



Date: 16 July 2024

To: Shire President
All Councillors

Copy: Directors
Managers
Staff

**ORDINARY COUNCIL MEETING
NOTICE AND AGENDA**

An Ordinary Council meeting of the Shire of Waroona will be held at the Shire of Waroona Council Chamber at 4.00 pm Tuesday 23 July 2024 to consider and resolve the matters set out in the attached Agenda.

A handwritten signature in blue ink, consisting of stylized, cursive letters that appear to read "MG".

**MARK GOODLET
CHIEF EXECUTIVE OFFICER**

PUBLIC QUESTION TIME

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

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AGENDA

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

6.1 **Ordinary Council Meeting – 25 June 2024**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held 25 June 2024 be confirmed as being a true and correct record of proceedings.

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

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

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

10.1 **Recreation Advisory Working Group Minutes – meeting held 21 May 2024.**

OFFICER RECOMMENDATION:

That Council receives and notes the Minutes of the Recreation Advisory Working Group meeting held 21 May 2024 (as per Appendix 10.1 A).

11. REPORTS OF THE CHIEF EXECUTIVE OFFICER AND OFFICERS

11.1 DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

11.1.1 Adoption and Initiation of Local Planning Policies	
File Ref:	CM.7 – Corporate Management Policy – Policy Register – Policy Reviews
Previous Items:	OCM 26 March 2024 Item 11.1.2
Applicant:	Shire of Waroona
Author and Responsible Officer	Coordinator Regulatory & Development Services Director Infrastructure & Development Services
Declaration of Interest:	N/A
Voting Requirements:	Simple Majority
Appendix Numbers:	11.1.1 A – LPP 1 Retaining walls 11.1.1 B – LPP 2 Signage 11.1.1 C – LPP 7 Short-term accommodation 11.1.1 D – LPP 8 Shed style dwellings 11.1.1 E – LPP 9 Extractive industries & guidelines

RECOMMENDATION

That Council:

- 1. resolves to proceed with adopting *LPP 1 – Retaining walls* without modification, pursuant to clause 4 of the Deemed Provisions for Local Planning Schemes under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as contained in Appendix 1;**
- 2. resolves to proceed with adopting *LPP 2 – Signage* and *LPP 7 – Short-term accommodation* without modification, pursuant to clause 5 of the Deemed Provisions for Local Planning Schemes under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as contained in Appendices 2 and 3; and**
- 3. resolves to prepare *LPP 8 – Shed style dwellings* and *LPP 9 – Extractive industries*, pursuant to clause 4 of the Deemed Provisions for Local Planning Schemes under the *Planning and Development (Local Planning Schemes) Regulations 2015*, as contained in Appendices 4 and 5.**

IN BRIEF

- Advertising has concluded for three proposed local planning policies.
- These policies address retaining walls, signage and short-term accommodation.
- No submissions were received, and these are recommended to be adopted without change.
- Officers have identified the need for two new local planning policies which address living in sheds and extractive industries.
- It is proposed that Council resolves to prepare and advertise draft policies to address these matters.

BACKGROUND

At its Ordinary Council Meeting on 26 March 2024, Council resolved to advertise:

- LPP 1 – Retaining walls;

- LPP 2 – Signage; and
- LPP 7 – Short-term accommodation.

Proposed 'LPP 1 – Retaining walls' is a new planning policy, introduced to replace heritage matters. The heritage policy was revoked at the OCM on 26 March 2024, as it had no statutory weight. This new policy sought to set design standards for developers.

Proposed 'LPP 2 – Signage' seeks to make significant variations to the current policy, which aims to introduce clear provisions, objectives and exemptions.

Proposed 'LPP 7 – Short-term accommodation' seeks to make significant variations from the current policy framework. The proposed changes include:

- Consolidating two policies into one (previously policies on Holiday Houses and Bed and Breakfast);
- Requirement for a detailed holiday house management plan; and
- Addressing bushfire risk management.

These policies were advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). No submissions were received and are now presented to Council for adoption, without change.

Proposed new policies not previously considered by Council

Living in sheds

The Shire has seen a substantial interest in people seeking to live in sheds. This is attributed to:

- Increases in costs and delays in timeframes for the construction of houses;
- A demographic shift in population with people from Perth and elsewhere moving to the local government area without appropriate housing arranged.

This demand is primarily driven in the locality of Lake Clifton, often where a shed has been constructed and no house exists on the property. There is also growing demand for living in sheds in urban areas.

There are a number of considerations to this situation, including appropriateness for the locality, fire safety, building energy efficiency, effluent disposal and built form expectations for the area.

Extractive industries

The Shire contains a range of natural resources including sand, gravel and limestone that is in high demand for the Perth metropolitan and South-West region. These are the most common basic raw materials that are used predominantly in the construction and building industries. Where mining involves basic raw materials on private property, the responsibility for determining applications and monitoring compliance of operations falls to local government.

There are a raft of considerations for the Shire to contemplate when making a decision on a proposed pit, renewal and monitoring operations. This development is not currently addressed under the local planning framework and there is a need to set standards from the vast array of information, best practice documents and policy.

REPORT DETAIL

LPP 1 – Retaining walls

This policy establishes a set of design standards, consistent with the Institute of Public Works Engineering Australasia and the Western Australian Planning Commission *Subdivisional Guidelines*. This includes the requirement for retaining walls to be designed for a minimum life of 100 years, along with limiting heights to 1.2m along street boundaries and the requirement to terrace to reduce bulk and scale on neighbours. This will ensure that retaining is more robust and minimises neighbour conflict. No changes are proposed to the policy that was advertised.

LPP 2 – Signage

The policy includes:

- Images to assist understanding the types of signage referred to;
- Clear and updated objectives;
- Exemption criteria, revised and contemporary development standards;
- Emerging signage types that are becoming more common;
- Placing a cap on third party signage along the Forrest Highway; and
- Signs that are not permitted.

This policy introduces exemption criteria to signage that is considered reasonable and incidental. This will reduce red tape and costs to businesses who would otherwise need to obtain approval from the Shire. It will also strengthen the Council position on preventing the spread of undesirable signage along places of landscape value e.g. third-party signage along Forrest Highway. No changes are proposed to the policy that was advertised.

LPP 7 – Short-term accommodation

Currently the Shire has two separate policies dealing with short-term accommodation. It is considered appropriate to consolidate both the Holiday Houses Local Planning Policy and the Bed and Breakfast Local Planning Policy into one succinct policy that encompasses all forms of short-term holiday accommodation that are typically carried out from dwellings. This will include the type of accommodation seen on popular websites like Airbnb and Stayz.

The provisions of the policy are consistent with the types of conditions of approval that have been applied to recent approvals for short-term accommodation. Importantly, there is a requirement for a detailed holiday house management plan to ensure the land use does not impact neighbours and the amenity of the area. Further, there are provisions relating to bushfire risk management to ensure guests are made aware of their surroundings and can leave the area safely and early. No changes are proposed to the policy that was advertised.

Living in sheds – proposed LPP 8 – Shed-style dwellings

The purpose of the policy is to provide guidance on the design, safety and use of sheds as dwellings. It seeks to prohibit people living in sheds in urban areas and limiting their conversion to rural and rural residential areas where densities are lower and are more likely to be screened. It sets design parameters around two scenarios, being short-term and long-term occupation.

