



NOTICE OF ORDINARY COUNCIL MEETING 23 JUNE 2021

To be held on

Wednesday 23 June 2021

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chambers, Donnybrook

**Ben Rose
Chief Executive Officer**

18 June 2021

Disclaimer

Please note the items and recommendations in this document are not final and are subject to change or withdrawal.

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SHIRE OF DONNYBROOK BALINGUP
NOTICE OF ORDINARY COUNCIL MEETING

To be held at the Council Chambers
Wednesday 23 June at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President to acknowledge the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present and emerging.

The Shire President to declare the meeting open and welcome the public gallery.

Shire President - Public Notification of Recording of Meetings

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further stated the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Steve Potter – Director Operations
Cr Shane Atherton	Paul Breman – Director Corporate and Community
Cr Anita Lindemann	Jaimee Earl – Minute Taker
Cr Anne Mitchell	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	

PUBLIC GALLERY

2.1 APOLOGIES

2.2 APPROVED LEAVE OF ABSENCE

2.3 APPLICATION FOR A LEAVE OF ABSENCE

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

6 PRESENTATIONS

6.1 PETITIONS

6.2 PRESENTATIONS

6.3 DEPUTATIONS

7 CONFIRMATION OF MINUTES

7.1 ORDINARY MEETING OF COUNCIL – 26 MAY 2021

Minutes of the Ordinary Meeting of Council held 26 May 2021 are attached (*attachment 7.1(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Ordinary Meeting of Council held 26 May 2021 be confirmed as a true and accurate record.

7.2 SPECIAL MEETING OF COUNCIL – 19 MAY 2021

Minutes of the Special Meeting of Council held 19 May 2021 are attached (*attachment 7.2(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 19 May 2021 be confirmed as a true and accurate record.

7.3 SPECIAL MEETING OF COUNCIL – 2 JUNE 2021

Minutes of the Special Meeting of Council held 2 June 2021 are attached (*attachment 7.3(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 2 June 2021 be confirmed as a true and accurate record.

7.4 SPECIAL MEETING OF COUNCIL – 16 JUNE 2021

Minutes of the Special Meeting of Council held 16 June 2021 are attached (*attachment 7.4(1)*).

EXECUTIVE RECOMMENDATION

That the Minutes from the Special Meeting of Council held 16 June 2021 be confirmed as a true and accurate record.

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 *DIRECTOR OPERATIONS*

Nil.

9.2 DIRECTOR CORPORATE AND COMMUNITY

9.2.1 ACCOUNTS FOR PAYMENT

The Schedule of Accounts Paid (*attachment 9.2.1(1)*) under Delegation (No 3.1) is presented to Council for information.

9.2.2 MONTHLY FINANCIAL REPORT – MAY 2021

The Monthly Financial Report for May 2021 is attached (*attachment 9.2.2(1)*).

EXECUTIVE RECOMMENDATION

That the monthly financial report for the period ended May 2021 be received.

9.2.3 WASTE MANAGEMENT FUNDING OPTIONS – DRAFT 2021-22 BUDGET

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	NA
Author	Paul Breman, Director Corporate and Community Services
Responsible Manager	Paul Breman, Director Corporate and Community Services
Attachments	Waste Management Revenue Scenario Modelling
Voting Requirements	Simple Majority

Recommendation
<p>That Council instruct the Chief Executive Officer to include in the 2021-22 Draft Budget the revenue necessary to fund the operation of the Donnybrook Waste Management Facility from general rates being a change from the 2020-21 Budget in which the revenue was raised under section 66 of the Waste Avoidance and Resource Recovery Act 2007.</p>

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.2	See a high level of legislative compliance and effective internal controls.

EXECUTIVE SUMMARY

The Shire changed the basis of applying the Waste Management Levy in the 2020-21 budget from the application of a consistent minimum payment (a flat fee) to a method more aligned to general rates, being the amount applied to each property was calculated based on the property’s valuation.

This item deals with the method to be applied in the 2021-22 draft budget and considers the impact of:

- ‘Folding’ the Waste Management Levy/Rate into general rates; or
- Returning to a flat fee model, with each ratepayer contributing the same amount.

BACKGROUND

The Waste Management Levy (WML) is raised under the provisions of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act).

On 26 August 2020, the Council resolved to raise a WML by applying a rate in the dollar against property valuations. This was a change from previous practices which applied a minimum payment to all properties, effectively resulting in a flat charge across the district. The catalyst

for this change was a letter from the Department of Local Government, Sport and Cultural Industries, containing an interpretation of the impact of Section 66 of the WARR Act.

In the 2020/21 Budget, the Council adopted a separate waste management rate under the WARR Act (separate from general rates) which was applied using similar principles to general rates, in that a property's valuation determined the amount to be contributed to the waste management revenue by each ratepayer. To lessen the impact of the change on individual ratepayers, the Council applied a concession of 50% of the difference over a calculated rate of \$250. This resulted in the following outcomes:

- a. 92 concessions issued to GRV assessments with a calculated WML greater than \$250.
- b. 150 concessions issued to UV assessments with a calculated WML greater than \$250.

The amount of waste management revenue raised in 2020-21 under the WARR Act was \$496,525 which was applied to the cost of maintaining the Shire's waste management facilities.

