation, a Working Group involving representatives from both Shires will be formed to determine the administrative arrangements and communication strategy. Once these matters are resolved, a letter will be forwarded onto the SEMC Executive Officer, requesting endorsement of the proposed amalgamation by the State Emergency Management Committee.



## **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning.
<b>Objective</b>	Create a connected, safe and cohesive community with a strong sense of community pride.
<b>Strategy</b>	Ensure the safety of our community.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

Local government emergency management responsibilities are set out under the *Emergency Management Act 2005*.

#### **34. Local governments may combine**

- (1) Two or more local governments may, with the approval of the SEMC, agree to unite for the purposes of emergency management under this Part.
- (2) If 2 or more local governments (the ***combined local government***) unite as mentioned in subsection (1), the provisions of this Part apply as if —
  - (a) a reference to a local government were a reference to the combined local government; and
  - (b) a reference to the local government's district were a reference to the districts of the combined local government; and
  - (c) a reference to the local government's offices were a reference to the office of each local government that is part of the combined local government.

#### **36. Functions of local government**

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district; and
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

#### **38. Local emergency management committees**

- (1) A local government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —



- (b) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
  - (c) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

### 39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

As mentioned in this report, **State Emergency Management Preparedness Procedure 14** provides a clear procedure for local governments to follow when amalgamating for the purpose of emergency management.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

There are no economic impacts on the community.

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

The amalgamation of the LEMC memberships and the subsequent improvement in emergency management planning will result in positive outcomes for the community.

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

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

#### *Policy Implications*

The LEMC Terms of Reference will need to be updated to reflect the changes to the membership structure.

#### *Risk Management Implications*

Risk Level	Comment
Low	The amalgamation of the LEMC provides greater expertise on the committee and will reduce the Shire’s risk exposure through the development of associated plans, structures and training to effectively coordinate local emergency management activities.

**CONSULTATION**

- *Emergency Management Act 2005,*
- *Local Government Act 1995,*
- *State Emergency Management Preparedness Procedure 14,*
- Shire of Murray/Waroona Chief Executive Officer,
- Shire of Murray and Shire of Waroona LEMC Chairpersons,
- DFES DEMA,
- LEMC membership,
- External agencies; and,
- Relevant internal staff.

**RESOURCE IMPLICATIONS***Financial*

There is no financial implication associated with this proposal.

*Workforce*

There is no workforce implication associated with this proposal.

**OPTIONS**

Council has the option of:

1. Endorsing the recommendation.
2. Not endorsing the recommendation.

**CONCLUSION**

The amalgamation of the Local Emergency Management Committees will realize significant efficiency gains for Shire staff and the agencies/stakeholders involved.

Furthermore, the subsequent improvements in emergency management planning will result in positive outcomes for the Shire of Murray and Shire of Waroona communities.

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

**11.1 DIRECTOR INFRASTRUCTURE SERVICES**

Confidential reports provided under separate cover to be addressed as Items 16.3, 16.4, 16.5 and 16.6.



Cr Snell declared a proximity interest in Item 11.2.1, as a close relative of the owner of land adjacent to the proposal, and left the meeting the time being 4.13 pm.

## 11.2 DIRECTOR PLANNING & ECONOMIC DEVELOPMENT

<b>11.2.1 Lot 15 (234) Richards Road, Waroona – Development Application (Renewal) for Industry - Extractive and an Extractive Industry License</b>	
<b>File Ref:</b>	TP2150
<b>Previous Items:</b>	TP1766
<b>Applicant:</b>	Waroona Resources
<b>Author and Title:</b>	Leonard Long – Director Planning & Economic Development
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Appendix 11.2.1A – Extractive Industry Management Plan

### COUNCIL RESOLUTION

OCM20/09/151

Moved: Cr Scott

Seconded: Cr Vitale

That Council, with regard to the application for Development Approval for an ‘Industry - Extractive’ and an ‘Extractive Industry Licence’ at Lot 15 (234) Richards Road, Waroona Resolved to:

1. Approve the application for an ‘Industry - Extractive’ subject to the following condition and advice notes:
  - a. The development shall occur in accordance with the approved plans and specifications and these shall not be altered or modified without the prior written approval of the Shire of Waroona.
  - b. This approval is valid for a period of five (5) years (calculated from the date of this approval).
  - c. Except to the extent inconsistent with any other conditions set out hereunder, all development (including rehabilitation) on the site shall comply with the Extractive Industry Management Plan and any subsequent amendments to the Extractive Industry Management Plan as may be agreed in writing between the applicant and the Shire of Waroona from time to time.
  - d. Except as otherwise approved by the Shire of Waroona, the hours of operation of the Extractive Industry, including the movement of trucks in or out of the site, shall be restricted to:
    - i. Monday to Friday 6:00am to 5:00 pm.
    - ii. Saturday 7:00am to 12:00 pm.
    - iii. No operations are permitted on Sundays and / or Public Holidays.
  - e. Materials imported for rehabilitation or other purposes shall be certified by a suitably qualified person to be free of dieback and other plant diseases.
  - f. No later than 24 months from the date of this approval the licensee shall provide a progress report to the satisfaction of the Shire of Waroona detailing progress of extraction activities and rehabilitation and demonstrating



- compliance with all conditions of approval. The progress report shall include a survey of the current state of the site.**
- g. All stormwater and drainage run-off shall be contained on site or connected to a Shire stormwater legal point of discharge to the specification and satisfaction of the Shire of Waroona.**
  - h. The applicant shall prevent the generation of visible particulates (including dust) from access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the subject site by using where necessary appropriate dust suppression techniques including but not limited to the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with the Department of Environment and Conservation's dust management guidelines dated March 2011.**
  - i. The applicant shall ensure any noise emanating from the site is within the Environmental Protection (Noise) Regulations 1997 (WA) limits.**
  - j. Other than minor repairs, no maintenance of vehicles and plant or equipment shall be carried out on site.**
  - k. A hardstand refuelling area bunded and drained to a pollutant receptor to prevent any spilled fuel entering the natural ground shall be provided on site to the satisfaction of the Shire of Waroona. All refuelling shall take place within this hardstand area.**
  - l. Within 60 days from the date of this approval, the operator shall enter into an agreement with the Shire of Waroona, prepared at the operators cost, by which the operator agrees to financially contribute to the following:**
    - i. Repair and maintenance of the local road network to be used by heavy vehicle traffic generated by the approved use; and**
    - ii. Local road network upgrades required to accommodate heavy vehicle traffic generated by the approved use.**
  - m. Within 60 days from the date of this approval, the operator shall provide for approval a Weed Management Plan to the satisfaction of the Shire of Waroona.**
  - n. The applicant shall:**
    - i. Implement measures to avoid the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons; and**
    - ii. Ensure no chemicals or potential liquid contaminants are disposed of on site.**
  - o. Stockpiles of sand and topsoil shall not be located on the high ridgelines of the property and stored in an east / west configuration (i.e. stockpiles to be located within the working pits so that they are not open to wind erosion.)**
  - p. Topsoil shall, when possible, be dressed upon the excavated land to a minimum depth of five (5) centimetres before seeding and planting occurs to the satisfaction of the Shire of Waroona.**
  - q. A minimum separation distance of two metres (2) between the maximum excavation depth and the highest know groundwater level shall be maintained at all times.**

**Advice Notes:**

- a. **With regard to condition (1) the agreement shall address the following matters:**
    - i. **The rate and frequency of contributions and the length of road for which the contribution is required;**
    - ii. **The provision of heavy vehicle movement numbers and/or tonnages of material to the Shire by the operator for the purpose of calculating the contributions;**
    - iii. **The preparation of a report by the operator detailing the intended routes to be used by heavy vehicle traffic generated by the extractive industry and any necessary works to upgrade these routes; and**
    - iv. **The contribution level and method of calculating contributions required for any necessary upgrades to the local road network to accommodate heavy vehicle traffic generated by the Extractive Industry.**
  - b. **Groundwater abstraction, including pit dewatering, is subject to licencing from the Department of Water and Environment Regulation.**
  - c. **Clearing of native vegetation is subject to the issuance of a Clearing Permit from the Department of Water and Environment Regulation.**
  - d. **Operations are to be carried out in compliance with the Shire of Waroona Extractive Industries Local Law as adopted by Council.**
  - e. **The applicant is advised the Licence is subject to the payment of an annual Licence Renewal Fee as required in the Shire of Waroona Extractive Industries Local Law 1999 and prescribed in the Shire’s adopted Fees and Charges. The licence shall lapse where the licensee fails to pay the annual licence fee.**
  - f. **The transfer of a licence is subject to the approval of the Shire.**
  - g. **Should the licensee wish to renew the licence, an application should be made to the Shire at least 42 days before the date of expiry of the licence.**
  - h. **Where a licensee intends to cease carrying on an extractive industry temporarily for a period in excess of 12 months or permanently, the licensee must, as well as complying with clause 21 of the Local Laws, give the Shire written notice of the cessation not later than 1 week after those operations have ceased.**
  - i. **Prior to the cessation of operations, all restoration works required in terms of clause 21 of the Shire of Waroona Extractive Industries Local Law 1999 shall be carried out.**
2. **Issue an Extractive Industry Licence valid for a period of five years subject to the conditions imposed through the development approval for the Extractive Industry in (1) above.**

**CARRIED 7/0****IN BRIEF**

- The proposal is for the ‘renewal’ of the Extractive Industry License and Development Approval of an existing extractive industry use, which has operated on this site since 2009.
- The application did not receive an objection from any adjoining property.



**BACKGROUND**

Council approved an ‘Industry – Extractive’ on the lot in 2009, and 2015. The current Development Approval and Extractive Industry Licence expires in September 2020.

On 1 May 2020, the Shire received an application for an ‘Industry – Extractive’ use and an Extractive Industry License ‘renewal’.

The current approval permits 24.2 hectares of land to be utilised for ‘Industry – Extractive’ (stage 1 and 2). However, stage 2 has not commenced works with only 15.2 hectares of land (stage 1) currently utilised.



PLAN 1

**REPORT DETAIL**

The application is to ‘renew’ the development approval and extractive license which includes stages one (1) and two (2).

Currently works are only being done in stage one (1) as the applicant is yet to obtain a clearing permit for stage two (2), see below locational plan (image two) for reference.



PLAN 2

The application includes an updated Extractive Industry Management Plan (**APPENDIX 11.2.1A**), which details the Environment Management and rehabilitation of the property.

Waroonna Resources currently operates under the following regulatory approvals:

- Clearing Permit (1525/3), under section 51E of the Environmental Protection Act 1986;
- Clearing Permit (8187/1). Under section 51E of the Environmental Protection Act 1986;
- Development Approval issued for Stage 1 (TP1766) by the Shire.
- Development Approval issued for Stage 2 (TP2080) by the Shire.
- Development Approval issued for Class 1 (TP1214) by the Shire.
- License (L8651/2012/1) allowing activities to be undertaken for categories 62 and 63 under the Environmental Protection Act 1986.

The applicant is providing a 1260m distance of separation from the nearest residential use, which will mitigate noise and visual impacts. Guidance Statement No. 3 “Separation distances between industrial and sensitive land uses”, prescribes a separation distance of between 300m and 500m.

#### **Dust:**

- The Extractive Industry Management Plan (**APPENDIX 11.2.1A**) has outlined various techniques to mitigate dust impacts as a result of the proposal these include the following;
  - a) Restricting clearing ahead of the pit and ensuring rehabilitation is forthcoming behind the pit. This limits the risk area for dust generation to 1-2 hectares.
  - b) Stockpiles of sand and topsoil will not be located on high points of the site and will be stored in an east/west configuration in order to minimise wind erosion.
  - c) As a fall back contingency plan, in the event where dust levels are exacerbated by strongly easterly winds dust suppression activities will be conducted as necessary. This will include dust suppression water being brought onto the site via a tanker, and there is no ground water abstraction onsite for this purpose.
- Given the Extractive Industry has existed and operated for a number of years and has managed its dust impacts responsibly and effectively, along with the various mitigation techniques outlined above, Shire officers are satisfied dust impacts will be managed appropriately.

#### **Noise:**

- The Extractive Industry Management Plan (**APPENDIX 11.2.1A**) has outlined various techniques to mitigate noise impacts and comply with the Environmental Protection (Noise) Regulation 1997 as a result of the proposal, these include the following;
  - a) Restricting operations to daylight hours, being 6:00am to 5:00pm Monday to Friday, and 7:00am to 12:00pm on Saturdays.
  - b) Restricting the bulk of excavation, screening and loading operations to within the pit, thereby reducing noise emissions to the north, east and west.
- Given the Extractive Industry has existed and operated for a number of years and has managed its noise impacts responsibly and effectively, along with the various mitigation techniques outlined above, Shire officers are satisfied noise impacts will be managed



appropriately. Further to this, the nearest residence is well in excess of one kilometre to the north of the proposed site, ensuring any noise impacts are minimal.

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To create a diverse economy base that supports opportunity education and employment.
<b>Objective</b>	Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land.
<b>Strategy</b>	Maximise the inherent economic opportunities in the Murray Waroona functional economic region.

### **OTHER STRATEGIC LINKS**

#### **South Metropolitan Peel Sub-Regional Planning Framework 2015**

In section 3.8 of the South Metropolitan Peel Sub-Regional Planning Framework 2015 the importance and limited availability of basic raw materials are recognised.

Access to basic raw materials benefits housing affordability and is important for moderating the cost of future infrastructure projects.

The proposal is considered to be consistent with the objectives of the Rural Zones – All, the use supports the districts economy whilst it is not anticipated to unreasonably impact the rural character of the area given its generous setback to public roads.

#### **Local Planning Strategy (LPS)**

The subject lot is located within the Agricultural Precinct of the LPS and designated General Agriculture. The objective of the General Agriculture classification is to provide for the continued use of the area for a range of agricultural pursuits and low-key tourist establishments.

#### **The Environmental Assessment Guideline for Separation distances between industrial and sensitive land uses 2015**

In terms of Appendix 1 of the Guidance Statement the following separation distance is recommended:

- Sand extraction operations should maintain a minimum separation distance from sensitive land uses (dwellings) of 300m - 500m depending on their size.