Short-term occupation of sheds may be considered appropriate where the foundations for a house have been laid and there is active construction of a dwelling. This is time limited to 18 months. The intent of this is to provide temporary relief for people. The shed will need to be provided with water, power, effluent disposal and constructed to the appropriate Australian Standards for bushfire protection, so as to provide a safe place to live. However, architectural design features will not be necessary as this anticipates that a dwelling will be the main building on the property and the shed will be incidental.

Where a person wishes to reside in a shed on a long-term basis, architectural features will need to be added to all elevations facing a street, including:

- A front door;

- Verandah;
- Windows
- Pitched roof; and
- Alternative wall cladding.

This will ensure that the built form visible from the streetscape achieves a desirable outcome.

Extractive industries – proposed LPP 9 – Extractive industries

Proposals and operations can vary greatly in their scale and nature of potential impacts. They can be relatively straight forward or complex operations with a number of moving parts. Decision makers need to consider how a proposal may create and address; emissions (dust, noise and vibration), pollution, traffic volumes and safety, road maintenance demand, environmental impacts, amenity, dieback, weeds, acid sulfate soils and rehabilitation.

There is a raft of government policy, best practice guidelines and other publications that are available to decision makers to address these issues. However, understanding these issues and digesting findings and recommendations in more than 24 publications can be difficult and lead to inconsistent decision making. Having a dedicated local planning policy that establishes objectives and provisions will assist:

- The Shire in setting clear requirements and outcomes, with consistent and transparent decision making; and
- Applicants and operators in navigating approval and licencing pathways and responsibilities.

The policy sets general provisions and outlines objectives for:

- Land use compatibility;
- Environment;
- Visual amenity; and
- Transport.

Meanwhile, a set of guidelines accompany the policy and contain specific provisions to address the policy objectives.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Environment
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.3 A planning framework that is visionary, supports connectivity and enables participation that ensures quality, diverse and innovative planning outcomes that meets community aspirations
Strategy	1.3.1 Ensure our Town Planning Scheme and Local Planning Strategy facilitates quality and diverse planning outcomes

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Division 2, Schedule 2 of the Deemed provisions for local planning schemes, sets out the statutory requirements for local planning policies. This includes but is not limited to, the procedure for a new policy, amending a policy and revoking.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Local planning policies should provide fair and reasonable protection to the amenity of landowners in the vicinity of any proposals subject to the policies.

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

Local planning policies should provide fair and reasonable protection to the natural environment.

Policy Implications

Local planning policies should be reviewed regularly to ensure they meet contemporary practice.

Risk Management Implications

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

Context / Risk Category	Environmental - Regulatory compliance, contamination, inadequate processes
Risk	
Consequence	2 - Minor
Likelihood	3 - Possible
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Review local planning policies on a regular basis.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), require a minimum consultation period of 21 days via the local newspaper and website only. Local Planning Policies 1, 2 and 7 were advertised in the local newspaper, on the Shire website and via Facebook from 16 April 2024, inviting submissions by 14 May 2024 - period of 28 days. No submissions were received.

Consultation exceeded the minimum requirements of the Regulations in terms of medium and timeframes.

If Council initiates the creation of these two new policies, they will be advertised in accordance with clause 4 of the Regulations.

Aboriginal Consultation

Nil.

RESOURCE IMPLICATIONS

Financial

These will be advertised in the Shire's Sea to Scarp part of the local newspaper and will be free of cost.

Workforce

The review of the suite of policies has been undertaken by Infrastructure and Development Services as part of their general duties.

CONCLUSION

The review and subsequent recommendations will ensure the Shire's local planning framework continues to operate on best practice, addressing modern and emerging trends. The proposed policies have been made on established planning principles for a proper planning purpose. Initiation and adoption of the policies will create a robust system and transparent decision-making process for developers.

11.1.2 Report on WA Waste Strategy Submissions	
File Ref:	WM.4 – Waste Management – Service Provision – Recycling
Previous Items:	Nil
Applicant:	Nil
Author and Responsible Officer	Director Infrastructure & Development Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.1.2 A – WA Draft Waste Strategy 11.1.2 B – The Draft Strategy on a page

RECOMMENDATION

That Council supports continuation of advocacy for Waste Services operations, aligned with the priorities and opportunities identified in the Draft State Waste Strategy, while being flexible and open to adaptation in local contexts, thereby ensuring these initiatives have the best opportunity of achieving the dual goals of reducing landfill and carbon emissions.

IN BRIEF

Shire officers are responding to the Draft State Waste Strategy request for submissions through the online submission portal. The responses are reflective of the Shire of Waroona Environmental Management Strategy and Waste Management Strategy, as well as the need for the community to be able to have flexibility and adaptation options in relation to FOGO and WTE options. As the Shire of Waroona continues to request these be open to adaptation in local contexts where they will achieve the goal of reducing landfill and carbon emissions. Highlighting the example that FOG through the implementation of a third bin system, for example in the Shire of Waroona, would result in the creation of more emissions from extra truck operating and travel to a facility, than the initiative seeks to divert. The third bin system would also not be an appropriate solution in relation to the waste management practices currently in operation throughout the community given its rural nature, although classified as part of the Perth Peel region.

BACKGROUND

Long-term planning for waste infrastructure at a state level is the basis of headline strategy 6 of the Waste Avoidance and Resource Recovery Strategy 2030 and is a foundation of the waste strategy review and draft waste strategy, currently out for public consultation. Which provides a comprehensive approach to meet the waste and recycling challenges of today and transition toward a more circular economy.

This plan is the first step in providing a high-level analysis of infrastructure needs for the state, using the available data to project future needs, risks and priority areas. This is not intended to provide detailed information on facilities, location, processes, actual capacities, or potential future available capacities, nor as an all-encompassing framework for infrastructure development. The Government of Western Australia (State Government) recognises that multiple stakeholders play a role in the planning and development of the needed infrastructure and later in the operation and viability of it. As technology, markets, and socioeconomic factors evolve, so will the needs for waste infrastructure.

This is conceived as a first step into a living plan which will undergo an iterative process over time and will need to be considered in combination with other regional, state and federal strategies and instruments.

The transition to a circular economy requires investment, innovation, people and infrastructure. The infrastructure plan will help guide decisions and investments by setting out current and future waste generation based on achieving the waste strategy objectives and targets and the infrastructure required to support the waste strategy vision. Priorities to address critical areas of growth and opportunity are provided to further guide how this might be achieved.

The infrastructure plan recognises waste is everybody's business and proposes five principles to provide ongoing guidance for all stakeholder planning and decision-making in line with the vision, objectives, and targets of the waste strategy. The key objective of the infrastructure plan is to: "Provide a long-term information framework and principles to guide decision-making for the planning and development of waste and resource recovery infrastructure in Western Australia."