It is important to note that the Waste Management Levy/Rate under the WARR Act to fund the operation of the Shire's waste management facilities, is not related to the charge for the regular pick-up of waste receptacles/bin. The bin charge is a separate charge applied and is based on the number of receptacles collected.

The 2020-21 annual budget identified the purpose of the waste management Levy/Rate as:

A waste management levy will be imposed on all rate assessments under section 66 of the Waste Avoidance and Recovery (WARR) Act 2007 for the following purposes:

- (i) Provision of suitable places, buildings and appliances for the disposal of refuse.*
- (ii) Construction and installation of plant for the disposal of refuse.*

The object of this rate is to ensure that costs in relation to the maintenance and servicing of all refuse disposal sites within the Shire is equally distributed.

A concession will be granted to ratepayers owning contiguous (as defined by council policy) vacant assessments.

FINANCIAL IMPLICATIONS

There is no intent to change the amount of revenue raised in 2021-22 because of changing the rating methodology. The same amount of revenue will be raised from ratepayers regardless of the Act under which the revenue is raised.

The change in the basis of rating to raise the required revenue will result in a redistribution of the rating outcome from the 2020-21 budget year. The impact will be felt by those that received a concession last year who will pay more. However, the increase to those ratepayers will result in an equal reduction for those with lower valuations that will pay less than they did in 2020-21.

Modelling of the two scenarios has been undertaken and is attached.

POLICY COMPLIANCE

Not applicable

STATUTORY COMPLIANCE

The Shire has the discretion to raise revenue to fund its services in relation to waste management under either the Local Government Act 1995 or under the WARR Act 2007.

CONSULTATION

Not applicable.

OFFICER COMMENT/CONCLUSION

The options available to the Council to raise the revenue for waste management services/facilities are many, however, the revenue yield to be raised from ratepayers will not be any different regardless of the head of power used to apply the rate.

The method of rating applied last year was a substantial change from previous years and was brought about by advice received from the Department. To 'fold' the Waste Management Levy/Rate into general rates in 2021-22 will result in a continuation of this change to the extent of the concession applied in 2020-21.

The Waste Management Levy/Rate is not a prescribed charge under Rates and Charges (Rebates and Deferments) Act 1992, therefore, eligible ratepayers have not been able to claim the concession that is ordinarily applied to general rates levied under the Local Government Act 1995.

The Rates and Charges (Rebates and Deferments) Act 1992 sets out eligible persons for concessions of local government rates and other prescribed charges.

Eligible persons are those that hold:

- (i) a seniors' card (25%); or
- (ii) a pensioner concession card; or
- (iii) a State concession card; or
- (iv) a Commonwealth seniors health card;

If the revenue required to maintain the Shire's waste management sites was incorporated into general rates revenue, then eligible pensioners and card holders would be able to claim the relevant percentage rebate of the increased amount. The result being the previous waste management levy/rate line item on the rate notice would disappear off all rate notices and permit card holders to claim a rebate on the increased general rate line item.

In the 2020-21 year, 826 individual ratepayers made a claim for a rebate (to differing levels) and received over \$412,000 as a rebate from the State Government to reduce their rates account.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 APPROVED LAND MANAGEMENT ORDER MEDICAL CENTRE AND ALLIED HEALTH

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	A5047
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.1(1) Minutes Extract 25 September 2019 9.3.1(2) Correspondence CHC 9.3.1(3) CHC Letter of commitment and plans 15 May 2021
Voting Requirements	Simple Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. Decline to proceed with a land lease arrangement for Community Home Care (for the purpose of a Community Aged Care Hub) at Lot 501 Egan Street, Donnybrook. 2. Instruct the Chief Executive Officer to seek advice from Community Home Care as to possible alternate sites within the Shire of Donnybrook Balingup for a future/potential Community Aged Care Hub.

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	2.1	An attractive and maintained built environment
Strategy	2.1.1	Maintain renew and improve infrastructure within allocated resources.
Action	2.1.1.4	Maintain attractive townsites within resource capacity.

EXECUTIVE SUMMARY

Council is requested to consider whether to formally enter into a land lease with Community Home Care (CHC) at Lot 501 Egan Street Donnybrook for the purpose of building a Community Aged Care Hub that will operate a purpose driven day centre, provide respite services and expand the Allied Health Care in the region.

BACKGROUND

Council received a request from CHC in May 2019 to allocate a parcel of land to CHC to build a Community Aged Care Hub in Donnybrook. The land requested is Lot 501 Egan Street – immediately adjacent to Tuia Lodge (attachment 9.32(2)).