The subject use provides a separation distances of approximately 1350m and 1240m to the nearest dwellings to the south and north of the proposal respectively.

### **STATUTORY ENVIRONMENT**

The subject application has been assessed against the various statutory documents below and where necessary conditions have been imposed to ensure its compliance.



### Local Planning Scheme No 7, 1996

The subject lot is located within the 'Rural 1 – General Farming' zone of TPS7 and is subject to Clause 3.13. An extractive Industry is an A (discretionary) use in the General Farming zone.

Clause 3.13.1, Objective and Policies states, Council's objective is to preserve the rural character of the District's farming lands and to ensure that they continue to contribute materially to the District's economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.

Council's policies will therefore be to:

- permit land uses consistent with achieving the objective;
- permit, at Council discretion, Rural Industry;
- require that Intensive Agriculture be subject to the Planning Consent of Council;
- support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation; and
- maintain open rural atmosphere by encouraging generous setbacks.

### Environmental Protection (Noise) Regulations 1997

Clause 5 of the Noise Regulations relates to unreasonable noise and requires that where complaints are received, noise may be considered to be unreasonable.

The act sets out noise limits which have been carefully designed to ensure that noise from other premises is kept to acceptable levels

### Shire of Waroona Extractive Industry Local Law 1999 (Local Law)

All Extractive Industries in the Shire of Waroona are subject to the Local Law and require a licence to be granted under the Local Law.

The purpose of the Local Law is to;

- prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;
- regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and
- provide for the restoration and reinstatement of any excavation site.

Section 10(3)(a) of the Local Law states that where the local government approves an application for a licence it must determine the licence period, not exceeding 21 years from the date of issue

Section 10(5) of the Local Law specifies that the local government may apply conditions of approval to an Extractive Industry licence relating to various matters as required.

Section 17(1) specifies the permissible excavation distances.

### Planning & Development (Local Planning Schemes) Regulations 2015

Clause 60 of Schedule 2 (deemed provisions) requires development approval to be obtained prior to any works or use of land except where exempted under Clause 61.



## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

The proposed Extractive Industry use would contribute to the local economy as it has since 2009.

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

Impacts to amenity of adjoining properties, is considered unlikely given the large separation distances.

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

The proposed use will involve the clearing of native vegetation to accommodate further sand extraction. Whilst this will impact the natural environment, the Department of Water and Environmental Regulation deemed it reasonable and granted a permit for the clearing.

### *Policy Implications*

#### **State Planning Policy 2.1 Peel-Harvey Catchment Policy**

The objectives of this policy are:-

- To improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey Coastal Plain Catchment;
- To ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage;
- To balance environmental protection with the economic viability of the primary sector;
- To increase high water-using vegetation cover within the Peel-Harvey Coastal Plain Catchment;
- To reflect the environmental objectives in the Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992; and
- To prevent land uses likely to result in excessive nutrient export into the drainage system.

#### **Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992**

The purpose of this policy are:

- To set out environmental quality objectives for the estuary which if achieved will rehabilitate the Estuary and protect the Estuary from further degradation; and
- To outline by which the environmental quality objective for the Estuary are to be achieved and maintained.

#### **Local Planning Policy 15 – Extractive Industry (LPP15)**

Policy statement 4 of LPP15 states that Planning Consent for extractive industries shall be issued for a maximum period of 5 years.

Policy Statement 5 of LPP15 states that where Planning Consent is issued for a period exceeding 2 years a condition shall be applied requiring a progress report to be submitted mid-way through the licence.

Policy statement 6 of LPP15 states that where the traffic generated by an extractive industry will result in a significant impact on the local road system the applicant shall be required to make a proportionate contribution toward the upgrading and/or maintenance of the local road system.





*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	Whilst the extractive industry use has an element of risk, there are no sensitive uses in close proximity to amenity impacts are unlikely and the use has existed on site for some time without issues.

**CONSULTATION**

In accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*, clause 64 of the Deemed Provisions, notification letters were sent to adjoining / affected neighbours and advertised on the Shire website. No objections were received.

The application was forwarded to the following government agencies for comment, with any recommendations included in the proposed conditions:

- Department of Biodiversity, Conservation and Attractions;
- Environmental Protection Authority;
- Department of Mines, Industry Regulation and Safety;
- Department of Primary Industry and Regional Development; and
- The Department of Water & Environmental Regulation.

**RESOURCE IMPLICATIONS***Financial*

Nil.

*Workforce*

Nil.

**OPTIONS**

Council has the option to:

1. Approve the application for an Extractive Industry as well as the Extractive Industry Licence subject to conditions as recommended.
2. Approve the application for an Extractive Industry as well as the Extractive Industry Licence subject to amended conditions, providing reasons for the amendment.
3. Refuse the application for an Extractive Industry as well as the Extractive Industry Licence, providing reasons for the refusal.

**CONCLUSION**

In conclusion, the Shire Officers are supportive of the proposed use and recommend approval, provided the various conditions are implemented.

Shire Officers believe that given the large amount of separation from the proposed use and any sensitive land uses, it is highly unlikely that the proposal will have any impact on adjoining land uses.

Furthermore, as discussed the continued contribution of the use to the shires economy is important and the employment opportunities will continue as existing.

The application is recommended for approval subject to conditions.

Cr Snell returned to the meeting, the time being 4.14pm.



<b>11.2.2 Retrospective Development Approval at Lot 295 (18) Berry Road, Waroona – Use Not Listed</b>	
<b>File Ref:</b>	TP2162
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Rowe Group
<b>Author And Title:</b>	Leonard Long Director Planning & Economic Development
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	Appendix 11.2.2A – Floor Plan Appendix 11.2.2B – Support Letters Appendix 11.2.2C – Objection

**COUNCIL RESOLUTION****OCM20/09/152****Moved: Cr Odorisio****Seconded: Cr Purcell****That Council:**

**Approves the Retrospective Development Application for “Use Not Listed” allowing Auto Restoration of Vintage / Collectible Vehicles Bodies, excluding sandblasting and mechanical repairs on Lot 295 (18) Berry Road, Waroona subject to the following conditions:**

- a. **The development shall occur in accordance with the approved plans and specifications; these shall not be altered or modified without the prior written approval of the Shire of Waroona.**
- b. **The applicant shall within 30 days of the date of this approval submit an application for an Occupancy Permit for the unauthorised change of classification of the building from a Class 7b (Storage) to a Class 8 (workshop).**
- c. **The “Use Not Listed” shall be restricted to the existing workshop.**
- d. **Except as otherwise approved by the Shire of Waroona, the hours of operation of the “Use Not Listed” not including work on vehicles owned by the owner / occupier, shall be restricted to:**
  - i. **Monday to Friday 8:00am to 4:00 pm.**
  - ii. **No operations are permitted on Saturdays, Sundays and / or Public Holidays**
- e. **The “Use Not Listed” shall be restricted to three (3) vehicles (not owned by the occupier) at any one time.**
- f. **A minimum of two (2) car parking bays allocated for the “Use Not Listed” shall be provided for on-site to the satisfaction of the Shire of Waroona.**
- g. **The “Use Not Listed” shall not employ more than two (2) people including the occupier of the dwelling.**
- h. **The “Use Not Listed” shall not require the provision of any essential service of a greater capacity than normally required in the zone which it is located.**

- i. Any signage associated with the “Use Not Listed” shall not exceed 0.2m<sup>2</sup> in area.
- j. The “Use Not Listed” shall not cause injury to or prejudicially affect the amenity of the neighbourhood due to the emission or light, noise, vibration, dust or waste products.

**Advice Notes:**

- a) With regard to condition (f), car parking bays shall comply with Australian Standard 2890.1 2004 (as amended).
- b) The development that is the subject of this planning approval shall comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.

**CARRIED 6/2**

*For the Motion: Cr's Scott, Snell, Odorisio, Walmsley, Dew & Purcell  
Against the Motion: Cr's Vitale and Mason*

**IN BRIEF**

- The application seeks retrospective approval for the existing “Use Not Listed”, auto restoration of vintage / collectable vehicles.
- The use has existed in the same location albeit unauthorised for over 10 years without any complaints being received.
- The application received one objection from an adjoining property owner.

**BACKGROUND**

In terms of the Waroona Local Planning Scheme No.7, the subject lot is zoned “Rural 2 – Irrigated Agriculture”.

The objector has stated the unauthorised use has been operating from the subject lot since 2004. Shire officers have reviewed the property file and have confirmed no approvals have been issued for the use. Further, no complaints have been received regarding the use until May 2020.

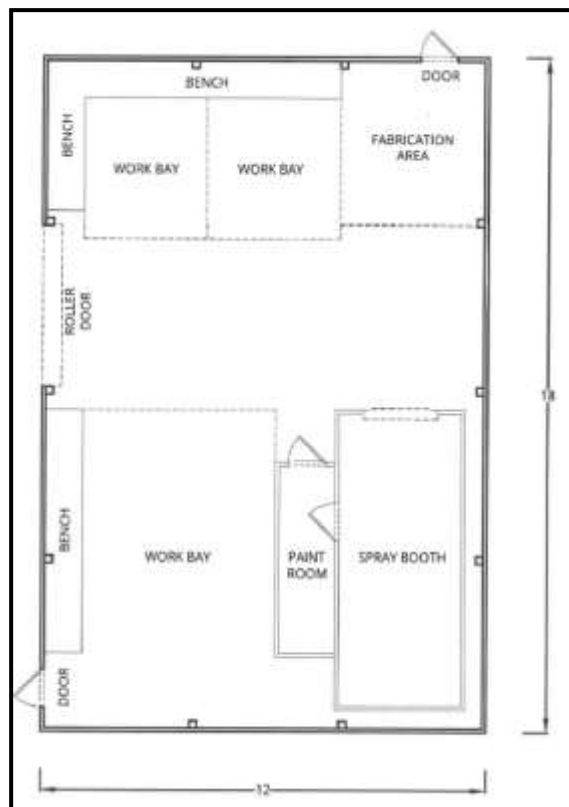


## REPORT DETAIL

The retrospective development application is for the operation of an auto restoration business which involves the restoration and painting of vintage and / or collectible vehicles.

The business has two employees one of which is the owner / occupier of the subject lot. Typically, the business would only undertake three to four small restorations and two major restorations per year. The restoration will only involve metal work restoration and paint work. The business is serviced by approximately one truck delivery per week. In the past the restorations have included sandblasting however, this aspect of the restoration will no longer be undertaken from the subject lot.

The use will if approved be restricted to the existing outbuilding (**APPENDIX 11.2.2A**) which consists of three work bays, a fabrication area, a paint room and filtered spray booth.



From a planning perspective the following aspects have been considered.

### Use Not Listed:

The permissibility of a use is cross-referenced with the list of use classes and the applicable zoning of a property contained in the zoning table of the Waroona Local Planning Scheme No. 7.

If the proposed use is not specifically referenced in the zoning table and cannot reasonably be determined as falling within a use class the use could be considered a “Use Not Listed”.

With regard to the subject use the nearest possible land uses that it could potentially be associated with is “Motor Vehicle, Boat, Trailer and Caravan Repair”, which is defined as:

*“means premises used for / or in connection with:*

- a. *Electrical and mechanical repairs, or overhauls, to vehicles, boats, trailers and caravans;*
- or*

- b. Repairs to tyres, but does not include premises used for recapping or re-treading of tyres, panel beating, spray painting or chassis reshaping.”*

However, Shire officers are of the opinion the subject use cannot “Reasonably” be determined to fall within this use as it does not include any of the uses except spray painting.

In terms of the Waroona Local Planning Scheme No. 7, if a use cannot be “Reasonably” be determined to fall within a listed land use Council may in respect of the subject use:

- a. Determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- b. Determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- c. Determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

#### Objectives:

The Waroona Local Planning Scheme No.7, does not have objectives pertaining directly to the “Rural 2 – Irrigated Agriculture” zone, as such the “Use Not Listed” should be considered against the objective of clause 3.13 “Rural Zones – All” of the Waroona Local Planning Scheme No.7.

*Council’s objective is to preserve the rural character of the District’s farming lands and to ensure that they continue to contribute materially to the District’s economy, whilst recognising that changes in land use practices will affect land management and the landscape generally.*

#### Policies:

*Council’s policies for the “Rural Zone – All”, is to:*

- *Permit land uses consistent with achieving the objective;*
- *Permit, at Councils discretion, Rural Industry;*
- *Require that Intensive Agriculture be subject to the Planning Consent of Council;*
- *Support community endorsed objectives of minimising phosphorous run-off to the Peel-Harvey Estuary including protection of remnant vegetation;*
- *Maintain open rural atmosphere by encouraging generous setbacks.*

Shire officers are of the opinion that the subject lot does meet the objectives as well as the policies of the “Rural Zone – All”. The subject use is operated from a shed which would normally be found in rural areas, as such the character of the area will not be impacted upon. Further, the subject use will contribute materially to the local economy.

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

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<b>Objective</b>	Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land.
<b>Strategy</b>	Maximise the inherent economic opportunities in the Murray Waroona functional economic region.



## **OTHER STRATEGIC LINKS**

### Shire of Waroona Local Planning Strategy 2009 (LPS)

The Waroona Local Planning Strategy 2009, identifies the subject site as 'Rural Small Holdings', with the objective of the precinct being:

*“To provide for enhancement of the Waroona and Hamel townsites and the planned expansion of the Waroona townsite to meet future residential demand.”*

It is considered the subject use will not impede on the Waroona Local Planning Strategy's objective for the area.

## **STATUTORY ENVIRONMENT**

- *Planning and Development Act 2005.*
- *Planning & Development (Local Planning Schemes) Regulations 2015.*
- *Environmental Protection (Noise) Regulations 1997.*
- Local Planning Scheme No 7.

## **SUSTAINABILITY & RISK CONSIDERATIONS**

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

The subject use currently contributes to the local economy.

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

The potential for impacts to the amenity of the adjoining properties is considered minimal.