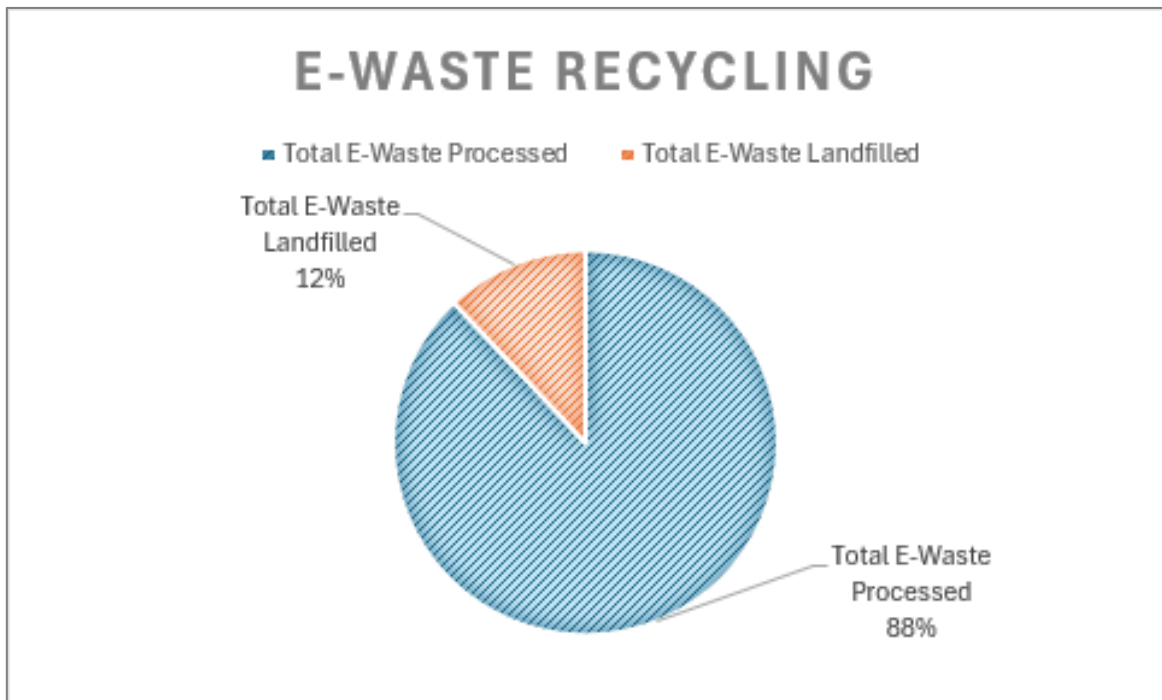
<https://www.wa.gov.au/government/document-collections/state-waste-infrastructure-plan-western-australia>.

The Draft State Waste Strategy was released on Wednesday 29 May for a 12-week consultation period (Submission due 21 August). WALGA has requested, and received, an extension to the deadline to allow a Submission to be considered at the September State Council meeting. The State Waste Infrastructure Plan has also been released. This Plan is a high-level infrastructure needs analysis for the State.

<https://www.wa.gov.au/system/files/2024-05/state-waste-infrastructure-plan-2024.pdf>.

REPORT DETAIL

The Shire of Waroona/s Waste management strategy aligns with the Waste Avoidance and Resource Recovery Strategy 2030 goals and principles. Our aligned Waste Services operations have been very successful when applied appropriately in a local context. For example, a recent success was the implementation of the E-waste Program over our first-year recycling. The Shire of Waroona processed a total of 2887kg of e-waste, with 2493kg being diverted from landfill. Which is an excellent result since we only commenced in November 2023.



The State Waste Infrastructure Plan outlined other opportunities to support the development of the infrastructure capacity need identified for 2030. Highlighted priorities identified include:

- investigate contingency planning arrangements for cardboard and paper in Perth;
- investigate waste precinct(s) in northern Perth and/or waste precincts throughout the Perth region to facilitate additional facilities;
- monitor progress of implementation of expected capacity from the Food Waste for Healthy Soils and Recycling Modernisation Fund programs;
- investigate and facilitate upgrade of existing organics recovery facilities to accept food organics and garden organics;
- investigate transfer opportunities between Perth and adjoining regions to support capacity needs for food organics and garden organics recovery;
- facilitate appropriate guidelines and regulatory framework and specification for the recovery and treatment of bottom ash;
- assess opportunity for a future additional waste-to-energy facility in the Southwest State waste infrastructure plan: Western Australia;
- investigate alternative landfill contingency arrangements between Perth and Peel;
- assess waste generation and infrastructure needs in Aboriginal communities to ensure adequate access to services; and
- investigate a rural landfill risk assessment of unlicensed landfill and REMS landfills.

The Draft State Waste Strategy outlines other opportunities to support the development of the infrastructure capacity need identified for 2030. Principles identified include:

- Principle 1: Waste management is an essential service
- Principle 2: Waste infrastructure should be in suitable locations.....
- Principle 3: We have a reduced but ongoing need for better practice landfills
- Principle 4: We need to increase our capacity to recover resources from certain types of waste
- Principle 5: Waste facilities strive for better practice

The waste strategy vision is: **“Western Australia will become a sustainable, low-waste, circular economy in which human health and the environment are protected from the impacts of waste.”**

Consequently, the Shire of Waroona’s community needs to continue to have the flexibility and ability to adapt locally to how these matters will be addressed and in relation to FOGO and WTE options. Hence the Shire of Waroona will continue to advocate for alignment of Waste Services operations to the priorities and opportunities identified in the Draft State Waste Strategy need to be open to adaptation in local contexts, where they will achieve the goal of reducing landfill and carbon emissions. Highlighting the example that FOG through the implementation of a third bin system, for example in the Shire of Waroona, would result in the creation of more emissions from extra truck operating and travel to a facility, than the initiative seeks to divert. The third bin system would also not be an appropriate solution in relation to the waste management practices currently in operation throughout the community given its rural nature, although classified as part of the Perth Peel region.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Environment
Aspiration	To continually care for, protect and enhance our environment for the generations to come
Objective	3.2 Proactively manage resources and practice sustainability through responsible management of water, energy, fire management and waste
Strategy	3.2.4 Improve waste management practices through diversion, re-use and recycling

OTHER STRATEGIC LINKS

Shire of Waroona Environmental Management Strategy 2023 - 2033
 Shire of Waroona Waste Plan - Avoid, Recover, Protect 2023

STATUTORY ENVIRONMENT

WA Waste Avoidance and Resource Recovery Strategy 2030.

SUSTAINABILITY & RISK CONSIDERATIONS

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

The effective management of waste in an economically viable manner is a key goal for the Shire of Waroona.

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

The effective management of waste is required to support the quality of life for landowners in the Shire of Waroona.

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

The effective management of waste is required to support the goal of proactively managing resources and practice sustainability in the Shire of Waroona.

Policy Implications

Nil

Risk Management Implications

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

Context / Risk Category	Environmental - Regulatory compliance, contamination, inadequate processes
Risk	Medium
Consequence	4 - Major
Likelihood	3 - Possible
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Waste Management Strategy aligns with best practice and State guidelines.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

CEO
 Executive Team
 Shire Councillors

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

CONCLUSION

There is a need to ensure the Shire of Waroona continues to support advocacy for the ability to adapt the local contexts with regard to waste management practices. Ensuring submission responses are reflective of the Shire of Waroona Environmental Management Strategy and Waste Management Strategy and include adaptation options in relation to FOGO and WTE. To ensure where possible these strategies will achieve the goal of reducing landfill and carbon emissions. Highlighting as example that FOG through the implementation of a third bin for example for the Shire of Waroona would result in the creation of more emissions from extra truck operating and travel to a facility, than the initiative seeks to divert, and place a counter-productive economic burden on the community.