Council at the September 2019 Ordinary Meeting of Council received a report recommending Council support in principle the proposed establishment of the facility and instruct the CEO to request the Minister for Planning, Lands and Heritage to amend the existing Management Order of ‘Medical Centre’ to ‘Medical Centre and Allied Health’, the Council resolution 138/19 is as follows:

That Council:

1. *Supports ‘in principle’ the proposed establishment of a purpose built community care facility on the southern portion of Reserve 52021 (Lot 501 Egan Street, Donnybrook);*
2. *Requests the Minister for Planning, Lands and Heritage amend the Management Order for Reserve 52021 (Lot 501 Egan Street, Donnybrook) from “Medical Centre” to “Medical Centre and Allied Health”;*
3. *Advises Community Home Care (CHC) that:*
 - 3.1 *CHC will be required to submit a development application for the proposed land use which will need to address design outcomes including car parking arrangements, building design and landscaping that is sympathetic to the established streetscape character and minimise impacts on local amenity;*
 - 3.2 *CHC will be required to negotiate a lease agreement with the Shire which, among other things, clearly articulates responsibilities associated with whole of life and asset renewal obligations to ensure there is not an unreasonable financial impost on the Shire in the short or long term.*
4. *Authorises the Chief Executive Officer to undertake any actions required to facilitate implementation of items 1 to 3 above.*
5. *The Council reserves the right to re-visit resolution 1 pending the outcome of the Shire’s current overarching review of its Aged Care and Aged Persons’ accommodation portfolio.*

The Shire submitted a request to the Department of Planning; Lands and Heritage (Department) on the 25 February 2020 seeking the amendment of the Land Management Order from ‘Medical Centre’ to ‘Medical Centre and Allied Health’.

The Shire followed up with Department consistently on the status of the request and eventually received notification of the Minister’s approval to the amendment on 13 April 2021.

FINANCIAL IMPLICATIONS

Further discussion relating to any Land lease and obligations on the Shire and CHC is to be negotiated and presented to Council for consideration.

POLICY COMPLIANCE

Nil

STATUTORY COMPLIANCE

Section 3.58 *Local Government Act 1995* deals with Disposing of Property and Councils obligations.

Section 18 of the Land Administration Act 1997 provides guidance on leasing land.

A development approval is required for any future development of the site under Part 2 of Local Planning Scheme 7 (LPS7).

CONSULTATION

The Shire has maintained communication with CHC providing updates whilst awaiting approval.

Further comment from both the preferred provider of the Residential Aged Care Facility and CHC is outlined below:

- The preferred provider for the outsourcing of Aged Care at Tuia Lodge has written to the CEO expressing an intention to establish a home and community care program to service the south west region and has highlighted to the Shire that having two operations located next to one another substantially offering similar services to a small and geographically diverse regional population is unlikely to support the ongoing feasibility of either service.
- CHC has provided updated plans and letter of commitment to the development of the Community Aged Care Hub and has approached a number of potential funding sources with positive feedback a copy of the letter and plans is at attachment 9.3.1(3).

OFFICER COMMENT/CONCLUSION

The concept of a collaboration between health services in the Shire to form a 'Health Precinct' between Donnybrook Hospital, Tuia Lodge, Donnybrook Medical Service, Clinipath Pathology, and St Johns Ambulance was explored in 2019 and a future agglomeration of these services with CHC is still considered a viable option for the Shire, albeit not necessarily from the same precinct/site.

The introduction of outsourcing Residential Aged Care Facility Tuia Lodge has identified substantial investment in this sector (home care, community health) and the funding for development is secured through the approved new tenant (Hall and Prior).

9.3.2 ANNUAL REVIEW OF DELEGATIONS REGISTER 2020/2021

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	Not applicable
Author	Loren Clifford, Corporate Planning and Governance Officer
Responsible Officer	Loren Clifford, Corporate Planning and Governance Officer
Attachments	9.3.2(1): Delegations Register 9.3.2(2): Delegations to be rescinded 9.3.2(3): 1.2.22 Defer, Grant Discounts, Waive or Write off Debts 9.3.2(4): 1.2.31 Notice to Owners 9.3.2(5): 9.3.1 Local Planning Scheme No. 7 – Development Applications
Voting Requirements	Absolute Majority

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> 1. NOTES completion by Council as the Delegator, of the 2020/2021 annual statutory review of the Delegations Register, in accordance with s.5.18 and 5.46(2) of the <i>Local Government Act 1995</i>, s.47(2) of the <i>Cat Act 2011</i> and s.10AB(2) of the <i>Dog Act 1976</i>. 2. RESCINDS, by ABSOLUTE MAJORITY the following listed delegations as detailed in Attachment 2, under the <i>Local Government Act 1995</i>, <i>Cat Act 2011</i>, <i>Dog Act 1976</i>. <ul style="list-style-type: none"> • 1.2.1 Appoint Authorised Persons • 1.2.16 Tenders for Goods and Services • 4.1.4 Appoint Authorised Persons • 5.1.2 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons • 5.1.5 Appoint Authorised Persons 3. RESCINDS, the following listed delegations as detailed in Attachment 2, under the <i>Bush Fires Act 1954</i> and <i>Public Health Act 2016</i>. <ul style="list-style-type: none"> • 3.1.10 Apply for Declaration as an Approved Area • 8.1.5 Commence Proceedings 4. APPROVES, by ABSOLUTE MAJORITY the following listed delegations, inclusive of amendments and as detailed in Attachment 2 – Delegation Register, in accordance with s.5.17 and 5.42 of the <i>Local Government Act 1995</i>, s.44 of the <i>Cat Act 2011</i>, s.10AA of the <i>Dog Act 1976</i> and s.16 of the <i>Graffiti Vandalism Act 2016</i>: <ul style="list-style-type: none"> • 1.1.1 Audit and Risk Management Committee • 1.2.1 Performing Functions Outside the District • 1.2.2 Compensation for Damage Incurred when Performing Executive Functions • 1.2.3 Powers of Entry