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

Given the size of the subject use, it is unlikely to have any impact on the environment.

### *Policy Implications*

Nil

### *Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	The subject use is considered low key and will not impact on the surrounding character or amenity should it be approved subject to conditions recommended.

## **CONSULTATION**

The application was circulated internally with any comments received included in the recommendation. In addition the application was forwarded to the following government agencies for comment, with no objections received.

- Environmental Protection Authority.
- Department of Mines, Industry Regulations and Safety.
- Department of Water and Environmental Regulation.

In accordance with the *Planning & Development (Local Planning Schemes) Regulations 2015*, clause 64 of the Deemed Provisions, notification letters were sent to adjoining / affected neighbours.



Of the seven adjoining owners three owners provided letters of support (**APPENDIX 11.2.2B**) and one objection (**APPENDIX 11.2.2C**) was received. The objection has been summarised as follows:

Summary of objection	
Objection	Officer Response
<i>“There is no undertaking that the auto restoration, panel beating, spray painting and smash repairers will not diversify into a commercial business where they do all vehicles”.</i>	The subject use if approved will be limited as per the conditions. It is considered the recommendations will suffice to ensure the subject use cannot expand further than what is currently being done.
<i>“When they were operating there could be 10 or more vehicles present at any given time.</i>	A condition has been recommended restricting the subject to be conducted from the existing ‘workshop’ and is limited to three vehicles.
<i>“We would like to know who is going to police the auto restoration, panel beating, spray painting, smash repair”.</i>	If approved, and the Shire receives complaints regarding the use which are outside of the recommended conditions, these complaints will be followed up and if required the appropriate action taken.
<i>“They can do sandblasting etc 12 hours a day 7 days a week when other businesses are closed including public holidays and when the Shire office is closed”.</i>	The application does not include sandblasting and is not permitted. Should the owner / occupier be found to be sandblasting the appropriate compliance action would be taken.
<i>“The applicant states on their submission that their hours of business are between 8:00am and 4:00pm, yet their website states they operate between 7:30am and 5:00pm”.</i>	Should the application be approved the owner / occupier will be restricted to the recommended operating hours.
<i>“If they are sandblasting, we would like to know what evidence the Shire would require us to submit to them for a successful cease work application”.</i>	If the owner / occupier is found to be sandblasting which would be contrary to the recommendations, the Shire would generally require photographic evidence.
<i>“The property they are proposing to carry out their spray painting, smash repair business is in a Rural 2, Irrigated Agriculture Zone. They cannot possibly state, as per the application, the above business ENHANCES the rural character of the districts farming land and will maintain a rural atmosphere, in any way, shape or form”.</i>	Shire officers are of the opinion that should the application be approved as recommended, the use would not impact the character of the area. This is due to the use being restricted / conducted from within what would generally appear as a rural shed.
<i>“The LPS 7 contemplates setbacks of 10 meters to the sides. The applicants business premise (office in house) is less than 10 meters from our boundary; per Your ref TP1941, dated 13<sup>th</sup> March 2017. The applicant business premises is attached to the boundary”.</i>	Should the approval be granted the use will be restricted to the existing “shed”. TP1941 refers to a setback application for the residence which has been approved.
<i>“There is another panel beater business operating in the Waroona Light Industrial Area. We believe the applicants business should also be operating in this area, not a residential / rural area”.</i>	The subject use is not considered to be a conventional panel beater and is regarded to be a specialised use.  It is common to have fledging businesses similar to the subject use starting out in rural areas subject to the use not impacting

	negatively on the character or amenity of the area.  The proposed conditions would ensure that should the business grow to the extent that it is no longer considered appropriate it will be required to relocate.
<i>“If the Shire of Waroona passes the application of a panel beating, spray painting, smash repairing, auto restoration business. We would like the Shire to place the following conditions on the applicant”.</i>	The conditions requested by the objector are addressed below.

In order to be valid, a condition should comply with the following principles as adopted by the State Administrative Tribunal (SAT) and other appeal bodies in Australia (*Newbury DC v Secretary of State for the Environment (1981) AC578*):

- Be imposed for a planning purpose;
- Fairly and reasonably relate to the development considered; and,
- Be reasonable, i.e. the condition is not so unreasonable that no reasonable planning authority could have imposed it.

Additionally, conditions should also:

- Be enforceable;
- Be precisely and consistently worded with no ambiguity or uncertainty;
- Represent the end of the relevant approval process; and,
- Not duplicate other legislation or obligations.

Requested Conditions	Officer Response
<i>“Dust monitors to be permanently placed around the site and be monitored weekly, as per EPA recommendations”.</i>	The application has been forwarded to the Environmental Protection Authority who advised the application be forwarded to the Department of Water and Environmental Regulation.  The Department of Water and Environmental Regulation advised they have no objection to the subject use and did not request any conditions to be imposed. As such the suggested condition is considered unreasonable.
<i>“All sandblasting to be carried out at a registered sandblasting business. That can be proposed by the applicant, and that the works have been carried out there. The alternative location to be submitted to the Shire”.</i>	Should the application be approved it clearly excludes sandblasting activities. As such the suggested condition is considered unreasonable.
<i>“All works associated with the business to be carried out inside the enclosed site floor plan”.</i>	Refer to condition (c).
<i>“All workings to be carried out between 8:00am to 4:00pm as per there Monday to Friday as per submission”.</i>	Refer to condition (d).



<i>“The building attached on the south side, to the site floor plan, and not shown on the site plan, be demolished where sandblasting has currently been carried out”.</i>	The suggested condition is considered unreasonable.
<i>“Noise limits to be kept to a bare minimum, and not loud and roaring”.</i>	The suggested condition is considered a duplication of existing legislation. Refer to advice note (b).
<i>“A green belt to be established on the north side (to reduce visual impact) from Berry Rd”.</i>	From a planning perspective the subject use would not be supported had it been considered the use would detract from the character or amenity of the area. As such the suggested condition is considered unreasonable.
<i>“No works other than specified in the submission to be carried out on any customers vehicles, other than historic, rare and collectable vehicles, as per submission. i.e vehicles 30 years old or older (vintage / classics)”.</i>	Should the application be approved, the approval only permits the restoration of vintage / collectible vehicles.
<i>“Environmental Guidelines relating to the storage of vehicles, for parts and scrap (fuel and oil) contamination. i.e Disposal of fuel and oil.”</i>	Should the application be approved, the approval only permits the restoration of vintage / collectible vehicles bodies, and does not include any mechanical or electrical work that may result in contamination. Further, all works are required to be contained within the existing workshop.
<i>“Industrial waste disposal guidelines to be adhered to”.</i>	The suggested condition is considered unreasonable.
<i>“The number of vehicles at any one time to be restricted”.</i>	Refer to condition (e).

## **RESOURCE IMPLICATIONS**

*Financial*  
Nil.

*Workforce*  
Nil.

## **OPTIONS**

Council has the following options:

1. Approve the application subject to conditions as recommended.
2. Approve the application with amended conditions and provide reasons for the amendment.
3. Refuse the application and provide reasons for the refusal.

## **CONCLUSION**

The use has been operating from this property for a number of years; without any impact to the character or amenity of the area. Further, the subject use is considered to be compliant with the relevant provisions of the Waroona Local Planning Scheme No.7.



<b>11.2.3 Reserve 8746 South Western Highway, Waroona - Proposed Containers for Change Mobile Refund Point</b>	
<b>File Ref:</b>	127/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Community Recycling WA Inc
<b>Author and Title:</b>	Shire of Murray
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number:</b>	Appendix 11.2.3A – Site Plan

**COUNCIL RESOLUTION**

OCM20/09/153

Moved: Cr Vitale

Seconded: Cr Snell

That Council:

1. Approves the application for development approval lodged by Community Recycling WA Inc for a Cash for Change mobile refund point at Reserve 8746 South Western Highway, Waroona.
2. Authorises the Chief Executive Officer to sign a site agreement with the Community Recycling WA Inc to operate the mobile refund point at Reserve 8746 South Western Highway, Waroona, subject to the following conditions.
  - a. the site location being as depicted on the map included in the Appendix 11.2.3A
  - b. nil rent being paid by Community Recycling WA Inc to the Shire for the use of the land.
  - c. operating hours to be Wednesdays from 9.00am to 1.00pm and Saturdays from 8.00am to 12.00pm, noting that the site will be unavailable at times of events.
  - c. the signs are to be placed in a manner that does not obstruct pedestrian, cyclist or vehicle movements or sightlines or obstruct access or views from adjacent premises. Signs are to be removed when the refund point is not in operation.
  - d. the site to be left in a clean and tidy condition with any rubbish attributable to the mobile refund point being removed at the end of each attendance.
  - d. any variation to the site agreement to be agreed in writing by the Shire.
  - e. the site agreement is valid for an initial period of 12 months and may be terminated by either party at any time by the giving of written notification of not less than 90 days.

**CARRIED 8/0****IN BRIEF**

- On 1 October 2020, the State Government will launch the Containers for Change container deposit scheme.
- Community Recycling WA Inc has lodged an application for Development Approval to use a small area of the car park at the Waroona Agricultural Showgrounds on the



southern side of the Waroona Memorial Hall adjacent to the change rooms for a mobile refund point to operate on Wednesday and Saturday mornings.

- The proposal is considered incidental to the purpose of the land under the Shire's management order and consistent with the Town Planning Scheme zone objectives and policies.
- The car park typically has a low level of use, except at times of an event and the refund point can be established in a way that will have limited impact on the amenity of the area.

## **BACKGROUND**

On 1 October 2020, the State Government will launch the Containers for Change container deposit scheme that will provide a 10-cent refund for each eligible container returned for recycling at an approved Containers for Change refund point.

The scheme is coordinated by WA Return Recycle Renew Ltd (WARRRL) and any commercial entity, social enterprise, charity, non-profit, or community group can apply to be a refund point operator.

Community Recycling WA Inc is a newly formed not for profit social enterprise based in Mandurah and is contracted to through WARRRL to operate a mobile refund point in Waroona for a minimum for four hours on a weekday and a further four hours on a weekend.

Community Recycling WA has identified the car parking area at the Waroona Agricultural Showgrounds on the southern side of the Waroona Memorial Hall adjacent to the change rooms as a preferred location for a mobile refund point.

## **REPORT DETAIL**

An application for development approval has been lodged seeking approval for a mobile refund point to be established within the existing car parking area of the Waroona Agricultural Showgrounds on the southern side of the Waroona Memorial Hall adjacent to the change rooms. The area needed is approximately 12 metres by 6 metres, not including space for customer parking.

It is proposed to use a light vehicle and dual axle trailer, which will hold four 1,100 litre bins. A 6 metre by 3 metre popup marquee will provide shelter for staff and customers. Final staff numbers are to be confirmed, however likely to be between two and four to ensure a safe, efficient service which reduces wait times and congestion in the car park.

The refund point is proposed to operate from 1 October 2020 on Wednesday mornings from 9.00am to 1.00pm and Saturday's from 8.00am to 12.00pm. Community Recycling WA Inc has a seven-year agreement with WARRRL, plus a further seven-year option to operate at the Waroona refund point.

The applicant indicates that there will be little to no waste. Only eligible containers will be accepted. The applicant will provide small bins and staff will collect and dispose of any waste associated with the use at the end of each day.

Three A-frame signs no larger than one metre by 600mm are intended to be placed on the nearby road verges providing direction to the refund point.

A plan highlighting the subject site is located below.





A copy of the applicant's letter further explaining the proposed use including a site plan and photograph of the proposed trailer is attached as **Appendix 11.2.3A**.

The site forms part of the overall Agricultural Showgrounds and Waroona Oval precinct. It is owned by the Crown with a Shire of Waroona Management Order for the purpose of Recreation and Agricultural Hall Site. It is therefore necessary for the Shire to provide a site agreement to use the car park as well as determine the application for development approval.

Under the Shire of Waroona Local Planning Scheme No. 7, the site is zoned Urban 2 – Community and Civic Zone. The objective for this zone is to encourage the establishment of civic and community use facilities in this area adjoining the Town Centre, and ensure that the amenity and streetscapes of the zone are satisfactorily enhanced.

Scheme policies for this zone are to:

- permit a wide range of uses consistent with the zone objective;
- encourage the establishment of uses which contribute to the welfare and activity of the community;
- permit medium density housing to appropriate Residential Code standards; and
- ensure that development attains a high standard of appearance and convenience of use.

The site has good vehicular access via Millar Street and an abundance of parking which is typically used well below its capacity, except in the case of events. The three proposed A-frame signs will provide clear direction to the access and will only be in place when the refund point is in operation.

The refund point will be well setback from the South Western Highway and partly screened by vegetation and so will not be visually obtrusive. The town centre location, adjoining highway, generous set back and lack of significant residential uses in close proximity will limit any noise, visual or other amenity issues associated the operation of the refund point.

The facility will only use the equivalent of three car parking bays, plus parking for any visitors. The facility is proposed in a location that will not interfere with access to or vehicle manoeuvring within the remainder of the car parking area.

All vehicles and equipment will be removed when the refund point is not in operation. The operator will provide a bin for any rubbish and will clean the area of any rubbish that may arise at the end of each use.

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

<b>Focus Area</b>	Our Environment
<b>Aspiration</b>	To continually care for, protect and enhance our environment for the generations to come.
<b>Objective</b>	Proactively manage resources and practice sustainability through responsible management of water, energy, fire control and waste.
<b>Strategy</b>	Improve waste management practices through diversion, re-use and recycling.

### **OTHER STRATEGIC LINKS**

Nil

### **STATUTORY ENVIRONMENT**

Shire of Waroona Local Planning Scheme No. 7

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

The Containers for Cash scheme provides an opportunity for not-for-profit organisations, social enterprises, community groups and sporting groups to be able to register to receive donations when people return their containers.

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

The refund point is incidental to the use of the existing car park. It is a small scale and there is plenty of capacity within the car park to cater for other uses on the site. It is well located to minimise any amenity impacts on the community.