11.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

11.2.1 Listing of Payments for the month of June 2024	
File Ref:	FM.3 – Financial Management – Creditors
Previous Items:	N/A
Applicant:	N/A
Author and Responsible Officer	Senior Finance Officer; Acting Director Corporate & Community Services
Voting Requirements:	Simple Majority
Declaration of Interest:	Nil
Appendix Number:	11.2.1 – Monthly Creditors Report – June 24

OFFICER RECOMMENDATION

That Council receives the following payments made throughout the month of June 2024;

Municipal	Cheque	10265 – 10278	\$	19,628.25
	EFT	40928 – 41101	\$	932,410.30
Direct wages	01/06/2024 – 30/06/2024 inclusive		\$	244,549.77
Direct Debit	01/06/2024 – 30/06/2024		\$	370,763.25
Trust	Cheque		\$	-
	EFT		\$	-
GRAND TOTAL			\$	1,567,351.57

as per Appendix 11.2.1.

IN BRIEF

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

BACKGROUND

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

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

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

REPORT DETAIL

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

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

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

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

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

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

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil

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

Nil

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

Nil

Policy Implications

Nil

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

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

CONSULTATION

Nil

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS**Financial**

Nil

Workforce

Nil

CONCLUSION

The listing of payments as per the attached appendix is a true reflection of the expenditure from the Municipal and Trust Fund accounts for the month of March 2024. All expenditure is accordance with the 2022/23 adopted budget and is presented as per the prescription within regulation 13 of the Local Government (Financial Management) Regulation 1996.

11.2.2 2024 Annual Policy Review – Part 2	
File Ref:	CM.7 – Corporate Management – Policy – Policy Register – Policy Reviews
Previous Items:	11.2.6 - 2024 Annual Policy Review – OCM24/06/090
Applicant:	Not applicable
Author and Responsible Officer	Corporate Planning & Governance Officer; Director Corporate & Governance Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.2.2 – Current Policies with Tracked Changes

RECOMMENDATION

That Council approves all amendments made to the revised policies as collated and presented in Appendix 11.2.2.

IN BRIEF

- Following Council’s approval of the amendments to 49 policies at the June 2024 OCM, a further seventeen Council policies have been revised and amended as part of the 2024 annual policy review.
- Council’s approval is required to publish and make the reviewed policies publicly available.

BACKGROUND

The objectives of Council policies are to;

- provide Council with a formal written record of policy decisions;
- provide employees with clear direction to respond to issues and act in accordance with Council’s direction;
- enable Council members to adequately handle general enquiries relating to the role of Council;
- enable Council to maintain a process to continually review policy decisions and to ensure they are consistent in keeping with the community expectations, current legislation, and circumstances; and
- enable residents to obtain immediate advice on matters covered by Council policy.

A policy review schedule was developed in 2022 with the objective being to ensure that all policies are reviewed at least once every three years. The scheduling of those policies that require an annual or biennial review remains unchanged. However, all policies that included a requirement to review “as required” were changed to triennially (every three years).

At its ordinary meeting (OCM) in June 2024, Council approved amendments to and review of 49 council policies. Refer to Council resolution OCM24/06/090.

A total of sixty-five policies are scheduled for review in 2024. Following the review of 49 policies at June 2024 OCM, a further 17 policies have been reviewed and significantly amended where required. Council’s approval is now requested to update those policy documents, as presented at **Appendix 11.2.2**.

REPORT DETAIL

The following policies have been recently reviewed by officers to ensure that information relating to current practices and legislative requirements remains accurate. Some of the following policies contain significant suggested amendments which may or may not alter the intent of each policy.

As part of the annual policy review, local planning policies LPP002 – Signage, LPP004 – Intensive Agriculture, and LPP007 – Short-term Accommodation are also due for review in 2024. Following required regulatory consultation periods, these policies will be presented to Council for final adoption in a separate report.

It is recommended that one policy deemed to be irrelevant, and revoke of this policy is recommended.

<i>Administration Policies</i>	
AP001 - Customer Service Charter	Reviewed with major amendments
AP004 – Information Communication Technology	Reviewed with major amendments
AP005 - Closed Circuit Television and Security Technology	Revoke and replace with new policy presented under separate item.
AP006 - Letting of Residential Council Property	Reviewed with minor amendments
<i>Corporate and Governance Policies</i>	
CGP002 - Elected Members Fees, Allowances and Reimbursements	Reviewed with minor amendments
CGP004 - Elected Members Continuing Professional Development	Reviewed with minor amendments to text
CGP006 - Attendance at Events and Functions	Reviewed with minor amendments to text
CGP007 - Honorary Freeman of the Shire	Reviewed with minor amendments to text
CGP008 - Complaints	Reviewed without amendments
CGP009 - Related Party Disclosure	Reviewed with minor amendments
CGP010 - Public Interest Disclosure	Reviewed without amendments
CGP011 - Freedom of Information	Reviewed without amendments
CGP012 - Fraud, Corruption and Misconduct Prevention	Reviewed without amendments
<i>Finance Policies</i>	
FP004 - Corporate Credit Cards	Reviewed with major amendments
FP017 - Interim Rating	To be revoked
<i>Human Resources Policy</i>	
HRP003 – Employee Uniform	Reviewed with minor amendments
<i>Infrastructure Policy</i>	
IP017 - Light Fleet Replacement	Reviewed with minor amendments

All current policies, showing tracked changes, are presented as Appendix 11.2.2.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

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

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Policies which are required under statutory legislation, contain a statement providing reference to the relevant legislation.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Policies may have an impact on financial and economic processes and decisions, particularly those in the ‘Finance’ category.

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

Nil

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

Policies may have an implication to the environment’s sustainability, particularly those in the ‘Infrastructure’ category.

Policy Implications

Several policies have been included in this review. See ‘Report Detail’ for information on policies which are proposed to be amended and/or approved.

Policies will be reviewed as per Council’s review frequency determined under Policy CGP029 – Policy Development & Review.

Risk Management Implications

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

Context/ Category	Risk	Reputation - Public perception, poor customer service, sub standard work, corruption
Risk		Failing to regularly review policies may indicate poor governance, and result in non-compliance with legislative requirements and unclear direction to employees.
Consequence		3 - Moderate
Likelihood		3 - Possible

Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Policies were reviewed by relevant officers within the functions to which they relate.

Aboriginal Consultation

Nil.

RESOURCE IMPLICATIONS

Financial

Nil.

Workforce

Not applicable.

CONCLUSION

Council policies are live documents that may be amended and take immediate effect at any time throughout the year. They are put in place to provide Council with a formal written record of policy decisions and provide employees with clear direction to respond to issues and act in accordance with the Council decisions.

Regular policy reviews enable Council to maintain a process to continually review their policy decisions and to ensure they are in keeping with the community expectations, and current legislative requirements and recommendations.

Several Council policies have been revised and amended as part of the 2024 annual policy review process. Council’s approval is required to publish and make publicly available, the amended policy documents.

11.2.3 Waroona Bush Fire Brigades Local Law 2024	
File Ref:	LE.19 – Laws and Enforcement – Local Laws – Bushfire Brigades
Previous Items:	Item 11.2.5 - Waroona Bush Fire Brigades Local Law 2024 - OCM24/04/053
Applicant:	N/A
Author and Responsible Officer	Corporate Planning & Governance Officer; Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Appendix Numbers:	11.2.3 – Proposed Shire of Waroona Bush Fire Brigades Local Law 2024

RECOMMENDATION

That Council:

1. adopts the *Shire of Waroona Bush Fire Brigade Local Law 2024*, as detailed at Appendix 11.2.3 in accordance with section 3.12 of the *Local Government Act 1995*, and section 62 of the *Bush Fires Act 1954*; and
2. approves for the Chief Executive Officer to –
 - a. publish in the Government Gazette the *Shire of Waroona Bush Fire Brigades Local Law 2024*, as adopted;
 - b. forward a copy of the adopted local law to the Minister for Local Government and Minister for Emergency Services;
 - c. give local public notice of the adoption of the local law; and
 - d. complete and submit an explanatory memorandum, statutory procedures checklists and other supporting information on the local law to the Joint Standing Committee on Delegated Legislation.