- **1.2.4 Declare Vehicle is Abandoned Vehicle Wreck**
- **1.2.5 Confiscated or Uncollected Goods**
- **1.2.6 Disposal of Sick or Injured Animals**
- **1.2.7 Close Thoroughfares to Vehicles**
- **1.2.8 Control Reserves and Certain Unvested Facilities**
- **1.2.9 Obstruction of Footpaths and Thoroughfares**
- **1.2.10 Gates Across Public Thoroughfares**
- **1.2.11 Public Thoroughfare – Dangerous Excavations**
- **1.2.12 Crossing – Construction, Repair and Removal**
- **1.2.13 Private Works on, over or under Public Places**
- **1.2.14 Tenders for Goods and Services – Call Tenders**
- **1.2.15 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options**
- **1.2.16 Tenders for Goods and Services - Exempt Procurement**
- **1.2.17 Expressions of Interest for Goods and Services**
- **1.2.18 Panels of Pre-Qualified Suppliers for Goods and Services**
- **1.2.19 Application of Regional Price Preference Policy**
- **1.2.20 Disposing of Property**
- **1.2.21 Payments from the Municipal or Trust Funds**
- **1.2.22 Defer, Grant Discounts, Waive or Write Off Debts**
- **1.2.23 Power to Invest and Manage Investments**
- **1.2.24 Rate Record Amendment**
- **1.2.25 Agreement as to Payment of Rates and Service Charges**
- **1.2.26 Determine Due Date for Rates or Service Charges**
- **1.2.27 Recovery of Rates or Service Charges**
- **1.2.28 Recovery of Rates Debts – Require Lessee to Pay Rent**
- **1.2.29 Recovery of Rates Debts - Actions to Take Possession of the Land**
- **1.2.30 Rate Record – Objections**
- **1.2.31 Notices to Owners**
- **1.2.32 Renewal or Extension of Contracts during a State of Emergency**
- **1.2.33 Procurement of Goods or Services required to address a State of Emergency**
- **1.3.1 Appoint Authorised Persons**
- **1.3.2 Determine if an Emergency for Emergency Powers of Entry**
- **1.3.3 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare**
- **1.3.4 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares**
- **1.3.5 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places**
- **1.3.6 Appoint Persons (other than employees) to Open Tenders**
- **1.3.7 Electoral Enrolment Eligibility Claims and Electoral Roll**
- **1.3.8 Destruction of Electoral Papers**
- **1.3.9 Information to be Available to the Public**
- **1.3.10 Financial Management Systems and Procedures**

- **1.3.11 Audit – CEO Review of Systems and Procedures**
- **1.3.12 Infringement Notices**
- **1.4.1 Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law**
- **1.4.2 Animals, Environment and Nuisance Local Law 2017**
- **1.4.3 Bushfire Brigades Local Law (Consolidated 2017)**
- **1.4.4 Cat Local Law (Consolidated to include 2017 amendment)**
- **1.4.5 Cemeteries Local Law 2008**
- **1.4.6 Dogs Local Law (Consolidated 2017)**
- **1.4.7 Extractive Industries Local Law (Consolidated 2016)**
- **1.4.8 Fencing Local Law (Consolidated 2016)**
- **1.4.9 Health Local Laws 1999**
- **1.4.10 Meeting Procedures Local Law 2017**
- **1.4.11 Outdoor Eating Areas Local Law 2013**
- **1.4.12 Parking and Parking Facilities Local Law 201**
- **1.4.13 Local Government Property Local Law 2015**
- **1.4.14 Waste Local Law 2017**
- **4.1.1 Cat Registrations**
- **4.1.2 Cat Control Notices**
- **4.1.3 Approval to Breed Cats**
- **4.1.4 Recovery of Costs – Destruction of Cats**
- **4.1.5 Applications to Keep Additional Cats**
- **4.1.6 Reduce or Waiver Registration Fee**
- **4.2.1 Infringement Notices – Extensions and Withdrawals**
- **5.1.1 Exemption for Exceeding Dog Number Limits**
- **5.1.3 Refuse or Cancel Registration**
- **5.1.4 Kennel Establishments**
- **5.1.5 Recovery of Moneys Due Under this Act**
- **5.1.6 Dispose of or Sell Dogs Liable to be Destroyed**
- **5.1.7 Declare Dangerous Dog**
- **5.1.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke**
- **5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice**
- **5.1.10 Determine Recoverable Expenses for Dangerous Dog Declaration**
- **7.1.1 Give Notice Requiring Obliteration of Graffiti**
- **7.1.2 Notices – Deal with Objections and Give Effect to Notices**
- **7.1.3 Obliterate Graffiti on Private Property**
- **7.1.4 Powers of Entry**

5. APPROVES the following listed delegations inclusive of amendments and as detailed in Attachment 2 – Delegation Register, in accordance with s.127 of the *Building Act 2011*, s.48 of the *Bush Fires Act 1954*, s.118 of the *Food Act 2008*, s.21 of the *Public Health Act 2016* and s.16(3)(e), s. 82(1), s.83(1) of the *Planning and Development Act 2005*:

- **2.1.1 Grant a Building Permit**
- **2.1.2 Demolition Permits**
- **2.1.3 Occupancy Permits or Building Approval Certificates**