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

The Containers for Cash scheme will reduce litter, waste to landfill and improve the extent of recycling of empty beverage containers.

#### *Policy Implications*

The proposed mobile refund point is considered consistent with the Scheme policies.

#### *Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	There are no significant risks associated with the proposal.

### **CONSULTATION**

Nil

## **RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil

## **OPTIONS**

Council has the option of:

1. Approving the application and entering into a site agreement with the applicant over the use of the land, with or without conditions.
2. Refusing to approve the application and enter into a site agreement.

## **CONCLUSION**

The proposal is a positive one which will enable the Waroona community to participate in the State government's Cash for Containers scheme and contribute towards recycling targets.

The proposal is considered incidental to the purpose of the land under the Shire's management order and consistent with the Town Planning Scheme zone objectives and policies.

The car park typically has a low level of use, except at times of an event and the refund point can be established in a way that will have limited impact on the amenity of the area.

**11.3 DIRECTOR CORPORATE SERVICES**

<b>11.3.1 Listing of Payments for the Month of August 2020</b>	
<b>File Ref:</b>	1/3 - Creditors
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kathy Simpson, Senior Finance Officer
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	11.3.1

**COUNCIL RESOLUTION**

OCM20/09/154

Moved: Cr Mason

Seconded: Cr Scott

That Council:

**1. receive the following payments made throughout the month of August 2020;**

<b>Municipal</b>	<b>Cheque 9522 - 9539</b>	<b>\$114,884.05</b>
	<b>EFT 32691 - 32813</b>	<b>\$350,233.58</b>
<b>Direct wages</b>	<b>01/08/20 – 31/08/20 inclusive</b>	<b>\$132,783.60</b>
<b>Direct Debit</b>	<b>01/08/20 – 31/08/20</b>	<b>\$37,958.34</b>
<b>Trust</b>	<b>Cheque – Nil</b>	<b>\$ -</b>
<b>GRAND TOTAL</b>		<b>\$635,859.57</b>

as attached at appendix 11.3.1.

**CARRIED 8/0****IN BRIEF**

The purpose of this report is to present the listing of payments made from the Shire's Municipal and Trust funds throughout the month of August 2020.

**BACKGROUND**

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

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

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



**REPORT DETAIL**

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

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.

**WAROONA 2030 STRATEGIC COMMUNITY PLAN**

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

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT**

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

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



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

Nil

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

Nil

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

Nil

*Policy Implications*

Nil

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclean compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

**CONSULTATION**

Nil

**RESOURCE IMPLICATIONS***Financial*

Nil

*Workforce*

Nil

**OPTIONS**

Council has the option of:

1. Receive the listing of payments presented for the month of August 2020.
2. Not receive the listing of payments presented for the month of August 2020.

**CONCLUSION**

The listing of payments as per the attached appendix is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the month of August 2020. All expenditure is accordance with the 2020/21 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

<b>11.3.2 Monthly Statement of Financial Activity for the Period 1 July 2020 to 31 August 2020</b>	
<b>File Ref:</b>	1/1 – Annual Statements
<b>Previous Items:</b>	N/A
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Kirsty Ferraro, Manager Corporate Services
<b>Voting Requirements:</b>	Simple Majority
<b>Declaration of Interest:</b>	Nil
<b>Appendix Number</b>	11.3.2

**COUNCIL RESOLUTION****OCM20/09/155****Moved: Cr Odorisio****Seconded: Cr Snell**

**That Council receive the Monthly Statement of Financial Activity for the period 1 July 2020 to 31 August 2020 as presented.**

**CARRIED 8/0****IN BRIEF**

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

**BACKGROUND**

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

**REPORT DETAIL**

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

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

The following information is included in the report;

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

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

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

### **OTHER STRATEGIC LINKS**

Shire of Waroona 2020/21 Annual Budget

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Section 34

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Nil

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

Nil

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

Nil

*Policy Implications*

All financial policies from Policy FIN002 through to Policy FIN035

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	Inadequate financial performance monitoring could lead to over/under budget expenditure which could affect council’s financial position and/or financial ratios.
Low	If the required information is not presented to Council in accordance with the Local Government (Financial Management) Regulation 1996 it may result in a qualified audit report and an unclear compliance return submitted to the Department of Local Government, Sport & Cultural Industries.

### **CONSULTATION**

Nil



## **RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil

## **OPTIONS**

Council has the option of:

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

## **CONCLUSION**

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

**11.4 CHIEF EXECUTIVE OFFICER**

<b>11.4.1 Reviving the Harvest Highway Concept Feasibility Study</b>	
<b>File Ref:</b>	143/1
<b>Previous Items:</b>	OCM20/02/023 – February 2020 OCM
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Dean Unsworth, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.4.1A

**COUNCIL RESOLUTION****OCM20/09/156****Moved: Cr Mason****Seconded: Cr Odorisio****That Council:**

- 1. Approves the report “Feasibility Study to determine the prospects for, and implications of, reviving the Harvest Highway concept, along the South West Highway (State Route 20) linking the Shires of Serpentine and Jarrahdale, Murray, Waroona and Harvey: August 2020” attached as Appendix 11.4.1A.**
- 2. Approves that the project be deferred due to the high cost of implementation, with remaining funds to be disbursed back to the initial contributors;**
- 3. Approves that the Shire of Waroona, together with the other participating local governments and the Peel Development Commission revisit the initiative in two years.**

**CARRIED 8/0****IN BRIEF**

- At its February 2020 meeting Council resolved as follows:

*That Council:*

- 1. approves that the Shire of Waroona joins with the Shires of Murray, Harvey and Serpentine Jarrahdale, and the Peel and Southwest Development Commissions to investigate the feasibility of reviving the Harvest Highway concept;*
  - 2. approves that a sum of \$10k be allocated towards the Harvest Highway initiative, funded from savings from the 2019/20 budget review; and*
  - 3. notes that the initiative may expand to include other partners.*
- All parties made their contributions and the firm Savagely Creative was appointed to undertake the work. The feasibility was completed in August 2020 – copy attached as **Appendix 11.4.1A.**
  - The report concludes that the concept of using a long-distance route as a way of promoting a destination has been tested across the world and had been found to be very effective. The key to success is consistently funding and resourcing the project over a long period of time and delivering a consistent message. The LGAs involved in this project and Peel Development Commission must be willing and able to make a long-term commitment the funding and support of this project with an eye on the overall project objectives as the outcomes may not be equal for all LGAs. Having clear goals and regular



monitoring will assist each partner in identifying the benefits they have received and the overall outcomes of the project.

- The initial costs of establishing the initiative have been estimated by Savagely Creative to be in the order of \$500k, with annual costs thereafter of approximately \$300k. The parties to the initiative concluded that the costs are beyond the financial capability of the group at this stage, and that the most appropriate way forward at this stage is to progress the building of tourism product at various places and then to review the opportunity of implementing a joint “route” initiative in two years.

## **BACKGROUND**

The "Harvest Highway" project was an initiative formulated by the Bunbury Wellington Economic Alliance in 2001 to market the South Western Highway using the produce, tourist attractions, unique communities and rural lifestyle as its focus.

The original geographical area of the "Harvest Highway" concept was from Byford in the North to Manjimup on the South and encompassed communities both on the highway (Byford, Mundijong, Pinjarra, Waroona, Harvey, Dardanup, Donnybrook, Balingup, Greenbushes, Bridgetown and Manjimup) as well as communities off but close to the highway, such as Jarrahdale, Collie, Boyup Brook, Dwellingup and Nannup. This original area encompassed twelve shires (Serpentine-Jarrahdale, Murray, Waroona, Harvey, Collie, Dardanup, Capel, Donnybrook/Balingup, Bridgetown/Greenbushes, Boyup Brook, Nannup and Manjimup) and approximately twenty-two communities of varying sizes and a number of localities.

The project was funded in its first year of operation (and subsequently for a second year), by the Australian Department of Transport and Regional Services through its Dairy RAP program, and run and managed by the Bunbury Wellington Economic Alliance, the Warren Blackwood Economic Alliance and the WA Department of Training.

The Vision of the original Harvest Highway was “Local Communities working together to develop and market the South West Highway as an alternative inland visitor route, showcasing local produce.”

The Mission of the original Harvest Highway was for it to be “the catalyst for the development of an alternative visitor route through the inland areas of the Peel and South West regions. Creating opportunities in the business, marketing and training arenas, the project will facilitate local communities in their endeavours to develop visitor experiences and increase employment in a collaborative environment”.

The Harvest Highway initiative developed membership amongst tourism, food and other enterprise, marketed the Harvest Highway, undertook training for business, and ran and marketed a schedule of major events and activities. The initiative developed a dedicated website and produced a monthly printed newsletter

When funding ceased at the end of 2005, the initiative scaled back, but has recently been revived in the Warren Blackwood Alliance area, encompassing the communities of Donnybrook, Balingup, Greenbushes, Bridgetown, Manjimup and Nannup.

In late 2019, the Shires of Serpentine and Jarrahdale, Murray, Waroona and Harvey, along with the Peel Development Commission, decided to explore the potential of reviving a similar initiative for the Serpentine and Jarrahdale to Harvey complex, and appointed Savagely Creative to explore the feasibility of doing so. The feasibility study has been completed.

## **REPORT DETAIL**

The feasibility study reported as follows on key aspects:



### Review of the Original Harvest Highway Concept

A review of the Harvest Highway concept was undertaken by examining the product offered and consulting with a range of key stakeholders involved in the original project. The general consensus was that the Harvest Highway project had merit but that it was probably ahead of its time in the promotion of food and agri-tourism experiences. It was initiated in 2001 and the WA Food Tourism Strategy was not produced until 2015 when food tourism was receiving a significant boost across the world.

There were a number of challenges associated with the Harvest Highway initiative:

- It was too long stretching from Armadale to Walpole. The destinations along the route did not work as part of a consolidated whole and so it was difficult to get consistency of experience or promotion along the route.
- The focus on food and agri-tourism was viewed as being too narrow as there was not a significant number of businesses that were open to the public or that wanted to create some kind of visitor experience.
- The project was developed from the top down and it was difficult to recruit businesses to be part of the product offering.
- There was insufficient funding to allow the promotion of the route. It was developed in the days before social media so access to cheap marketing channels was not available. The project officer was forced to spend considerable time and effort trying to attract additional funding to deliver the project.
- It is not recommended to re-establish the Harvest Highway. The recommendation is to explore the development of a new route that has a range of curated experiences aimed at specific marketing.

### There is support for an initiative

A number of key stakeholders were interviewed as part of the project consultation. There was general agreement that the development of this kind of route would be an advantage to the region as it gives a reason for visitors to come and explore the region as well as building on the knowledge and available experiences that can then be promoted by the region and the other tourism marketing organisations in the state.

COVID-19 has change the tourism landscape worldwide and it likely to continue to have a significant impact on tourism into the future. The current focus is on the intrastate market and encouraging them to explore their own state. At some point interstate and international visitation may return and it is anticipated that the development of product over the next few years will assist in providing options for these visitors when border restrictions are eased.

Catering to an intrastate market provides a range of challenges including:

- Focus on weekend and school holiday periods with limited business in midweek periods;
- More day trip visitors and less overnight;
- Lower level of spending;
- More short breaks and less long holidays;
- May think they know a place and be unwilling to explore something new.

### Highway 20 Concept

The Highway 20 route was developed some years ago with the same objectives. While it was a good concept and had support from the visitor centres it was not resourced by the LGAs and funding was only available to create and print a brochure. There were no marketing and project management funds available and officers had to incorporate work involved in the developing and promoting the trail into their existing duties. Not surprisingly when the key driver left the project foundered and ultimately stopped.

It is recommended that the project be revisited but with a much more significant budget and dedicated project management resources.

### Future Management of an initiative

The management of the project would be a joint effort between the LGAs with a high-level steering committee to set the strategic direction and champion the project through their own LGA structures. It would have a dedicated project manager, either in house or an external consultant. The project manager would have access to an advisory committee of key tourism, marketing and economic development people across the region to assist in developing the experiences and acting as ambassadors for the project. The project manager would also liaise with key external stakeholders to ensure that the project is aligned with tourism marketing and product development spend at a regional and state level.

### Infrastructure that will be required

Digital infrastructure will be the most important thing to develop quickly including a web site, access to itinerary development software and digital assets to assist in the promotion of the route. In addition, branded signage should be developed to ensure that the visitor knows they are on the route, but this should be incorporated into existing signage infrastructure to reduce clutter and to make it easy to remove signage at the end of the project. It is not recommended to develop a visitor information centre in Serpentine Jarrahdale for a number of reasons:

- The use of visitor centres has been falling dramatically over the past few years making it difficult to generate income, as such they have become a financial drain on resources.
- Intrastate visitors are the least likely to use a visitor centre as they are seen as places for tourists and as such unless they have another purpose such as interpretive attraction or as in the case of Dwellingup a trail centre.
- Identifying a location for a centre is difficult as a new build may be prohibitively expensive and the refurbishment of an existing building will be hard to recoup.
- An alternative would be to use the visitor centre at Armadale as the physical starting point and install information panels at a suitable location that can cater for a range of markets including cars and caravans.
- Funding would be better spent on the development of digital assets and the ongoing
- promotion of the region and the route as this is going to have a better return on investment.

### Investment required

The level of investment for this project is likely to be significant if it is to be done well. In addition to branding and marketing planning the main costs will be the development of a website which must be mobile friendly, digital assets, marketing campaigns and the employment of a project officer.

### Conclusions

One of the major challenges for the tourism industry in the region is that there is a relatively small number of full-time professional tourism businesses and a need for a significant level





of business and industry support. It is also unlikely that businesses will have funds in the short term to contribute towards marketing activities. In addition, many of the attractions are free natural experiences such as walking, mountain biking or spending time in nature. With this in mind the costs are going to fall to the LGA stakeholders unless sponsorship funds can be sourced. It is relatively easy to “create” a long-distance route as evidenced by the first iteration of the Highway 20 project, however, without consistent resourcing and support it cannot hope to have an impact.