IN BRIEF

- A local law was drafted under the under the *Bush Fires Act 1954* following advice that a Bush Fire Brigades local law is necessary for the lawful establishment and maintenance of bush fires brigades, ensuring that volunteers are acting lawfully, are authorised, and are protected under law.
- Council resolved on 23 April 2024 to advertise the draft Bush Fire Brigades Local Law for a third time, following significant changes made to the previously advertised draft local law and a copy was sent to the Minister for Local Government, Minister for Emergency Services, Department of Fire and Emergency Services (DFES) Commissioner and Department of Local Government, Sport and Cultural Industries (DLGSC).
- No further amendments have been made to the draft local law and adoption of the proposed local law is recommended.

BACKGROUND

In February 2023, Council resolved to advertise the Draft Bush Fire Brigades Local Law. In doing so, valuable feedback was provided by the brigades and by DFES which led to a number of changes. While none of the changes fundamentally altered the intent of the draft local law, collectively there were enough minor changes to warrant recommencing the local law-making procedure in accordance with section 3.13 of the LG Act.

A Response was received from the DLGSC on 21st April 2023. A series of minor edits was suggested and applied to the draft local law (Shire responses in red):

- **Contents page:** *It is suggested that the page numbers be removed from the final draft, as these are likely to clash with the Government Gazette's existing page system. The page numbers can be retained in any administrative versions kept on the Shire's website.* - done.
- **Clause 1.1:** *Change the citation to italics.* - done
- **Clause 1.2:**
 - *Change defined terms to bold and italics without quote marks (e.g. **brigade area**).* - done
 - *The cross references in the definition for Bush Fire Operating Procedures should be updated to refer to the correct clauses.* - done
 - *The cross reference in the definition for firefighting member should be updated to refer to clause 5.3.* - done
- **Clause 1.3:**
 - *Change the citation to italics.* – no action needed.
 - *The DLGSC has checked its records. Two previous bush fire brigade local laws were identified, but one was repealed in the Gazette of 16 January 2015 while the other was repealed in the Gazette of 27 August 2001. The Shire may wish to review this clause and ensure that the cited local law is still in force.* – clause retained, to provide certainty that all earlier bush fire local laws are repealed.
- **Clause 2.2:** *The designator "(1)" can be removed as the clause doesn't have any other subclauses.* - done *If this occurs, the cross reference in clause 1.3 should be updated accordingly.* – no action needed.
- **Clause 2.7:** *Change "a local government" to "the local government".* (Clause 2.5) - done
- **Clause 3.1:** *Delete "thereto".* - done

In December 2023, Council resolved to re-advertise the Draft Bush Fire Brigades Local Law for a second time following feedback from the Shire of Waroona Brigades and DFES which had prompted further amendments to the draft local law. Following this consultation period, comments were received from the DLGSC suggesting changes to the current draft so as to satisfy local law-making requirements pursuant to s.3.12 of the LG Act.

The DLGSC highlighted that the advertised draft contains a determination device in Clause 3.3, enabling Council to modify the Rules which govern the operation of a bush fire brigade contained in Schedule 1. Amending the Rules outlined in Schedule 1 by resolution of council, would be allowing a portion of the local law to be modified without adhering to the local law-making process set out in S.3.12 of the LG Act, thus bypassing Parliamentary scrutiny or public consultation.

As the Joint Standing Committee on Delegated Legislation (Committee) have required Local Governments to delete such a power held within local laws in previous reviews, it was recommended that Council follow DLGSC's advice and resolve to delete this clause from the current draft. Deleting clause 3.3 caused the draft local law to become significantly different from what was previously proposed, warranting a further recommencement of the local law-making procedure in accordance with section 3.13 of the LG Act. On 23 April 2024, Council resolved to re-commence the local law-making process

a third time and re-advertise the local law.

REPORT DETAIL

The proposed Shire of Waroona Bush Fire Brigades Local Law 2024 (Local Law) was advertised locally in the Harvey-Waroona Reporter on Tuesday, 14 May 2024. The advertisement invited public submissions for 52 days, with submissions closing 5 July 2024. Copies of the notice were displayed on the Shire administration office and library public notice boards and posted on the Shire website and Facebook page.

On 1 May 2024, a copy was sent to the WA Minister for Local Government, WA Minister for Emergency Services, DFES Commissioner, and the DLGSC for review.

No comments were received from members of the public or the DLGSC during the consultation period.

Following Council adoption, the Shire of Waroona Bush Fire Brigade Local Law 2024 will be forwarded to the State Law Publisher for gazettal, advertised via local public notice and sent to WA Parliament’s Joint Standing Committee on Delegated Legislation accompanied by an Explanatory Memorandum.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.1 Create a connected, safe, and cohesive community with a strong sense of community pride
Strategy	1.1.6 Ensure the safety of our community

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Bush Fires Act 1954, section 62. Local government may make local laws

(1) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to —

(a) the appointment, employment, payment, dismissal and duties of bush fire control officers; and

(b) the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and

(c) any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

Local Government Act 1995, section 3.12. Procedure for making local laws

... (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Council may make local laws in accordance with Part 3 of the Act and in doing so, all local

laws are then to be reviewed within eight years of their commencement date.

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

Table 1 - Timeline for making local law.

Task	LGA Section	Effective Date
Report to Council for approval to advertise proposed new Local Laws. <i>(President to give notice of the purpose and effect to the meeting of the proposed local law).</i>	3.12(2)	Tuesday, 23 April 2024
Give local public notice and make copies available to the general public.	3.12(3)(a)	<u>Harvey Waroona Reporter – Tuesday, 14 May 2024</u>
Closing date for submissions to be received (not less than 6 weeks).	3.12(4)	Friday, 5 July 2024 <i>(52 days)</i>
Give copy of the proposed local law and the public notice to the Minister for Local Government.	3.12(3)(b)	Wednesday 1 May 2024
Consider submissions and report back to Council to determine whether to make a Local Law (absolute majority required).	3.12(4)	Tuesday, 23 July 2024
Publish Local Laws in Government Gazette and give copy to the Minister for Local Government.	3.12(5)	Friday 2 August, 2024
Give local public notice advising that the new laws have been made, the title, and make copies available to the general public.	3.12(6)	Tuesday 13 August, 2024
Prepare explanatory memorandum and submit with copy of the new Local Laws to Parliamentary Joint Standing Committee on Delegated Legislation.	3.12(6)	Due: Friday 16 August, 2024

Local Government Act 1995

section 3.13. Procedure where significant change in Proposal

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

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Implementation of a new Local Law provides protection for the volunteers involved in the brigades while ensuring they are able to carry out their roles lawfully and with the full authority of the law.

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

Nil.

Policy Implications

CP019 – Volunteer Bush Fire Brigades will be reviewed once the Local Law is in place.