- 2.1.4 Designate Employees as Authorised Persons
- 2.1.5 Building Orders
- 2.1.6 Inspection and Copies of Building Records
- 2.1.7 Referrals and Issuing Certificates
- 2.1.8 Private Pool Barrier – Alternative and Performance Solutions
- 2.1.9 Smoke Alarms – Alternative Solutions
- 3.1.1 Make Request to FES Commissioner – Control of Fire
- 3.1.2 Prohibited Burning Times - Vary
- 3.1.3 Prohibited Burning Times – Control Activities
- 3.1.4 Restricted Burning Times – Vary and Control Activities
- 3.1.5 Control of Operations Likely to Create Bush Fire Danger
- 3.1.6 Burning Garden Refuse / Open Air Fires
- 3.1.7 Firebreaks
- 3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer
- 3.1.9 Control and Extinguishment of Bush Fires
- 3.1.11 Recovery of Expenses Incurred through Contraventions of this Act
- 3.1.12 Prosecution of Offences
- 6.1.1 Determine Compensation
- 6.1.2 Prohibition Orders
- 6.1.3 Food Business Registrations
- 6.1.4 Appoint Authorised Officers and Designated Officers
- 6.1.5 Debt Recovery and Prosecutions
- 6.1.6 Abattoir Inspections and Fees
- 6.1.7 Food Businesses List – Public Access
- 8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
- 8.1.2 Enforcement Agency Reports to the Chief Health Officer
- 8.1.3 Designate Authorised Officers
- 8.1.4 Determine Compensation for Seized Items
- 8.1.5 Commence Proceedings
- 9.1.1 Illegal Development
- 9.2.1 Entry and Inspection Powers
- 9.3.1 Local Planning Scheme No. 7 – Development Applications
- 9.3.2 Planning and Development (Local Planning Schemes) Regulations 2015 - Strata Applications

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome:	4.2	A respected, professional and trusted organisation
Strategy:	4.2.1	Effective and efficient operations and service provision
Action:	4.2.1.2	Seek a high level of legislative compliance and effective internal controls

EXECUTIVE SUMMARY

The purpose of this report is for Council to receive the annual statutory review of the Delegations Register, in accordance with s.5.18 and 5.46(2) of the *Local Government Act 1995*, s.47(2) of the *Cat Act 2011* and s.10AB(2) of the *Dog Act 1976*.

BACKGROUND

Council last reviewed its delegations register on 27 May 2020, this major review provided a comprehensive overview and understanding of the legislative framework that informs the mandatory and discretionary decision-making roles undertaken by local government.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY COMPLIANCE

Not applicable.

STATUTORY COMPLIANCE

- section 5.42(1) of the *Local Government Act 1995*;
- section 45 of the *Cat Act 2011*;
- section 10AA of the *Dog Act 1976*;
- section 16 of the *Graffiti Vandalism Act 2016*;
- section 127 (1) and (3) of the *Building Act 2011*;
- section 48 and 59(3) of the *Bush Fires Act 1954*;
- section 118 of the *Food Act 2008*;
- section 26 of the *Health (Miscellaneous Provisions) Act 1911*;
- schedule 2, Clause 82 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
- section 21 of the *Public Health Act 2016*; and
- regulation 15D(7) of the *Health (Asbestos Regulations 1992)*

CONSULTATION

No statutory external consultation is required.

OFFICER COMMENT/CONCLUSION

An analysis of the legislation and local laws listed below has been undertaken to identify and determine opportunities for delegations from Council to Committees, Council to Chief Executive Officer (CEO), and delegations or sub-delegation from the CEO to employee.

- *Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law*;
- *Animals, Environment and Nuisance Local Law 2017*;
- *Building Act 2011*;
- *Building Regulations 2012*;

- *Bush Fires Act 1954;*
- *Bushfire Brigades Local Law 2017;*
- *Cat Act 2011;*
- *Cat Local Law 2017;*
- *Cemeteries Local Law 2008;*
- *Dog Act 1976;*
- *Dogs Local Law 2017;*
- *Extractive Industries Local Law 2017;*
- *Fencing Local Law 2016;*
- *Food Act 2008;*
- *Graffiti Vandalism Act 2016;*
- *Health (Asbestos) Regulations 1992;*
- *Health (Miscellaneous Provisions) Act 1911;*
- *Health Local Laws 1999;*
- *Local Government Act 1995;*
- *Local Government Property Local Law 2015; and*
- *Meeting Procedures Local Law 2017;*
- *Outdoor Eating Areas Local Law 2013;*
- *Parking and Parking Facilities Local Law 2017;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- *Planning and Development Act 2005;*
- *Public Health Act 2016;*
- *Waste Local Law 2017*

The analysis has considered changes to legislation, the organisational structure, individual position roles and responsibilities, continuity of service, the risks and sensitivities of the decisions and the Shire’s operational requirements.