Creating a long-distance trail requires clear goals, long-term commitment and consistent delivery. If this is not possible to lock in place at the beginning of the project, it is probably better not to start – at least not until there is a significant growth in tourism offering, sustainable tourism enterprise and high level of commitment to a “route” development.

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

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

### **OTHER STRATEGIC LINKS**

Keeping the option and opportunity for the development of a “tourism route” open is considered important. An initiative such as this presents the opportunity to establish and grow cooperation and relationships across a number of adjacent local governments. The initiative is also highly connected to maintaining, culture and heritage as well as protecting the regions natural assets – a key priority for the communities in the participating local governments.

### **STATUTORY ENVIRONMENT**

N/A

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Deferral of the initiative reduces financial risk and also gives the Shire a focus and set of goals for tourism development – build a strong tourism offering, build strong and sustainable tourism enterprises – and with adjacent Local Governments doing likewise, strengthening the demand for a future cooperative approach.

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

The Shire of Waroona can devote the short term to building a strong tourism offering and strong and sustainable enterprise. This will offer new employment opportunities to Waroona, the Peel and the wider region - providing an increasing standard of living and quality of life for the communities.

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

It remains essential that sustainable solutions be found for the future development of the communities along the Darling escarpment. Working towards a future “tourism route” initiative will encourage the retention of cultural and heritage, as well as the protection of the natural environment



*Policy Implications*

N/A

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Low	Other local governments, and the Peel Development Commission lose interest in continuing with a future “tourism route” initiative.
Low	Private enterprise does not support the establishment of a future “tourism route” initiative

**CONSULTATION**

The study will undertake substantial consultation with major stakeholders.

**RESOURCE IMPLICATIONS***Financial*

A saving of approximately \$4000 from the original cash contribution of \$10,000.

*Workforce*

A focused short-term effort to build new tourism product and sustainable tourism enterprise. The basis for this is in place in the Shire of Waroona.

**OPTIONS**

Council has the option of:

1. Approving or not approving the feasibility report
2. Approving or not approving that the “route” initiative be reviewed in two years time

**CONCLUSION**

Tourism development is crucial for the future of the Shire of Waroona. Committing now to a substantial cross-regional and cross-local government “tourism route” initiative is considered premature, but nonetheless worthy of revisiting down the line. In the meantime, this presents the opportunity for the Shire of Waroona and other local governments to focus their short term efforts on building tourism product, strong and sustainable tourism enterprise and building a clear market-driven need for a future cooperative “tourism route” initiative.

<b>11.4.2 Response to the Local Government Review Panel Final Report – Recommendations For A New Local Government Act</b>	
<b>File Ref:</b>	2/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Dean Unsworth, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	11.4.2A & B

**COUNCIL RESOLUTION**

OCM20/09/157

Moved: Cr Mason

Seconded: Cr Purcell

That Council adopts the submission provided within this report (with any amendments clarified at this meeting) and provides urgently to:

- The Minister for Local Government;
- Department of Local Government, Sport & Cultural Industries;
- Candidates to the seat of Murray-Wellington;
- All South West Upper House members; and
- Western Australian Local Government Association.

**CARRIED 8/0****IN BRIEF**

- A report from the Local Government Review Panel has been released, recommending that the 65 recommendations be endorsed by the State Government.
- While there was consultation prior to the release of the document, there has not been, or does there appear to be any scope for consultation with the local government sector on the recommendations.
- Given that some of the recommendations will have a significant effect on the sector, it is recommended that a formal position be made in terms of the recommendations by Council.

**BACKGROUND**

As was reported in the introduction section of the Local Government Review Panel Final Report – Recommendations for a new Local Government Act:

*In 2017 the McGowan Government announced a review of the Local Government Act 1995. This is the most significant and comprehensive reform of local government legislation conducted in more than two decades. The objective is for Western Australia to have a new, modern Act that empowers local governments to better deliver for the community. The vision is for local governments to be agile, smart and inclusive.*

*Given the breadth of matters covered by the Local Government Act, a staged approach to the review has been adopted:*

- *Stage one: priority reforms*
- *Stage two: wide ranging reforms*

*The majority of the stage one priority reforms are now in place following the passage of the Local Government Legislation Amendment Act 2019. These reforms include:*

- *A new gift framework for elected members;*
- *A mandatory online induction for all candidates;*



- *Universal training for elected members;*
- *Changes to the Standards Panel; and*
- *Easier access to information to provide greater transparency to the community.*

*The remaining priority reforms which are expected to be implemented later this year include:*

- *New mandatory code of conduct for elected members, committee members and candidates;*
- *Best practice standards for Chief Executive Officer (CEO) recruitment, performance review and early termination; and*
- *Further transparency measures.*

*Extensive community consultation was conducted on stage two topics between September 2018 and March 2019 by the Department of Local Government, Sport and Cultural Industries (the Department) with the input of a stakeholder reference group. More than 3,000 survey responses and written submissions were received from community members, ratepayer associations, industry groups, local governments, elected members, and peak bodies.*

*After this significant community and sector consultation to better understand the issues confronting local government, the areas in need of reform and possible options for reform, a panel of experts was formed to provide more detailed consideration and to develop policy responses to guide the development of the new Act. The role of the Panel was to guide the review's strategic direction and to consider and recommend high level guiding principles of the new Act.*

The Minister for Local Government has not considered the Panel's recommendations; however, it has been reported that he has not requested a consultation process on the recommendations. This approach is very alarming as there are many recommendations that have not been presented previously, and many will significantly affect the mechanics of the local government sector.

The Final Report from the Panel is attached (**Appendix 11.4.2A**)

### **REPORT DETAIL**

The feedback that the Minister would not seek the views of local government on such significant changes to the Local Government Act naturally caused concerns throughout the sector. To bring the matter to the fore, officers from WALGA prepared a report that was distributed to all Zones for consideration at their bi-monthly meetings and prior to the State Council meeting which was held on 3 September. This officer report can be viewed at **Appendix 11.4.2B**.

The officer report itself caused significant discussion at individual Zone meetings. However, it did at least bring attention of the issue to local governments and to the State Council. The State Council resolved at their 2 September meeting:

*That WALGA:*

1. *Acknowledges the panel report and the recommendations received from Zones and continue to work with the Government to undertake further consultation on the recommendations contained therein;*
2. *Requests a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Bill in line with the State / Local Government Partnership Agreement and that WALGA actively*



*participates in the legislative drafting process to develop the new Local Government Act; and*

3. *Strongly encourages individual Local Governments to consider responding to the recommendations of the panel report and advise WALGA of their submissions by 31 October 2020.*

Below is a proposed submission for the Shires of Murray to consider on each of the 65 recommendations proposed by the Local Government Review Panel. While many of the WALGA officer recommendations are supported, some are not. These WALGA officer recommendations have been included as they could become the formal position of the WALGA State Council, as that Council has only moved to defer these recommendation and will likely be reconsidered at their next meeting.

<b>Number</b>	<b>Recommendation</b>	<b>WALGA (not endorsed) Officer Report Position</b>	<b>Proposed Shire position</b>
1	The Panel recommends that the new Act be structured and drafted in such a way as to highlight the key strategic elements set out in Part A of this report, and that further consideration be given to the 'two Acts' options presented in Part A, at least as a transitional measure.	Support	Support
2	The Panel recommends the following statement of intent (vision) for a new Act: An Act to provide for a system of local government relevant to Western Australia that develops and supports sustainable, accountable, collaborative and capable local governments through democratic representation, the provision of services, opportunities and enhanced well-being for each and every community.	Support	Support
3	The Panel recommends the adoption of the following objectives for a new Act:  a. Democratic and accountable local government that recognises the diversity of and within Western Australia's communities.  b. Recognition of the specific needs and culture of Western Australia's Aboriginal people.  c. Promotion and improvement of the community's economic, social and environmental well-being.  d. An adaptive and forward-looking legislative framework, which supports and enables councils to provide local leadership for the whole community, and to collaborate with each other and with other key stakeholders at a regional level.	Support	Support

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>e. Open and transparent community participation in the decisions and affairs of local governments.</p> <p>f. Enhanced capability of the local government sector, with a focus on continuous improvement and sustainability.</p> <p>g. Efficient and effective service delivery and regulation that is responsive to current and future community needs.</p> <p>h. Informed decision-making by local governments which is in the interest of their communities, within a legislative framework that supports balance and certainty in relation to the different interests of their communities.</p> <p>i. Accountability of local governments to their communities through processes that demonstrate good governance.</p> <p>j. Support for approaches and opportunities which foster collaboration and cooperation both within the local government sector and across all levels of Government.</p>		
	<p>The Panel recommends an Act that is considerably shorter, less prescriptive and minimises the use of regulations by establishing clear principles, robust processes, model charters, guidelines and templates.</p>	<p>Support</p>	<p>While it may be shorter, it appears costlier for local government to administer a number of the recommendations. It appears to erode even further local government's autonomy.</p>
<p>5</p>	<p>The Panel recognises the diversity of local governments in Western Australia and supports a new Act which is responsive to this but does not recommend the adoption of a multi-tiered legislative framework.</p>	<p>Opposes</p>	<p>Opposes. The multi-tiered legislative framework that has been campaigned for by WALGA and LG Pro has been rejected.</p>
<p>6</p>	<p>The Panel recommends the inclusion of a statement of the role and principal functions of local governments that makes it clear their basic statutory responsibilities, retaining the overall power of general competency in the current Local Government Act.</p>	<p>Supports</p>	<p>Supports</p>



Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
7	<p>The Panel recommends that the following overarching guiding principles are included in the new Act:</p> <p>To ensure the system of local government is sustainable, accountable, collaborative and capable, councils should:</p> <ul style="list-style-type: none"> <li>a. Provide democratic and effective representation, leadership, planning and decision making;</li> <li>b. Be transparent and accountable for decisions and omissions;</li> <li>c. Be flexible, adaptive and responsive to the diverse interests and needs of their local communities, including the traditional owners of the land;</li> <li>d. Consider the long term and cumulative effects of actions on future generations;</li> <li>e. Ensure that, as a general rule, all relevant information is released publicly, readily available and easy to understand;</li> <li>f. Provide services in an equitable manner that is responsive and accessible to the diverse needs of the community;</li> <li>g. Seek to continuously improve service delivery to the community in response to performance monitoring;</li> <li>h. Collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost-effective services and integrated planning, while maintaining local representation of communities and facilitating community benefit; and</li> <li>i. Participate with other councils and with the State and Federal government in planning and delivery of services, setting public policy and achieving regional, State and Federal objectives.</li> </ul>	Supports	Supports
8	<p>The Panel recommends:</p> <ul style="list-style-type: none"> <li>a. The Local Government Grants Commission and the Local Government Advisory Board should be combined into a single body responsible to the Minister and named the Local Government Commission,</li> </ul>	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>and including the functions of the Grants Commission in accordance with Commonwealth legislation.</p> <p>b. The role of the Local Government Commission should be to:</p> <p>(i) Provide recommendations on major local government boundary changes, amalgamations and other necessary reforms;</p> <p>(ii) Manage the distribution of Commonwealth grant funding to local governments in WA; and</p> <p>(iii) Monitor the overall health and performance of the local government sector by identifying key issues and trends, and advise the Government and sector peak bodies accordingly.</p> <p>c. Members should be appointed to the Local Government Commission on the basis of their skills rather than as representatives.</p> <p>d. The Local Government Commission should consider the financial viability of local governments in making recommendations to the Minister.</p> <p>e. The Minister and sector peak bodies should have the power to refer matters to the Commission for assessment and advice.</p> <p>f. The Commission should play an independent role in monitoring the capacity and the financial health of the sector in collaboration with the Auditor General.</p> <p>g. Minor boundary adjustments where both local governments agree should be handled by the department.</p>		
9	<p>The Panel supports a legislative framework for a system of local government which promotes local democracy and has the in-built flexibility to enable different models of governance which facilitate community participation, provide for representation of the whole community, and for efficient and effective service-delivery for the community.</p>	<p>Conditionally support but opposes any proposal to remove the poll provisions (Dadour provisions) in Schedule 2.1, Clause 8 of the Local Government Act.</p>	<p>While the recommendation makes no specific proposals for changes to facilitate amalgamations, this could be implied. Further clarification of the intention of this recommendation is required, given that structural reform</p>



Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
			was beyond the Panel's terms of reference.
10	<p>The Panel recommends that through their Partnership Agreement and the proposed Local Government Commission, State and local government consider options to facilitate structural reform that will strengthen the capacity and resilience of the local government system. Those options should include:</p> <p>a. Revised processes for boundary changes and mergers.</p> <p>b. Substantially increased cooperation between local governments through an enhanced model of joint subsidiaries.</p> <p>c. Provision for the establishment of community boards within local government areas.</p>	Conditionally support but oppose any proposal to remove the poll provisions (Dadour provisions) in Schedule 2.1, Clause 8 of the Local Government Act;	<p>While the recommendation makes no specific proposals for changes to facilitate amalgamations, this could be implied.</p> <p>Further clarification of the intention of this recommendation is required, given that structural reform was beyond the Panel's terms of reference.</p>
11	The Panel recommends an additional legislative option for local governments to establish community boards.	Supported.	Supported on the condition that it remains optional as there could be significant increases in officers' workloads and increased complexity for officers who have to deal with two distinct bodies.
12	<p>The Panel recommends that the new Act should promote and mandate expanded regional cooperation between local governments by:</p> <p>a. Making increased collaboration a specific objective and principle.</p> <p>b. Providing an improved model of joint (regional) subsidiaries that can be used for strategic planning, resource sharing, shared services delivery and commercial enterprises (see also Recommendations 14 and 39).</p> <p>c. Requiring regional cooperation as part of IPR (see also Recommendation 35).</p>	Supported.	Opposed. Making regional collaboration mandatory will force some local governments who do not wish to collaborate to do so. Not one size fits all.