Risk Management Implications

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

Context / Risk Category	Environmental - Regulatory compliance, contamination, inadequate processes
Risk	Non-compliance with the Bush Fires Act 1954 through unlawful establishment of bush fire brigades and appointment of brigade officers.
Consequence	4 - Major
Likelihood	5 - Almost certain
Risk Rating, prior to treatment	Extreme (20-25)
Key Controls / Treatment	Adoption of new local law
Risk Acceptance	Accept - Risk acceptable with adequate controls

Context / Risk Category	Financial - Projects going over budget, legal costs, insurance claims, overpayments, misuse of resources
Risk	Receiving a request from the Joint Standing Committee following gazettal of the Bush Fire Brigades Local Law, to undertake to the Committee that it will correct the discrepancy and make an amendment local law.
Consequence	1 - Insignificant
Likelihood	5 - Almost certain
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Readvertisement of the draft Local Law.
Risk Acceptance	Treat - Risk acceptable with excellent controls

CONSULTATION

Extensive local government consultation has occurred in relation to the need for a local law and the WALGA advice captures the results of this consultation.

The bush fire brigades are to be provided with a detailed discussion on the new Local Law, why it is needed and how it operates once a decision by Council to initiate this local law occurs.

There is a statutory consultation process to be undertaken including the relevant Ministers, and the public through local public notice.

Adoption of this recommendation by Council will trigger a third round of consultation ensuring that process compliance is maintained.

Aboriginal Consultation

Nil.

RESOURCE IMPLICATIONS

Financial

To be dealt with through budgeted services.

Workforce

To be dealt with through existing workforce.

CONCLUSION

It is recommended that Council completes the process under the *Local Government Act 1995* to make the proposed Shire of Waroona Bush Fire Brigades Local Law 2024.

In considering the bush fire brigades as a portfolio of local government it is noteworthy that this area presents as an extreme risk undertaking. It is imperative that in providing this service local government is underpinned by legislative mechanisms that ensure the bush fire brigades are lawfully enabled, authorised, and protected in carrying out their activities. An essential component of this is the provision of a Waroona Bush Fire Brigades Local Law.

11.2.4 CGP030 Closed-circuit Television (CCTV) Policy	
File Ref:	CM.7 – Corporate Management – Policy – Policy Register – CGP030 Closed-circuit Television (CCTV)
Previous Items:	Nil
Applicant:	Not applicable
Author and Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Governance Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Numbers:	11.2.4 – Proposed CGP030 Closed-circuit Television (CCTV)

RECOMMENDATION

That Council adopts Corporate and Governance Policy No. 30 (CGP030) – Closed-circuit Television (CCTV), as presented in Appendix 11.2.4 of this report.

IN BRIEF

A policy has been developed to establish Council's position on the use of Closed-circuit Television (CCTV) equipment in the district to enhance and promote community safety, security, and wellbeing, and deter undesirable or unwanted activity and antisocial behaviour.

The policy document also addresses the availability of CCTV footage to the general public, the use of these systems, and how the data is managed.

BACKGROUND

Public-facing Closed-circuit television (CCTV) cameras were first installed within the Shire of Waroona in an attempt to:

- enhance public safety, security and wellbeing;
- deter unwanted and anti-social behaviour likely to cause damage or harm to Shire-owned facilities and those who use them;
- deter crime and improve the apprehension of offenders; and
- aid in the investigation and identification of crime and support evidence gathering by Waroona police following reported criminal activity.

CCTV cameras currently installed within the Sire of Waroona include:

Waroona CBD

- Memorial Hall facing South Western highway
- Memorial Hall PTZ (pan, tilt, zoom) camera, as above
- Memorial Hall Toilet Block (faces toilet block carpark)
- Community Centre Roof - facing south-east towards carpark.
- Visitor Centre - Facing north-east along South Western highway.
- Drakesbrook Weir Foreshore – facing carpark
- Railside Park pump track and skatepark - 360-degree camera
- Railside Park pump track and skatepark - PTZ camera facing Western lawn
- Railside Park playground, carpark and skate park - 360-degree camera

Preston Beach

- Three cameras in front of General store – 2 dome cameras, facing east and west, and one number plate recognition camera.
- Water Corporation Water Tower compound – overlooking entrance gate
- Preston Beach carpark camera 1 – number plate recognition camera
- Preston Beach carpark – facing east.
- Preston Beach carpark – facing west.

Waroona Recreation & Aquatic Centre (WRAC)

- WRAC carpark entrance – number plate recognition.
- WRAC S-E corner of carpark, facing west
- WRAC carpark entry overview

All CCTV systems operate 24 hours a day, seven days a week. The footage captured by the above cameras is owned by the Shire of Waroona, stored on a server located within Shire Administration, but can only be accessed by the Shire’s CCTV contractor – Sapio. In response to requests from the public to access the CCTV footage, a policy has been developed which addresses the accessibility of the CCTV data footage.

REPORT DETAIL

Closed-circuit Television (CCTV) is an audio-visual system that comprises of CCTV cameras, information stores, network connections and applications for storage, retrieval and viewing of information. As the cameras communicate with monitors and/or video recorders across private (closed-circuit) cable runs or wireless communication links, access to their content is limited by design only to those able to see it.

CGP030 – Closed-circuit Television (CCTV) policy applies to all CCTV systems owned, managed, or controlled by the Shire of Waroona for the purpose of surveillance and protection. It does not apply to fixed CCTV systems on private property.

Shire of Waroona-operated CCTV circuits are unmonitored, meaning they can only be accessed and replayed by WA Police if a crime is reported and access is warranted, or by Sapio as part of routine servicing and maintenance.

To clarify the accessibility of the Shire’s CCTV footage, the proposed policy states: Unless required by law, the release or viewing of live or recorded footage and still photographs to members of the Public is expressly prohibited. In addition to accessibility, the proposed policy also covers the types of CCTV operated within the Shire, installation and potential relocation or removal of CCTV cameras, and public privacy.

To establish Council’s position on the use of, and access to, CCTV within the Shire of Waroona, adoption of the proposed policy – CPG030 – Closed circuit television (CCTV) is recommended.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.3 Actively increase the level of engagement with the community, and respond efficiently and effectively to the evolving needs of the community
Strategy	5.3.2 Deliver efficient and effective Council services to the community

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

The **Surveillance Devices Act 1998** provides the statutory environment and privacy laws behind the proper use of video surveillance devices that are operated as CCTV systems for security and surveillance purposes.

SUSTAINABILITY & RISK CONSIDERATIONS

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

Nil.

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

Members of the public will gain a clearer understanding of their access rights to the Shire’s recorded CCTV data through the implementation of this policy.

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

Nil.

Policy Implications

Once adopted, CGP030 – Closed-circuit television (CCTV) will be used to deliver Council’s position on the use of Closed-circuit Television (CCTV) equipment in the district to enhance and promote community safety, security, and wellbeing, and deter undesirable or unwanted activity and Antisocial behaviour.

This policy will be reviewed triennially, as per the policy review schedule.

Risk Management Implications

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

Context / Risk Category	Reputation - Public perception, poor customer service, sub standard work, corruption
Risk	Council may be seen to be unnecessarily withholding information by not allowing the general public access to its recorded CCTV footage. Detail the risk.
Consequence	2 - Minor
Likelihood	3 - Possible
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

Manager Works and Waste Services

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS

Financial

Nil

Workforce

Nil

CONCLUSION

Council's adoption of CGP030 – Closed circuit television (CCTV) will ensure that Council's position on the accessibility and release of CCTV footage to the public is established and clear, and that CCTV is continued to be utilised within the Shire of Waroona to enhance and promote community safety, security, and wellbeing, and deter undesirable or unwanted activity and antisocial behaviour.