Minor grammatical changes were made as well as the renumbering of delegations. Other changes were as follows:

<p>Change made to: 1.2.22 Defer, Grant Discounts, Waive or Write Off Debts (Attachment 3)</p>
<p>The following changes have been made: Section: Council Conditions on delegation</p> <ul style="list-style-type: none"> • Added note: <i>This delegation is subjection to section 6.12(2) if the Local Government Act 1995, which specifies that a local government cannot grant a waiver or concession for a rate or service charge.</i> • Added: <i>b. Write-off a rates or service charge debt up to \$1,000 in accordance with the Financial Hardship Policy [s.6.12(1)(c) & (2)]. To align with the Financial Hardship adopted by council in.</i> • Reworded the conditions on waiving debt and granting concessions to allow for any waiver of a debt or granting of a concession up to \$1,000 with the discretion left up to the delegate to consider it solely on its merits.
<p>Change made to: 1.2.31 Notice to Owners (Attachment 4)</p>
<p>The following changes have been made: Section: Council Conditions on delegation:</p> <ul style="list-style-type: none"> • Removed: <i>a. The delegation may only be exercised where it is considered that immediate action is required and there is insufficient time due to risk of injury or</i>

<p><i>damage for the matter to be considered by Council. These are not actions that need Council consideration.</i></p>
<p>Change made to: 3.1.11 Prosecution of Offences</p>
<p>The following changes have been made: Delegate: Removal of Bush Fire Control Officer. Reduce the risk by limiting delegation to the Chief Executive Officer only.</p>
<p>Change made to: 6.1.1 Determine Compensation</p>
<p>The following changes have been made: Delegate: Removal of Director Operations. Reduce the risk by limiting delegation to the Chief Executive Officer only.</p>
<p>Change made to: The following changes have been made: 9.3.1 Local Planning Scheme No. 7- Development Applications (Attachment 5)</p>
<p>The following changes have been made: Council Conditions on this delegation: Removed: <i>iv. Extractive Industry applications which are not contentious or received objections on valid planning grounds.</i> This has already been addressed in Development Applications a.i. of the delegation conditions.</p>

It has been recommended that the following delegations are to be rescinded from the register:

<p>Remove delegation:</p> <ul style="list-style-type: none"> • 1.2.1 Appoint Authorised Persons – <i>Local Government Act 1995</i> • 4.1.4 Appoint Authorised Persons – <i>Cat Act 2011</i> • 5.1.5 Appoint Authorised Persons – <i>Dog Act 1976</i>
<p>Reason: Redundant Council to CEO delegations for appointing Authorised Persons under the <i>Local Government Act 1995, Cat Act 2011 and Dog Act 1976</i> a new CEO to employee delegation has been added which allows for the CEO to appoint Authorised Persons under numerous legislations. – 1.3.1 Appoint Authorised Persons.</p>
<p>Remove delegation: 1.2.16 Tenders for Goods and Services</p>
<p>Reason: Split into three separate delegations to segregate duties. The new delegations are:</p> <ul style="list-style-type: none"> • 1.2.14 Tenders for Goods and Services – Call Tenders • 1.2.15 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options • 1.2.16 Tenders for Goods and Services - Exempt Procurement
<p>Remove delegation: 3.1.10 Apply for Declaration as an Approved Area</p>
<p>Reason: Has been removed on advice from Department Fire Emergency Services that the operations of s.52 of the <i>Bush Fires Act 1954</i> is redundant as insurance companies no longer provide insurance discounting for this purpose.</p>
<p>Remove delegation: 5.1.2 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons – <i>Dog Act 1976</i></p>
<p>Reason: Has been removed as there is no budget to offer any part payment of sterilisation costs.</p>

Remove delegation:

8.1.5 Commence Proceedings

Reason:

Has been removed, as s.280 of the *Public Health Act 2016* was amended (vide No.14 of 2019 s.11) to specify that proceedings can be commenced by the local government, the CEO of a Local Government or by an authorised officer. Delegation to the CEO is therefore not now required as the CEO can determine to commence proceedings in their own right.

It has been recommended that the following delegations are to be added to the register:

Add delegation:

- 1.2.14 Tenders for Goods and Services – Call Tenders
- 1.2.15 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options
- 1.2.16 Tenders for Goods and Services - Exempt Procurement

Reason:

Split from a single delegation to segregate duties. Council Conditions on these delegations are as per WALGA's template and \$ from Council's 2.48 Purchasing, Tendering and Buy Local policy and budget.

Add delegation:

1.3.1 Appoint Authorised Persons

Reason:

A new CEO to employee delegation under s.9.10 of the *Local Government Act 1995* which allows the CEO to appointing Authorised Persons under the *Local Government Act 1995*, *Caravan Parks and Camping Grounds Act 1995*, *Cat Act 2011*, *Cemeteries Act 1986*, *Control of Vehicles (Off-road Areas) Act 1978*, *Graffiti Vandalism Act 2016*, the *Dog Act 1976* and their subsidiary legislation.

9.3.3 SOUTH WEST REGIONAL WASTE MANAGEMENT PROJECT

Location	NA
Applicant	NA
File Reference	HLT 08/1
Author	Ben Rose, Chief Executive Officer
Responsible Manager	Ben Rose, Chief Executive Officer
Attachments	9.3.3(1): Regional Options Paper and Strategic Recommendations
Voting Requirements	Simple Majority

Recommendation
<p>That Council acknowledge the Regional Options Paper and Strategic Recommendations document (<i>Attachment 9.3.3(1)</i>), delivered as part of the South West Regional Waste Group to guide ongoing work in finding regional solutions that divert waste from landfills.</p>

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	2.4	Efficient and effective waste management
Strategy	2.4.1	Undertake efficient waste management services
Action	2.4.1.1	Investigate and review regional waste services opportunities

EXECUTIVE SUMMARY

This Agenda Item is a template report being presented to each of the eleven participating south-west local governments (note, Shire of Manjimup are not a financial member of the group).