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
13	The Panel recommends that consideration also be given to the potential need for a new form of 'regional authority' to enable collaboration on specific issues between governments and with other key stakeholders.	Supported.	Opposed. A <i>forced</i> 'regional authority' will most likely slow down local governments that have a clear strategic plan and are getting on with their projects.
14	The Panel recommends: a. The regional council model is discontinued.  b. A flexible model of joint (regional) and single (local) subsidiaries be introduced in order to enable: (i) collaboration between local governments; and/or (ii) involvement of local government in economic development including commercial activities.	Supported	Opposed. This should be the decision of relevant councils.
15	The Panel recommends that the new Act include a set of principles for intergovernmental relations that make clear local government's role and obligations as part of the broader system of government, and that underpin a range of ongoing arrangements such as the State Local Government Partnership.	Supported	A clarification of roles and obligations could either be beneficial or negative depending on what is contained in the clarification. Will State Government also ensure State departments are also committed to this? The recommendation is not explained.
16	The Panel recommends that the new Act recognises the unique status of Aboriginal people as traditional owners of the land and ensures that they are empowered to engage in decision-making in their local communities.	Supported	Opposed. Having rules based on race is unworkable.
17	The Panel recommends that further consideration is given to the manner of recognition, and the options for inclusion, engagement and shared decision making between local governments and Aboriginal communities, through consultation with the Department of Premier and Cabinet and the Aboriginal Advisory Council of Western Australia, and with reference to practice's in	Supported	Opposed. Forcing groups to work together through legislation is the wrong model.

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	other states, the Northern Territory and New Zealand.		
18	The Panel recommends further consideration is given to the issue of service delivery by local governments in remote communities, and appropriate adjustments to Integrated Planning and Reporting requirements.	Conditionally supported on the basis there is adequate funding.	Conditionally supported on the basis there is adequate funding.
19	Optional preferential voting be adopted in place of the current first past the post system.	Opposed.	Opposed. One system is the practical system for local government.
20	The principle of one vote per person be included in the legislation, subject to Recommendation 21 below.	Conditionally support based on the need for a broad review of the property franchise including a community consultation process.	Support.
21	Property franchise voting should be replaced with the requirement for local governments to introduce mechanisms for regular and effective consultation with the business community.	Conditionally support based on the need for a broad review of the property franchise including a community consultation process.	Not supported. Leave this to individual local governments and restore autonomy.
22	Local government elections are held once every four years, two years after but to otherwise accord with the timing of the State election.	Requires further consultation.	Strongly oppose.
23	All local government elections should be overseen by the Western Australian Electoral Commissioner.	Oppose	Oppose
24	Provision in the new Act for electronic/online voting to be introduced in the future once the integrity of the process can be assured (including allowing for a pilot).	Support	Opposed until the system is mature enough to allow its introduction.
25	The Panel makes the following further recommendations in relation to elections:  a. Postal voting be required, with lodgement of these votes to be allowed in person on and before election day.	Oppose (a)	Support 25 (a)  Support 25 (b)

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>b. The election process extended to provide more time for the issuing and receipt of postal votes.</p> <p>c. The information local government candidates must provide at nomination should be expanded to ensure that adequate information is given for voters to make an informed decision. Candidate nomination forms should also include declaration of membership of a political party and these forms should be published and available during the election period.</p> <p>d. A caretaker policy should be introduced barring elected members up for re-election from representing the council at events, handing out council grants or donations and moving substantive notices of motion in the period before the election, and a requirement to comply with this policy should be included in the Code of Conduct.</p> <p>e. The donor and the candidate should co-sign each declaration of a gift made.</p> <p>f. Donations via crowd funding platforms should be regulated so far as possible.</p>	<p>Supports (b) to (f)</p>	<p>Supports 25 (c)</p> <p>Oppose 25 (d) – As penalties are not attached to breaches, it is difficult to see how the caretaker policy proposal will be effective. Also, additional pressure is likely to be placed on local government officers.</p> <p>Oppose 25 (e).</p> <p>Support 25 (f)</p>
26	<p>In respect to elected member representation, the Panel recommends:</p> <p>a. Population should be used to determine the number of elected member positions:</p> <p>(i) Population of up to 5,000 – 5 councillors (including President).</p> <p>(ii) Population of between 5,000 and 75,000 – 5 to 9 councillors (including Mayor/President).</p> <p>(iii) Population of above 75,000 – 9 to 15 councillors (including Mayor).</p> <p>b. Ward boundary reviews, to ensure equitable representation is maintained, should be conducted every four years by the Office of the Electoral Distribution Commissioners, with the support of the WAEC and should be conducted using</p>	<p>Conditionally supports 26 (a) upon a review of the relative benefits and merits of changing the numbers of elected members on the following basis:</p> <ul style="list-style-type: none"> <li>- Populations up to 5,000 – 5 to 7 Councillors</li> <li>- Populations between 5,000 and</li> </ul>	<p>Strongly oppose 26 (a).</p> <p>Conditionally support 26 (b), but every 8 years would be preferred.</p>



Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>similar processes and principles that are in place for state electoral boundaries as contained in the Electoral Act 1907.</p> <p>c. Current classification bands 3 and 4 should not have multiple wards unless the Local Government Commission permits it in the interests of ensuring local democracy is enabled in certain communities.</p> <p>d. The changes to wards and elected member numbers due to the above recommendations should be phased in.</p> <p>e. With the introduction of four-year elections, council elected mayors/presidents should be elected for two-year terms.</p> <p>f. No restriction should be placed on the number of terms an elected member or mayor/president can serve.</p>	<p>75,000 – 5 to 9 Councillors. - Populations 75,000 and above – up to 15 Councillors.</p> <p>Supports 26 (b) Opposes 26 (c) Supports 26 (d) to (f)</p>	<p>Opposes 26 (c)</p> <p>Supports 26 (d) if the above is passed.</p> <p>Supports 26 (e)</p> <p>Supports 26 (f)</p>
27	The Panel recommends further consideration should be given to strengthening the provisions of the City of Perth Act to reflect the unique role the City of Perth plays in the development of the State economy. In addition, consultation should be undertaken with the City of Perth and other relevant stakeholders.	Conditionally support	Oppose
28	The Panel recommends significant changes in the Act to the current statements of roles and responsibilities for mayors/presidents, councillors and CEOs and that the Act should include a new statement of responsibilities for the 'council' which captures the roles and responsibilities of all councillors acting collectively as the council.	Supports	Opposed. These changes could have a very significant impact on local government officers. Any significant change requires further explanation about what is intended.
29	<p>The Panel recommends the following as the role of council: The council —</p> <p>(a) considers the diversity of interests and needs of the local community;</p> <p>(b) is accountable to the community for the local government's performance;</p> <p>(c) ensures adequate opportunities and mechanisms for engagement with the local community;</p>	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>(d) ensures the timely development and adoption of the strategic plans, programs and policies of the council and promotes the effective and consistent implementation of these;</p> <p>(e) develops and adopts strategic plans and a budget for the local government;</p> <p>(f) keeps the local government's resource allocation, expenditure and activities and the efficiency and effectiveness of its service delivery, under review;</p> <p>(g) provides strategic direction to the CEO in order to achieve high-quality administration and performance of the local government's functions in accordance with the Local Government Act and local government's policies;</p> <p>(h) carries out an annual performance review of the CEO and in agreement with the CEO adopts Key Performance Targets for the following year;</p> <p>(i) provides a safe working environment for the CEO, officers and councillors;</p> <p>(j) reviews annually the delegations of the council; and</p> <p>(k) performs such other functions as are given to a council by this Act or any other written law.</p>		
30	<p>The Panel recommends the following as the role of councillors: A councillor —</p> <p>(a) without bias represents the current and future interests of all people who live, work and visit the district;</p> <p>(b) provides leadership and guidance to the community in the district;</p> <p>(c) facilitates communication between the community and the council;</p> <p>(d) accurately represents to the community the policies and decisions of the council;</p>	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>(e) participates in the development of strategic plans;</p> <p>(f) must be prepared to –            (i) participate with an open mind in the local government’s decision-making processes;            (ii) be an active and contributing member of the council; and            (iii) make considered and well-informed decisions;</p> <p>(g) makes all reasonable efforts to acquire and maintain the skills necessary to perform the role of councillor; and</p> <p>(h) performs such other functions as are given to a councillor by this Act or any other written law.</p>		
31	<p>The Panel recommends the following as the role of the mayor/president:            In addition to the responsibilities of a councillor, the mayor or president —</p> <p>(a) provides leadership and guidance to the community in the whole district;</p> <p>(b) carries out civic and ceremonial duties on behalf of the local government;</p> <p>(c) acts as the principal spokesperson on behalf of the council and explains and upholds the decisions of the local government;</p> <p>(d) encourages good working relations between councillors, and between the council and the CEO;</p> <p>(e) provides guidance to councillors about what is expected of a councillor including in relation to:            (i) the role of a councillor;            (ii) the councillor code of conduct; and            (iii) standing orders</p> <p>(f) liaises with the CEO on the local government’s affairs and the performance of its functions;</p> <p>(g) presides at meetings in accordance with this Act;</p>	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>(h) leads the development of strategic plans;</p> <p>(i) promotes partnerships between the council and key stakeholders;</p> <p>(j) leads and facilitates the presentation of the annual Council budget;</p> <p>(k) initiates the annual performance appraisal of the CEO; and</p> <p>(l) performs such other functions as are given to the mayor or president by this Act or any other written law.</p>		
32	<p>The Panel recommends the following as the functions of the CEO:</p> <p>(1) The CEO's functions are to —</p> <p>(a) advise and assist the council in relation to the functions of a local government under this Act and other written laws;</p> <p>(b) ensure that timely and accurate advice and information is available to the council so that informed decisions can be made;</p> <p>(c) ensure that the mayor and other councillors are given the administrative and professional support necessary to effectively discharge their role;</p> <p>(d) advise the council on appropriate forms of community engagement;</p> <p>(e) advise and consult the mayor and council on the development and implementation of the strategic plans, programs, strategies and policies of the council;</p> <p>(f) prepare, in consultation with the mayor and council, the draft budget;</p> <p>(g) ensure that the policies and lawful decisions of the council are implemented in a timely and efficient manner;</p> <p>(h) conduct the day-to-day management of the local government in accordance with the strategic plans, programs, strategies and policies of the council;</p> <p>(i) ensure the effective and efficient management of the local government in a way that promotes —</p> <p>(i) the effective, efficient and economical management of public resources;</p> <p>(ii) excellence in service delivery; and</p> <p>(iii) continual improvement;</p> <p>(j) maintain systems to enable effective planning and accurate reporting of the financial and service performance of the</p>	Supports 32 (1) (a) to (j).	Supports



Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>local government to the council and community;</p> <p>(k) speak publicly on behalf of the local government when approved by the mayor or president to do so;</p> <p>(l) be responsible for the employment and management of local government employees, except with respect to the position of CEO, through management practices that —</p> <p>(i) promote equal employment opportunities;</p> <p>(ii) are responsive to the local government’s policies and priorities; and</p> <p>(iii) provide a safe working environment;</p> <p>(m) ensure the local government complies with this Act and any other written law;</p> <p>(n) ensure that records, proceedings and documents of the local government are properly kept for the purposes of this Act and any other written law; and</p> <p>(o) perform any other function specified or delegated by the council or imposed under this Act or any other written law as a function to be performed by the CEO.</p> <p>(2) The CEO must inform and consult the council when determining, or making, significant changes to –</p> <p>(a) the organisational structure for the staff of the local government; or</p> <p>(b) the processes, terms or conditions that are to apply to the appointment of senior executive officers; or</p> <p>(c) the appraisal scheme that is to apply to senior executive officers.</p>	<p>Supports 32 (2) (a)</p> <p>Opposes 32 (b) and (c)</p>	<p>Opposes 32 (b) and (c) as it would blur the line between the role of council and administration.</p>
33	<p>The Panel recommends that the following community engagement principles should be included in the new Act:</p> <p>a. Councils actively engage with their local communities;</p> <p>b. Councils are responsive to the needs, interests and aspirations of individuals and groups within its community;</p> <p>c. Community engagement processes have clearly defined objectives and scope;</p> <p>d. Participants in community engagement have access to objective, relevant and timely information to inform their participation;</p> <p>e. Participants in community engagement are representative of the persons and</p>	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>groups affected by the matter that is the subject of the community engagement;</p> <p>f. Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement; and</p> <p>g. Participants in community engagement are informed of the ways in which the community engagement process will influence council decision-making.</p>		
34	<p>The Panel recommends a Community Engagement Charter be required as a mechanism for guiding and enhancing community participation in local decision-making, and that a model charter be prepared to set parameters and provide guidance on mechanisms to be used.</p>	Supports	Supports
35	<p>The Panel recommends the Annual Electors' Meeting is replaced by an Annual Community Meeting whereby:</p> <p>a. As a minimum, councils provide information on their achievements and future prospects;</p> <p>b. Councils report on the local government's financial performance and performance against relevant Council Plans;</p> <p>c. Both the mayor/president and the Chair of the Audit Committee address the meeting;</p> <p>d. There is ample time for questions; and</p> <p>e. Wider community participation is encouraged through different delivery mechanisms.</p>	Opposed	Opposed
36	<p>The Panel recommends the following IPR Principles are included in the new Act:</p> <p>a. Councils plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services to meet the diverse needs of the local community;</p> <p>b. Strategic planning identifies and incorporates, where appropriate, regional, State and Federal objectives and strategies concerning the economic, social, physical and environmental development and management of the community;</p>	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>c. Strategic planning addresses the community’s vision;</p> <p>d. Strategic planning takes into account the resources needed for effective implementation;</p> <p>e. Strategic planning identifies and addresses the risks to effective implementation; and</p> <p>f. Strategic planning is a key accountability tool that provides for ongoing monitoring of progress and regular reviews to identify and address changing circumstances.</p>		
37	<p>The Panel recommends:</p> <p>a. IPR be given greater prominence in the new Act as the centrepiece of ‘smart’ planning and service delivery.</p> <p>b. The new Local Government Commission and the department should take steps to improve understanding and skills across the sector to ensure consistent implementation of IPR requirements.</p> <p>c. IPR provisions in the Act should be expanded to include the issues currently covered in the regulations (suitably updated in accordance with these recommendations).</p> <p>d. IPR provisions and guidelines should be amended to, amongst other things –</p> <ul style="list-style-type: none"> <li>(i) Highlight the central goal of advancing community well-being (economic, social, cultural and environmental).</li> <li>(ii) Replace the current requirement for a Strategic Community Plan with a more flexible framework for ‘Community Strategies’.</li> <li>(iii) Reframe Corporate Business Plans as broader ‘Council Plans’ prepared by each incoming council.</li> <li>(iv) Mandate deliberative community engagement in the preparation of both Community Strategies and Council Plans.</li> <li>(v) Require a ‘regional issues and priorities’ section within Council Plans, to be prepared in consultation with neighbouring/nearby local governments.</li> </ul> <p>e. Provision should be made for a baseline reporting system as part of the IPR</p>	Supports	Supports





Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	cognisant of State Government plans when developing strategies for economic development.		
40	The Panel recommends that the new Act should provide the freedom for local governments to be involved in commercial activities where it is in the public interest and subject to competitive neutrality principles.	Supports	Supports
41	<p>The Panel recommends that 'beneficial enterprises' not be introduced as a new mechanism for local government commercial activities, but that instead an updated and more flexible subsidiary model should provide for the following:</p> <p>a. Local government autonomy to establish a single or joint subsidiary to:</p> <ul style="list-style-type: none"> <li>(i) Carry out any scheme, work or undertaking on behalf of the council;</li> <li>(ii) Manage or administer any property or facilities on behalf of the council;</li> <li>(iii) Provide facilities or services on behalf of the council; and/or</li> <li>(iv) Carry out any other functions on behalf of the council.</li> </ul> <p>b. The subsidiary to be established through a charter.</p> <p>c. The charter to be certified by an independent and suitably experienced legal practitioner as within power and National Competition Policy.</p> <p>d. Public notice of the proposal to establish the subsidiary to ensure that there are no private operators that would be significantly disadvantaged.</p> <p>e. The subsidiary to be able to undertake commercial activities (within the limits of competitive neutrality and a thorough risk assessment).</p> <p>f. The subsidiary to have the ability to acquire, hold, dispose of or otherwise deal with property.</p> <p>g. Dividends able to be paid to member local governments.</p> <p>h. The requirement for employees of the subsidiary to be employed under the same award or agreement conditions as the relevant local government/s and within the</p>	<p>Supports 41 (a) to (g)</p> <p>Opposes 41 (h)</p>	<p>Opposes. The Act should be amended to allow councils to establish bodies corporate for commercial activities. The recommendation rejects the idea.</p>

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>jurisdiction of the Western Australian Industrial Relations Commission.</p> <p>i. No requirement for ministerial approval at the outset, but reserve powers for the Minister for Local Government to intervene if issues arise should be included.</p>	Supports 41 (i)	
42	The Panel recommends local governments should utilise the subsidiary models and, as a general rule, should not form entities outside this, such as under the Associations Incorporation Act, except as a means of establishing or maintaining partnerships with other local or regional organisations in those instances where the local government is not the dominant party.	Supports	Supports
43	<p>The Panel recommends the following financial management principles be included in the new Act:</p> <p>a. Councils should have regard to achieving intergenerational equity, including ensuring the following:</p> <p>(i) Policy decisions are made after considering their financial effects on future generations;</p> <p>(ii) The current generation funds the cost of its services; and</p> <p>(iii) Long life infrastructure may appropriately be funded by borrowings.</p> <p>b. Revenue, expenses, assets, liabilities, investments and financial transactions are managed in accordance with the council's financial policies and strategic plans;</p> <p>c. Financial risks are monitored and managed prudently having regard to economic circumstances;</p> <p>d. Financial policies and strategic plans, including the Revenue and Rating Strategy and Investment policy, seek to provide stability and predictability in the financial impact on the community; and</p> <p>e. Accounts and records that explain the financial operations and financial position of the council are kept.</p>	Supports	Supports
44	Having regard to the need for sound financial decision-making and accountability, the Panel recommends the following:	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>a. Local governments should be required to adopt or justify departures from a model investment policy to the Audit, Risk and Improvement Committee and relevant State Government Agency.</p> <p>b. Local governments should be able to use freehold land to secure debt.</p> <p>c. Debt should not be used for recurrent expenditure except in an emergency situation.</p> <p>d. Notice should continue to be required to be given for borrowings not included in the local government's annual budget.</p> <p>e. Building upgrade finance is permitted for specific purposes such as cladding, heritage and green improvements.</p> <p>f. Local governments should adopt program budgeting to more clearly show the actual cost of delivering a service or undertaking an activity.</p> <p>g. Local governments should report on the percentage of their expenditure spent on local businesses in their annual report.</p>		
45	<p>The Panel recommends that local government procurement thresholds, rules and policies are, where applicable, aligned with the State Government, including (but not limited to):</p> <p>a. Tender threshold (currently \$250,000);</p> <p>b. Procurement rules and methods for goods and services under the tender threshold;</p> <p>c. Procurement policies, including sustainable procurement, procuring from disability enterprises, buy local (where 'local' refers to Western Australia or a specific region of the state determined by the local government) and Aboriginal businesses; and</p> <p>d. Using TendersWA as the primary tender platform.</p>	Supports	Supports
46	The Panel recommends the development of a model procurement policy for all local	Supports	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	governments. If a local government chooses to deviate from the policy it should to be required to explain its reasoning to the responsible State Government agency.		
47	The Panel recommends enhancing legislation to regulate and guide the establishment and management of panel contracts.	Supports	Supports
48	The Panel recommends a requirement for local governments to have an open register of local businesses with local governments determining what is considered 'local' to their community.	Supports	Supports
49	The Panel recommends breaches of the local government procurement rules to be referred to the Office of the Independent Assessor to use the appropriate powers under the new Local Government Act.	Supports	Supports
50	<p>The Panel recommends:</p> <p>a. Rate capping should not be introduced.</p> <p>b. Local governments should be required to develop and publish a rates and revenue strategy, that would amongst other things replace the need to have fees and charges set in the annual budget.</p> <p>c. The Economic Regulatory Authority (ERA) should be asked to undertake a review of the rating system, including a thorough examination of the case for the current wide range of exemptions.</p> <p>d. The current rates exemptions should be retained until after the ERA review.</p> <p>e. Property owners seeking an exemption should be regularly required to prove they meet the criteria for an exemption.</p> <p>f. Local governments should charge a separate waste charge applying to all properties which have a waste service, including exempt properties.</p> <p>g. The Valuer General should be asked to undertake a review of the rating methodology with the aim of smoothing out significant fluctuations in valuations.</p>	Supports	<p>Supports 50 (a) and (b)</p> <p>Opposes 50 (c) as it will likely become costlier, over bureaucratic and does not have the local knowledge needed to undertake this effectively.</p> <p>Strongly opposes 50 (d) and the Shires should be disappointed in WALGA for this position.</p> <p>Supports 50 (e) to (g)</p>
51	The Panel recommends that local governments should be able to set reasonable fees and charges according to a	Supports	Supports



Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	rating and revenue strategy, with the oversight of the Audit, Risk and Improvement Committee.		
52	The Panel recommends that local governments and State Government apply cost recovery principles when setting fees and charges.	Supports	Strongly opposes. This should be up to individual local governments. It is impractical to recover fees and charges for Recreation Centres for example. Costs would increase dramatically.
53	<p>The Panel recommends the role of audit committees be expanded to become Internal Audit, Risk and Improvement Committees and:</p> <p>a. The majority of the Committee members, including the Chair, should be independent of the local government and should be drawn from a suitably qualified panel.</p> <p>b. To address the impost on small local governments, the committee could be established on a regional basis.</p>	Opposes	Opposes
54	<p>The Panel recommends the main roles of the Audit, Risk and Improvement Committee should include:</p> <p>a. Developing an audit plan which focuses on compliance, risk (including procurement), financial management, fraud control, governance and delivery of the Council Plans;</p> <p>b. Identifying continuous improvement opportunities and monitoring programs and projects in this area;</p> <p>c. Conducting the mandatory internal audits as outlined in the audit plan; and</p> <p>d. Providing advice to the council in relation to these matters.</p>	Supports	<p>Supports 54 (a) (b) and (d)</p> <p>Opposes 53 (c) as it is unclear how a committee will actually conduct the audit. These internal audits are normally conducted by officers or consultants that report to a committee.</p>

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
55	<p>In relation to governance, the Panel recommends:</p> <p>a. Meeting procedures are standardised across all local governments, allowing for both a committee system and a public briefing system.</p> <p>b. Elected members should be required to lodge a declaration of interest as well as a confirmation of impartiality prior to meetings.</p> <p>c. Elected members who believe that they are unable to maintain impartiality on a particular matter should be permitted to withdraw from that part of the meeting provided a quorum is maintained.</p> <p>d. All votes should be recorded in the minutes on each motion with details of how each councillor voted.</p> <p>e. As a minimum, audio recordings of public parts of council meetings should be available on the local government’s website when the minutes become available, with livestreaming to be encouraged.</p> <p>f. CEO contracts should be standardised and consistent with the Public Sector Commission’s policy and relevant conditions for public sector employees.</p> <p>g. CEO contracts should be no more than five years and after two terms the local government must readvertise the position.</p> <p>h. The department should facilitate additional oversight in the recruitment and management processes of CEOs. This could include representation on the selection panel and/or screening of applicants.</p> <p>i. Primary and Annual Returns should include disclosure of membership of political parties and associations likely to be seen as exerting an influence on decision making.</p>	<p>Supports 55 (a) (b) (d) (e) (f) (h) and (i)</p> <p>Opposes 55 (c)</p> <p>Opposes 55 (g)</p>	<p>Supports 55 (a) (b) (c) (d)</p> <p>Opposes 55 (e) as it should be up to that local government</p> <p>Opposes 55 (f) as there is already a standard model of contract</p> <p>Opposes 55 (g) as this should be up to the individual Council and will add to cost unnecessarily in some circumstances.</p> <p>Opposes 55 (h)</p> <p>Supports 55 (i)</p>
56	<p>The Panel recommends the following in relation to training:</p> <p>a. New CEOs (including CEOs moving to a substantially larger local government)</p>	Supports	Supports



Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>should be required to undertake training and ongoing professional development as recommended by the selection panel.</p> <p>b. There should be compulsory induction training and ongoing professional development for all councillors, including specific programs for mayors and presidents.</p> <p>c. Training modules for all councillors should include in-depth material on IPR and land use planning.</p> <p>d. The Minister should have discretion to exempt completion of training within the stipulated time on compelling grounds.</p> <p>e. Expanded use of peer review and support should be encouraged both to help improve the performance of individuals and local governments.</p>		
57	The Panel recommends that there should be an early intervention framework of monitoring to support local governments. The department should have additional powers to appoint and support the monitor with councils responsible for the direct costs of the monitor.	Supports	Supports
58	The Panel recommends the Minister should have the power to direct local governments and make declarations in respect to the Local Government Act during a declared state of emergency.	Opposes	Opposes
59	<p>The Panel recommends establishing an Office of the Independent Assessor that should:</p> <p>a. Be an independent body to receive, investigate and assess complaints against elected members and undertake inquiries. This removes the CEO from being involved in processing and determining complaints.</p> <p>b. Be a statutory appointment by the Governor.</p> <p>c. Upon assessment, refer the complaint back to the council (behaviour-related), the State Administrative Tribunal (SAT) (serious breaches), or to another appropriate body (such as, Corruption and Crime Commission, Public Sector Commission,</p>	Supports	Supports. The Standards Panel has not worked well and, consequently, a new approach is welcomed.

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	<p>Ombudsman) according to the subject of the complaint.</p> <p>d. Replace the Standards Panel by investigating and making determinations on Rules of Conduct breaches. SAT will determine the penalties.</p> <p>e. Amongst other powers, have the power to investigate, to order compulsory mediation and to deal with abuses of process.</p> <p>f. Be required to notify the CEO and council of any matters on a confidential basis.</p>		
60	The Panel recommends consideration should be given to the appropriate recognition and management of complaints by an elected member against a CEO or other senior officer, with one option for these to be investigated by the Office of the Independent Assessor.	Opposes	Supports.
61	<p>The Panel recommends:</p> <p>a. The new Act should set principles for determining classification bands for local governments.</p> <p>b. These classification bands should be used by the Salaries and Allowances Tribunal for determining councillor and CEO payments, as well as providing a framework for distinguishing between local governments in relation to other matters.</p>	Opposes	Supports
62	The Panel recommends the increased harmonisation of local laws through the development of model local laws and deemed provisions.	Supports	Supports, however This recommendation does not consider LG Pro's two requests in this area. The first was to eliminate the requirement to consult on model local laws and the second was to eliminate the need to periodically review model local laws adopted.
63	The Panel recommends requiring local governments to justify to the Joint Standing	Supports	Opposes. This provision reduces

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	Committee on Delegated Legislation any variation from the model or deemed provisions.		local government autonomy and will make it more difficult to introduce local laws which are not model laws.
64	<p>In relation to WALGA, the Panel recommends:</p> <p>a. WALGA not be constituted under the new Act;</p> <p>b. A transition period is provided to ensure continuity in operations of WALGA while it is re-formed under other legislation; and</p> <p>c. Recognition of WALGA's Preferred Supplier Program and mutual insurance coverage in the legislation should be accompanied by appropriate oversight measures, including auditing.</p>	<p>Conditionally support (a) and (b) seeking feedback from local governments.</p> <p>Supports 64 (c)</p>	<p>Supports 64 (a)</p> <p>Opposes 64 (b)</p> <p>Supports 64 (c)</p>
65	<p>The Panel also identified the following operational matters to be considered when drafting the new Act:</p> <p>a. The powers of entry in the current Local Government Act should be retained.</p> <p>b. The current evidence requirements in legal proceedings should be retained, however the requirement for the CEO to certify the documents should be removed. This should be delegated and the range of items that can be certified expanded after consultation with local governments.</p> <p>c. The new Act should be updated to reflect the modern signing of contracts.</p> <p>d. A more streamlined ability to dispose of impounded goods needs to be developed for the new Act.</p> <p>e. The new Act should enable councillors and members of the community (in the case of public questions and deputations) to remotely participate in council and committee meetings.</p> <p>f. Employment entitlements for local government employees should be</p>	<p>Supports 65 (a) to (e)</p> <p>Conditionally supports 65 (f) subject to consultation with local governments</p>	Supports

Number	Recommendation	WALGA (not endorsed) Officer Report Position	Proposed Shire position
	transferrable across all three levels of Government.		