11.2.5 Lease Agreement for 5 (lot 131) and Portion of Lot 43 Eastcott Street, Waroona – Waroona Creative Arts Centre (Inc.)	
File Ref:	LD11 – Waroona Creative Arts Centre (Inc) – Lots 130 & 131 Eastcott Street, Waroona – Lease Agreement
Previous Items:	Nil
Applicant:	Waroona Creative Arts Centre (Inc.)
Author & Responsible Officer:	Corporate Planning & Governance Officer; Director Corporate & Community Services
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Appendix Number	11.2.5 – Proposed Waroona Creative Arts Centre Lease Agreement

RECOMMENDATION

That Council:

1. agrees to enter into the proposed lease agreement with Waroona Creative Arts Centre (Inc.), for the lease of the identified premises at 5 (Lot 131) and portion of Lot 42 Eastcott Street, Waroona, as per Appendix 11.2.5, subject to any minor variations;
2. authorises the application of the Shire of Waroona Common Seal to the Lease Agreement; and
3. authorises the Shire President and Chief Executive Officer to sign and execute all matters relating to the Lease Agreement.

IN BRIEF

Council is requested to consider entering the proposed Lease Agreement with Waroona Creative Arts Centre, for the lease of the identified premises, as per **Appendix 11.2.5**.

BACKGROUND

Waroona Creative Arts Centre (WCAC) is an incorporated Association registered with the Department of Mines, Industry Regulation and Safety as of 29 March 1990 (Reference A1000288A) under the *Incorporated Associations Act 2015*.

All Shire-managed lease agreements will progressively be transferred to the new lease agreement template as they expire as per WCAC's new lease template, **Appendix 11.2.5**. The transition to the new lease template ensures that conditions are consistent and fair across all leased facilities and that all facilities are used and managed effectively.

REPORT DETAIL

The proposed Lease Agreement between Shire of Waroona and Waroona Creative Arts Centre has the following key components:

- The whole of the Premises as identified, together with all buildings, structures, alterations, additions and improvements completed during the Term, is identified and outlined in red in **Annexure 1** of the Lease Agreement.
- Lease is for five years commencing on 1 July 2024 and expiring on 30 June 2029.
- Rent is currently \$220 including GST per year (subject to CPI increases) payable annually in advance.

As part of the current review of lease agreements as they expire, it is recommended that exclusive rights be removed from the Primary Users of multi-function, purpose-built community facilities, such as the WCAC. This building offers a versatile space that is ideal for accommodating various arts and crafts groups interested in utilising the facility in the future.

As the primary user, the Waroona creative arts and crafts group will continue to lease the building. Where another community group approaches the Shire wishing to utilise the building for the purposes that it is designed for, WCAC will be under the obligation to hire out the building on an ad-hoc or regular basis for a fair hire fee.

By enabling other interested groups to carry out their creative arts and crafts activities within the arts and crafts centre, the Shire can ensure that the facility is utilised to its fullest potential, fostering a more vibrant and interconnected community. This approach not only maximises the use of our limited available purpose-built facilities but also provides opportunities for a diverse array of Waroona shire residents to build social connections within their community. It is recommended that rent of two hundred and twenty dollars (\$220) including GST is charged for the Waroona Creative Arts Centre. Waroona Creative Arts Centre currently leases the premises as a not-for-profit community group to operate a collaborative arts and crafts centre.

Members of the Waroona Creative Arts and Craft group meet several times per week at the centre to participate in various arts and crafts such as paper crafts, patchwork, spinning, weaving, knitting, crocheting, embroidery, sewing, painting and much more. The Centre is also made available for hire to local artists or craft groups for the purpose of holding community or private arts and crafts workshops.

The WCAC relies on sales of their art and craft, markets, incoming hire fees, monetary donations and grant funding as a source of income.

This rent amount aligns with the current rent of the Waroona Youth Centre (Waroona Community Resource Centre) and St John Ambulance - Waroona.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Community
Aspiration	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
Objective	1.4 Encourage an active and healthy community with an improved quality of life
Strategy	1.4.5 Support and enhance health services in Waroona

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

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

OTHER STRATEGIC LINKS

Nil.

STATUTORY ENVIRONMENT

Nil.

SUSTAINABILITY & RISK CONSIDERATIONS

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

The lease of the identified land and premises will provide an income of \$220 including GST (subject to CPI) over the five years.

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

The lease will continue to provide a purpose-built facility for the community artists and crafting groups that utilise the Waroona Creative Arts Centre, allowing access for all interested community members to gather, build social networks, fulfill their interests in creative arts and crafts thus fostering social connections, reducing isolation, and encouraging creative expression.

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

Nil.

Policy Implications

Nil.

Risk Management Implications

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

Context/ Category	Risk	Reputation - Public perception, poor customer service, sub standard work, corruption
Risk		Failing to continue a formal lease agreement may result in the Waroona Creative Arts Centre having to relocate to a suitable facility to operate, which may be difficult in within a community where similar facilities are scarce. This may impact the reputation of the Shire to cater for a significant group within its community.
Consequence		3 - Moderate
Likelihood		3 - Possible
Risk Rating, prior to treatment		Moderate (4-9)
Key Controls / Treatment		Council’s endorsement of the recommendation of this report will mitigate the likelihood of this risk coming into effect.
Risk Acceptance		Accept - Risk acceptable with adequate controls

CONSULTATION

Lease prepared in consultation with the Secretary and President of the Waroona Creative Arts Centre, in person and in writing.

Aboriginal Consultation

Nil

RESOURCE IMPLICATIONS***Financial***

Nil.

Workforce

Nil.

CONCLUSION

This Lease is an opportunity for the Shire to continue to support and provide a facility for Waroona Creative Arts Centre, a not-for-profit community group who coordinate creative arts and crafts activities in Waroona. Having a permanent establishment set up as a collaborative creative art and craft space encourages the creative like-minded members of the community to come together and fulfill their interests, while fostering social connections, reducing isolation, and encouraging creative expression.

11.3 CHIEF EXECUTIVE OFFICER

Nil.

11.4 ITEMS FOR INFORMATION

11.4.1 Report on Australian Institute of Company Directors (AICD) Governance Workshop June 2024	
File Ref:	GO.15 – Governance – General Information
Previous Items:	Nil
Applicant:	Nil
Author and Responsible Officer	Director Infrastructure & Development Services
Declaration of Interest:	Nil Karen imp
Voting Requirements:	Simple
Appendix Numbers:	Nil

RECOMMENDATION

That Council notes this information report on Australian Institute of Company Directors (AICD) Governance Workshop June 2024.

IN BRIEF

The Director of Infrastructure and Development Services was awarded a Western Australia Regional Scholarships Program placement to attend the Australian Institute of Company Directors (AICD) - Governance Foundations for Not-For-Profit Directors, held on Wednesday 19th and Thursday 20th June 2024 in Busselton WA (annual leave days).