The South West Regional Waste Group (the Group) requests that Council acknowledges the ‘Regional Options Paper and Strategic Recommendations’ (Regional Options Paper) (*Attachment 9.3.3(1)*), which was delivered in February 2021. The recommendations in the paper identifies the major diversion technologies available in the South West, discusses how Councils could achieve economies of scale in processing, and guides ongoing work that will help determine suitable waste disposal outcomes for the region.

The recommendations of the Regional Options Paper set the ongoing direction for the project. Part of this direction involves specific milestones. By the end of Financial Year 2021/22, Councils can expect to see:

- An operational audit of municipal waste facilities throughout the region;
- Scenario modelling using costs and emissions of alternative disposal processes;
- A regular meeting of senior waste operations staff from Group participants;
- A scoped ‘Expression of Interest’ process for landfill diversion technologies; and
- Data protocols allowing information comparisons across the region.

Maintaining project momentum towards determining a suitable regional waste disposal response will allow Councils to coordinate local decisions with regional outcomes. Participation in the Group will result in a more united procurement approach, up-to-date information and greater negotiating power in sub-regional negotiations to attain economies of scale. Financial benefits from participation should be achieved as operational matters are shared and discussed between members.

The overarching goals of the ongoing project are to:

- Identify how South West Councils can transition from owning and operating landfills in an economically, environmentally and socially responsible way.
- Identify and act on opportunities to leverage regional and sub-regional economies of scale.

Should Council acknowledge the Regional Options Paper and its recommendations, milestones can be established and timeframes determined when refining suitable regional diversion strategies from landfill.

BACKGROUND

Since 2010, the Group, which comprises the 12 land-based Councils in the South West (Table 1), has sought opportunities to leverage regional economies of scale to improve collective waste management. Work completed to this date has resulted in formation of the Bunbury Harvey Regional Council, commencement and operation of a composting enterprise, viability testing of regional landfill, and establishing strong regional representation within the waste industry.

South West Waste Group Membership		
• Shire of Augusta - Margaret River	• Shire of Boyup Brook	• Bridgetown - Greenbushes
• Shire of Donnybrook - Balingup	• City of Bunbury	• City of Busselton
• Shire of Capel	• Shire of Collie	• Shire of Dardanup
• Shire of Harvey		• Shire of Nannup

Table 1: The Shire of Manjimup are within the region but are not financial contributors to this regional waste management project.

The most recent ‘Regional Options Paper and Strategic Recommendations’ was handed to the Group and directs how large-scale waste diversion from landfill can be achieved in a way that is consistent with previous findings and within each Council’s risk tolerance.

The investment in the Federal and State waste industries has provided the region with a unique opportunity to build local, long-term diversion schemes with potentially positive returns on investment. Strengthening this opportunity are the growing costs of aging landfills, population growth and a transitional policy context have made cooperative waste management solutions more attractive than previously. A coordinated waste approach across Local Government Area (LGA) boundaries can leverage the economies of scale needed for significant landfill diversion and ease triple bottom line costs. A separate waste management entity could provide further benefits such as equitable distribution of risk and returns-on-investment. An external entity such as a Regional Subsidiary has the potential to equitably manage waste on behalf of member Councils, removing the liabilities associated with these operations.

FINANCIAL IMPLICATIONS

The existing costs of this project are shared amongst 11 of the 12 local government areas in the South West:

Regional Alternative Waste Project Financial Contributors		
• Shire of Augusta - Margaret River	• Shire of Boyup Brook	• Bridgetown - Greenbushes
• Shire of Donnybrook - Balingup	• City of Bunbury	• City of Busselton
• Shire of Capel	• Shire of Collie	• Shire of Dardanup
• Shire of Harvey	• Shire of Nannup	

The Shire of Manjimup maintains a watching brief of the current regional alternatives project, although they are not financial contributors at this stage.

The cost and interaction of various waste operations need to be modelled so a variety of scenarios can be assessed. On a regional scale, this will require specialist knowledge that the region does not have. For that reason, expertise from conducting similar studies elsewhere should be sought and applied for consistency and confidence that the South West region is taking the best approach. These costs are unknown as the size of the work is currently imprecise until scoping work is completed. This will take place as part of the Integrated Waste Management Plan (IWMP) work.

As the complexity of the project continues, detailed economic and governance data will be required to determine a preferred waste development option throughout the region. This means specialist knowledge with expertise in financial modelling and market development will be needed for specific analysis but much of the required data will be attained through the development of a regional integrated waste plan. These costs will be determined on an ‘as-needs’ basis and a proposal will be agreed by the Group participants.

Baseline costs for this project are approximately \$145,000 per annum divided amongst the members according to the rates percentage contributed by each Council. As of financial year 2020, these percentages are:

LGA	Rates 2019/20	%
Augusta - Margaret River	22,236,881	12
Boyup Brook	2,761,412	2
Bridgetown - Greenbushes	4,664,443	3
Bunbury	39,729,386	22
Busselton	51,997,844	28
Capel	13,537,724	7
Collie	6,227,532	3
Dardanup	13,716,704	7
Donnybrook - Balingup	5,072,527	3
Harvey	21,877,333	12
Nannup	1,772,136	1
TOTAL RATES COLLECTED	183,593,922	100

Table 2: Shows the percentage and values used to designate cost contributions to the project.