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money.
<b>Objective</b>	Actively increase the level of community engagement and respond efficiently and effectively to the evolving needs of the community.

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

The current Local Government Act (1995) is still in force, however the report identifies that a new Act will be implemented in the short to medium term.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Some recommendations within the Panel report has the objective to increase the economic viability of communities.

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

Nil.

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

Nil.

*Policy Implications*

There are no Policy implications.

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
Moderate	A failure to respond to the 65 recommendations does pose some risk to Council within some of the recommendations, namely a reduction of only 5 elected members on Council.

### **CONSULTATION**

Western Australian Local Government Association.

### **RESOURCE IMPLICATIONS**

*Financial*

Nil.



*Workforce*  
Nil.

### **OPTIONS**

Council has the option of:

1. Accepting the officer submission.
2. Amending the officer submission.
3. Not accepting the provided submission and not providing a response.

### **CONCLUSION**

A number of the recommendations put forward by the Panel has significant impact on the local government sector. It is recommended that Council forms a position on the 65 recommendations and submits a submission to the Minister, state lower house and upper house representatives, WALGA and the Department of Local Government, Sport & Cultural Industries.

12. **BUSINESS LEFT OVER FROM A PREVIOUS MEETING**  
Nil
13. **ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil
14. **NOTICE OF MOTIONS FOR CONSIDERATION AT A FOLLOWING MEETING**  
Nil
15. **NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING**

<b>15.1 (Late Item) Application of Common Seal – Section 195 and 196 of the Land Administration Act 1997 for the subdivision of Lot 50 Forrington Heights and 51 Elliott Street, Waroona.</b>	
File Ref:	SD1557535
Previous Items:	Nil
Applicant:	Mr Richard Butler & Mr Mark Butler
Author and Title:	Leonard Long – Director Planning & Economic Development
Voting Requirements:	Absolute Majority
Appendix Number	Appendix 15.1A – Proposed Subdivision Plan Appendix 15.1B – Easement Documentation

**COUNCIL RESOLUTION**

OCM20/09/158

Moved: Cr Snell

Seconded: Cr Odorisio

That Council approves Item 15.1 as late urgent business.

CARRIED 8/0

**COUNCIL RESOLUTION**

OCM20/09/159

Moved: Cr Mason

Seconded: Cr Vitale

That Council, in relation to the documentation for the granting of an easement over Lot 50 Forrington Heights, 52 (proposed Lot 1) and 53 (proposed Lot 2) under sections 195 and 196 of the Land Administration Act 1997 as shown in APPENDIX 15.1B for the subdivision of Lot 50 Forrington Heights and 51 Elliott Street, Waroona and pursuant to section 9.49A of the Local Government Act 1995, resolves to authorise:

1. The application of the Shire of Waroona Common Seal, and
2. The execution of the required documents by the Shire President and Chief Executive Officer.

CARRIED BY ABSOLUTE MAJORITY 8/0

**IN BRIEF**

- The urgency is due to the expiry of the subdivision approval in November 2020. The landowner is unable to submit the required easement documents without the Common Seal to Landgate along with the deposited plans.





- If the item is only considered at the October Ordinary Council Meeting, the landowner runs the risk of the subdivision approval expiring.
- The subdivision of Lot 50 Forrington Heights and Lot 51 Elliott Street was approved by the Western Australian Planning Commission in November 2017.
- An easement is required to provide emergency fire access to the newly subdivided lots.

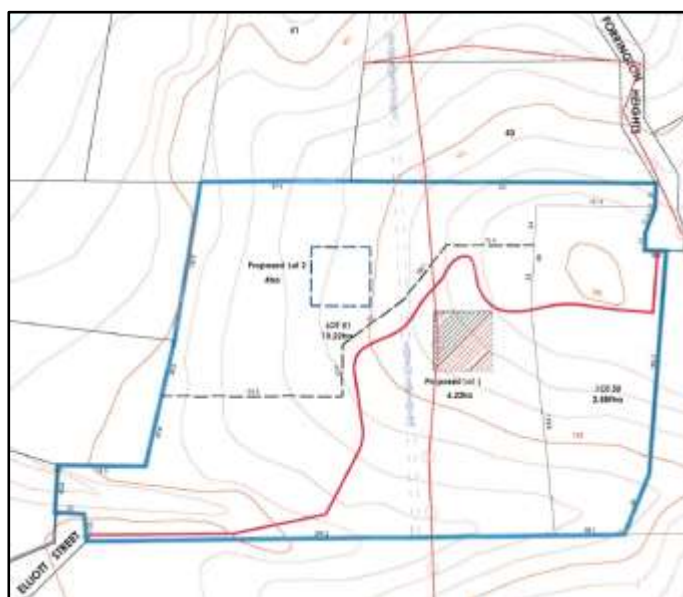
**BACKGROUND**

The subject subdivision was approved by the Western Australian Planning Commission in November 2017, resulting in the creation of 1 additional lot (existing + 1).



**REPORT DETAIL**

The application approved the subdivision of Lot 51 into 2 lots, Lot 52 (proposed lot 1) retains the existing dwelling and associated outbuildings, measures 6.22ha and gains access from Elliott Street. Lot 53 (proposed lot 2) is currently undeveloped with a total area of 4ha and gains access from Forrington Heights.



APPENDIX 15.1A

The approval by the Western Australian Planning Commission is subject to a number of conditions, inter alia condition 4 which reads as follows:

*“Easement(s) in accordance with section 136C of the Transfer of Land Act 1892 (WA) for emergency fire access purposes is to be placed on the certificates of title of proposed lots 1 and 2, benefitting lot 2, specifying access rights (Local Government).”*

The proposed easement is to the benefit of the Shire of Waroona and is required to be executed by the Shire. The access way to which the easement relates is required to be constructed by the developer prior to the clearance of subdivision conditions and maintained by the property owners in perpetuity.

### **WAROONA 2030 STRATEGIC COMMUNITY PLAN**

<b>Focus Area</b>	Our Economy
<b>Aspiration</b>	To create a diverse economy base that supports opportunity education and employment.
<b>Objective</b>	Develop an economy that is focused on growth, knowledge and innovation, and infrastructure, and protects prime agricultural land.
<b>Strategy</b>	Maximise the inherent economic opportunities in the Murray Waroona functional economic region.

### **OTHER STRATEGIC LINKS**

Nil.

### **STATUTORY ENVIRONMENT**

#### Land Administration Act 1997

An easement granted under sections 195 and 196 of the *Land Administration Act 1997* remains part of the lot in which the land is located, with benefits as specified by the easement provided to the beneficiary.

### **SUSTAINABILITY & RISK CONSIDERATIONS**

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

Whilst minimal not approving the request will result in the applicant not being able to fulfil the approval subdivision conditions and result a one less rateable property.

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

Nil.

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

Nil.

#### *Policy Implications*

#### Policy Corp015 – Application of Shire of Waroona Common Seal.

*“The Common Seal of the Shire of Waroona is authorised to be applied to leases, agreements and other required documents where the Council has previously agree to enter such lease or agreement or consented to the matters pertained in other documents.*



*The application of the Common Seal is to be witnessed by the Shire President and Chief Executive Officer, or in their absence, by the Deputy Shire President and/or Deputy Chief Executive Officer.”*

*Risk Management Implications*

<i>Risk Level</i>	<i>Comment</i>
High	Not approving the request to use the Common Seal will result in the landowner not being able to fulfil his approval conditions, and may result in potential further action by the landowner.

**CONSULTATION**

No consultation is required for the use of the Common Seal.

**RESOURCE IMPLICATIONS**

*Financial*

Nil.

*Workforce*

Nil.

**OPTIONS**

Council has the option to:

1. Approve the use of the Common Seal as per policy.
2. Refuse the use of the Common Seal.

**CONCLUSION**

The execution of the easement documentation is required for the clearance of the subdivision conditions by the Shire. The easement is a required inclusion on the titles to be created to ensure all prospective purchasers are aware of their existence.

The access way facilitated by the easement is an essential part of the bushfire safety of the subdivision of Lot 1, providing an alternative exit in the case of an emergency.

It is therefore recommended that Council authorise the application of the Shire of Waroona common seal in order to execute the documents.

**16. MEETING CLOSED TO THE PUBLIC****COUNCIL RESOLUTION****OCM20/09/160****Moved: Cr Purcell****Seconded: Cr Dew****That the meeting be closed to members of the public, the time being 4.27 pm.****CARRIED 8/0**

<b>16.1 Honorary Freeman of the Shire of Waroona</b>	
<b>File Ref:</b>	64/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Dean Unsworth, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	Nil

**COUNCIL RESOLUTION****OCM20/09/161****Moved: Cr Mason****Seconded: Cr Purcell****That Council endorses the Officers Recommendation included in the report for Item 16.1 provided under confidential cover.****CARRIED BY ABSOLUTE MAJORITY 8/0**

<b>16.2 Confidential Item - Waroona Town Centre Redevelopment – Stage 1</b>	
<b>File Ref:</b>	36/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Dean Unsworth, Chief Executive Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Appendix Number</b>	16.2A-D

**COUNCIL RESOLUTION**

OCM20/09/162

Moved: Cr Vitale

Seconded: Cr Snell

That Meeting Procedures be suspended to enable discussion on the purchasing of land, the time being 4.37 pm.

CARRIED 8/0

**COUNCIL RESOLUTION**

OCM20/09/163

Moved: Cr Snell

Seconded: Cr Purcell

That Meeting Procedures be resumed, the time being 4.50 pm.

CARRIED 8/0

**COUNCIL RESOLUTION**

OCM20/09/164

Moved: Cr Mason

Seconded: Cr Odorisio

That Council endorses the Officer's Recommendation included in the report for Item 16.2 provided under confidential cover, and points 1, 2 and 3 contained in the report remain confidential as they are subject to ongoing negotiation and commercial in confidence.

4. Council authorises the Chief Executive Officer to give one month's public notice for the proposal to borrow \$660,000 over a twenty year period for the purpose of purchasing 95 South West Highway, and 30 and 34 Fouracre Street, Waroona for the purpose to develop the land for an inter-generational town-centre activation space.
5. Council establishes a loan facility for \$450,000 as a seed funding grant component towards the development of the inter-generational town-centre activation space for applications to the State and Federal Government Department of Sport & Recreation.
6. Council requests a co-funding amount from the Alcoa Waroona Sustainability Fund of \$450,000.
7. Council applies for a grant amount of \$450,000 to Lotterywest for the creation of the inter-generational town-centre activation space.



- 8. The \$450,000 loan amount only be drawn down upon successful grant applications for the inter-generational town-centre activation space.**
- 9. Recommendations 1, 2 and 3 remain confidential until such time as the owners accept the offers put forward by Shire, and one month public notice has been undertaken.**
- 10. If no negative public submissions have been received, the Chief Executive Officer be delegated to make the offers on 95 South West Highway, and 30 and 34 Fouracre Street Waroona unconditional.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

<b>16.3 Confidential Item - Tender – RFT 2020/03 – Supply &amp; Delivery of Gravel Base Course Material</b>	
<b>File Ref:</b>	2020/03
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Rikki Pulfer, Technical Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	16.3

**COUNCIL RESOLUTION**

OCM20/09/165

Moved: Cr Purcell

Seconded: Cr Vitale

That Council award Tender RFT2020/03 Supply and Delivery of Grave Base Course Material to Charles Hull Contracting, as per the tender report provided under confidential cover.

CARRIED 8/0

<b>16.4 Confidential Item - Tender – RFT 2020/04 – Supply &amp; Delivery of Crushed Limestone</b>	
<b>File Ref:</b>	2020/04
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Rikki Pulfer, Technical Officer
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	16.4

**COUNCIL RESOLUTION**

OCM20/09/166

Moved: Cr Dew

Seconded: Cr Scott

That Council award Tender RFT2020/04 Supply and Delivery of Crushed Limestone to Charles Hull Contracting, as per the tender report provided under confidential cover.

CARRIED 8/0



<b>16.5 Confidential Item - Tender – RFT 2020/02 – Provide Traffic Management Services</b>	
<b>File Ref:</b>	2020/02
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Patrick Steinbacher, Director Infrastructure Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	16.5

**COUNCIL RESOLUTION****OCM20/09/167****Moved: Cr Mason****Seconded: Cr Odorisio**

That Council award Tender RFT2020/02, Provide Traffic Management, as per the tender report provided under confidential cover.

**CARRIED 8/0**

<b>16.6 Confidential Item – Quotation – RFQ 2020/15 – Purchase of Vibe Roller</b>	
<b>File Ref:</b>	2020/15
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Patrick Steinbacher, Director Infrastructure Services
<b>Declaration of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	16.6

**COUNCIL RESOLUTION****OCM20/09/168****Moved: Cr Purcell****Seconded: Cr Vitale**

That Council award Request for Quote 2020/15 Supply and Delivery of One Smooth Single Drum Vibratory Roller to Westrac Pty Ltd as per the tender report provided under confidential cover.

**CARRIED 8/0****COUNCIL RESOLUTION****OCM20/09/169****Moved: Cr Purcell****Seconded: Cr Odorisio**

That meeting proceed in public, the time being 4.58pm.

**CARRIED 8/0**



**17. CLOSURE OF MEETING**

There being no further business the Chairperson closed the meeting the time being 4.58 pm.

I CERTIFY THAT THESE MINUTES WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING HELD 27 OCTOBER 2020 AS BEING A TRUE AND CORRECT RECORD OF PROCEEDINGS.

.....  
PRESIDING MEMBER  
.....  
DATE