BACKGROUND

The Australian Institute of Company Directors offer merit-based scholarships for people to be able to attend their professional development workshops each year. This year the Director of Infrastructure and Development Services was awarded a Western Australia Regional Scholarships Program placement to attend the Australian Institute of Company Directors - Governance Foundations for Not-For-Profit Directors, held on Wednesday 19th and Thursday 20th June 2024 in Busselton WA. This provided an opportunity for two days of professional development and sector wide networking, as well as enhancing learning, about the role of non-executive directors (Councillors) and the interface expectations and requirements with Executive teams in a wider context and other governance related matters that can also impact local governments. (<https://www.aicd.com.au/courses-and-programs/scholarships.html>).

The Director of Infrastructure and Development Services has now been awarded a scholarship placement in the 2024–25 the “Foundations of Directorship™ program ... which is comprised of three one-day courses, Governance for Directors, Risk and Strategy for Directors and Finance for Directors”. (<https://www.aicd.com.au/courses-and-programs/all-courses/foundations-of-directorship.html>).

Again, this opportunity will professional development and sector wide networking, as well as enhancing learning, about the role of non-executive directors (Councillors) and the interface expectations and requirements with Executive teams in a wider context and other governance related matters that can also impact local governments.

REPORT DETAIL

The Australian Institute of Company Directors (AICD) is Australia’s leading provider of governance education and development programs, governance assessment services and board advisory services. They strive to create an environment of world-leading governance

laws and practices, improving the quality and performance of boards, directors and executives in Australia and abroad. AICD do this by engaging with governments and regulators on director issues; providing a range of education, services and support to directors; by working directly with boards and organisations in the application of good governance principles, governance practices and leadership excellence.

The AICD cover directorships across a diverse cross-section of organisations including ASX-listed entities, Not-for-Profits, small to medium businesses and government. Participants have access to dedicated learning pathways; networking services; and the ability to stay current on the duties and responsibilities of a director.

The Governance Foundations for Not-For-Profit Directors course covered –

- Duties and Responsibilities for the Not-for-Profit Director;
- Strategy and Risk for the Not-for-Profit Director; and
- Finance for the Not-for-Profit Director.

STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN

Focus Area	Our Leadership
Aspiration	To embed strong leadership through good governance, effective communication and ensuring value for money
Objective	5.2 Develop a skilled, safe and compliant organisation
Strategy	5.1.1 Establish a strong corporate governance framework to ensure high standards of integrity, ethics and accountability, and pursue professional development opportunities

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT

Nil

SUSTAINABILITY & RISK CONSIDERATIONS

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

The AICD scholarship offered an opportunity for professional development in contemporary governance requirements at no cost to the Shire of Waroona.

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

Nil

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

Nil

Policy Implications

Nil

Risk Management Implications

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

Context / Risk Category	Reputation - Public perception, poor customer service, sub standard work, corruption
Risk	Medium

Consequence	3 - Moderate
Likelihood	3 - Possible
Risk Rating, prior to treatment	Moderate (4-9)
Key Controls / Treatment	Professional development of Officers
Risk Acceptance	Accept - Risk acceptable with adequate controls

CONSULTATION

CEO

Aboriginal Consultation

N/A

RESOURCE IMPLICATIONS

Financial

Officer salary and leave provisions covered time to attend and scholarship covered attendance at no cost to the Shire.

Workforce

Nil

CONCLUSION

For Noting Only.

12. BUSINESS LEFT OVER FROM A PREVIOUS MEETING**13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Cr Clarke brought the following Notice of Motion to the June Ordinary Council Meeting.

COUNCILLOR RECOMMENDATION One

That Council requests the Chief Executive Officer to report back to Council on the investigation under item 1 of OCM22/02/007, which for clarity states;

As an interim measure, investigating the formation of the three the Bush Fire Brigades (BFB) into an 'Association', to limit the extent that the Shire of Waroona 'employees' can be held criminally liable, under the new Work Health and Safety Act 2020.

Administration Comment (Chief Executive Officer)

This motion is **supported**. The Shire received legal advice in relation to this matter, which can be provided to Council as a report.

COUNCILLOR RECOMMENDATION Two (supported in writing by Cr Purcell, Cr Scott and Cr Mason)

That Council revokes items 2 and 3 of OCM22/02/007, which for clarity states;

- ***Formally handing over the management and control of the Bush Fire Brigades (BFB) to the Department of Fire and Emergency Services (DFES), through the legal mechanism outlined in the WA Bush Fires Act 1954; and***
- ***Advocating for the modernisation of WA legislation, to be extended to modernising the WA Bush Fires Act 1954, in alignment with the rest of Australia, removing the requirement for WA Local Governments to manage volunteer Bush Fire Brigades.***

Councillor Comment (Cr Clarke)

The reason would be the Bushfire Brigades are staying under the shires cover, as the shire and the brigades have been working collaboratively to introduce a Bushfire Policy for the Shire of Waroona.

We as a shire have also been working with the local brigades to ensure the safety and well-being of our Bushfire Brigades.

Bushfire Brigades come under local government control and not DFES.

Also, there was no consultation between local brigade members and the shire when the original motion was raised in council.

So, we should revoke the motion as it stands as we are working for the safety and well-being of our Bushfire Brigades.

Administration Comment (Chief Executive Officer)

This motion is **not supported**. Council is advised to continue to support its bush fire brigades under current arrangements, while also holding a position that serves the best interests of volunteer efficacy and safety that aligns with the Ferguson Report.

Firefighter Safety

The priority of Council should be for the efficacy and safety of its bushfire volunteers above all else.

The “Final Report – Australian Firefighters’ Health Study”, conducted at the behest of the national council and industry peak body the Australasian Fire and Emergency Service Authorities Council (AFAC) and funded by the Fire Agencies, was produced in December 2014 and undertaken by the Monash University’s Monash Centre for Occupational and Environmental Health.

This study was across 232,871 full-time, part-time and volunteer firefighters across Australia, spanning a 27-year period and it examined mortality causes in firefighters in comparison to equivalent Australian populations.

The report showed that in relation to fire-fighter mortality rates due to fire, fire-fighters funded and led by dedicated emergency services departments had a very significantly lower fire related mortality rate than their volunteer firefighter counterparts.

Ferguson Report

The current position of Council directly represents the findings of the “Report of the Special Inquiry into the January 2016 Waroona Fire (Ferguson Report), which states as recommendation 15, that:

The State Government to create a Rural Fire Service to enhance the capability for rural fire management and bushfire risk management at a State, regional and local level. The proposed Rural Fire Service will:

- *be established as a separate entity from the Department of Fire and Emergency Services or, alternatively, be established as a sub-department of the Department of Fire and Emergency Services;*
- *have an independent budget;*
- *be able to employ staff;*
- *have a leadership structure which, to the greatest degree possible, is regionally based and runs the entity;*
- *be led by a Chief Officer who reports to the responsible Minister on policy and administrative matters; and to the Commissioner for Fire and Emergency Services during operational and emergency response;*
- *have responsibilities and powers relating to bushfire prevention, preparedness and response; and*
- *operate collaboratively with the Department of Fire and Emergency Services, the Department of Parks and Wildlife, Local Government and volunteer Bush Fire Brigades.*

Consultation

The current position of Council was in fact developed through extensive consultation via the Ferguson Report. This report also summaries and captures the lessons learned from reports on previous bushfire emergencies.

165 written submissions and 76 oral submissions at the hearings were received from members of the public directly impacted by the Waroona fire, organisations and departments.

In terms of consulting the brigades the Department of Fire and Emergency Services will not take over any bushfire brigades without their agreement collectively for any local government district and without the agreement of the local government Council.

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

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

- 16. CLOSURE OF MEETING**