POLICY COMPLIANCE

The National Waste Policy 2018

Published by the Department of Sustainability, Environment, Water, Population and Communities in 2018, the 'National Waste Policy – Less Waste More Resources' frames national waste management using a circular economy model. The Policy champions five principles:

1. Avoiding waste
2. Improving resource recovery
3. Building demand for waste derived products
4. Improved material flows
5. More informed innovation, investment and consumer decisions

There are also national targets which directly inform State priorities and influence local priorities, specifically:

1. Banning waste plastic, paper, glass and tyres exports
2. Reducing total waste generated in Australia by 10% per person by 2030
3. Achieving 80% resource recovery from all waste streams using the waste hierarchy by 2030
4. Increasing recycled content use by governments and industry
5. Phasing out problematic and unnecessary plastics by 2025
6. Halving organic waste volumes sent to landfill by 2030
7. Making data publicly available that supports consumer, investment and policy decisions

Western Australian Waste Strategy 2030 and Annual Action Plan

The Waste Strategy 2030 is the tool helping to implement the Waste Authority objective of transitioning to a “sustainable, low-waste circular economy in which human health and the environment are protected from the impacts of waste.” Two crucial components of the strategy are the waste hierarchy and circular economy.

The Waste Strategy 2030 sets targets which depart from landfill diversion benchmarks to focus on three objectives – avoid, recover and protect. These objectives are intended to deliver a 10 per cent reduction target in waste generation per capita by 2025 and 20 per cent reduction by 2030. The targets to increase material recovery from the existing State rate of 57 per cent to reach 70 per cent by 2025 and 75 per cent by 2030.

The accompanying Action Plan is renewed annually and clarifies specific actions, timelines, lead responsibilities and collaborations to achieve the stated objectives.

STATUTORY COMPLIANCE

Waste Avoidance and Resource Recovery Act 2007 (WARR Act)

This legislation aligns municipal operations across the State so they contribute to sustainability, protect human health, the environment and move towards a waste free society. The WARR Act emphasises:

- Resource use efficiency, including resource recovery and waste avoidance;
- Reducing environmental harm, including pollution through waste;
- A hierarchical approach to resource management by avoiding waste creation, increasing resource recovery and reducing disposal impacts.

This legislation requires local governments to prepare Waste Plans to align local waste management goals with State targets. The WARR Act gives the CEO of the department powers to require a local government to submit a report on the implementation of its waste plan. If this is not satisfactory to the State and the differences cannot be negotiated, the WARR Act grants the CEO power to prepare a local waste plan on behalf of the local council.

Waste Avoidance and Resource Recovery Levy Act 2007 (WARR Levy Act)

This legislation allows for the imposition of a levy per tonne of waste disposed to landfill. Based on previous comments by the then Minister for Environment in February 2019, this levy is at least being considered for an extension to the Peel and South West regions.

CONSULTATION

Since 2019, the Group has been actively engaged with the community, private enterprise and government agencies discussing progress and opportunities to divest Councils from landfill operations. In addition, the region participates at a Policy level with several waste initiatives such as reuse of materials in the Bunbury Outer Ring Road and the Container Deposit Scheme. The Group maintains strong relationships with relevant State departments and other stakeholders that maintain a presence in the market.

A detailed project brief and status report was presented to elected members at the April 2021 Concept Forum. This report and attachment are consistent with that briefing.

OFFICER COMMENT

The Regional Options Paper proposes nine recommendations that clarify how greater economies of scale are achievable by driving waste management in the South West towards a cooperative model that reduces the impact of anticipated higher waste management costs in the future. The recommendations are another step towards identifying the life cycle of waste and what risks and benefits impact Councils by shifting the view from waste being a service cost to being a resource. The paper recommends clarifying the costs of new treatment facilities and environmental impacts derived from greater regional coordination, different contract frameworks and cross-boundary operations to attain sub-regional benefits. In full, these recommendations are:

1. That the Group prepares a comprehensive Integrated Waste Management Plan coordinating regional waste assets and operations as a single entity. This is to:
 - a. Identify locations for complex waste treatment facilities;
 - b. Draft community engagement strategies;
 - c. Define responsibilities between Councils including waste ownership boundaries;
 - d. Apportion risk according to the level of engagement.
2. Prepare a Business Plan for the representative entity that clearly defines long term visions, targets, development timelines and proposed expense and revenue projections.
3. Commence planning an 'Expressions of Interest' process which focusses on regional Municipal solid waste treatment. The specifications are to enable a variety of service providers to make submissions proposing technologies that may be proven internationally but are yet to be established in Australia. Siting requirements and other supportive needs, for example, access to complementary assets/partners should be included.

4. Establish an Integrated Waste Management Working Group comprising senior technical and operational staff from within the members of the South West Regional Waste Group to formalise and review waste management initiatives for the region.
5. The Group considers formalising a representative entity e.g. a Regional Subsidiary, to equitably represent members in pursuing the recommendations in the Report.
6. That the Group accepts the recommendations in the Report as presented.
7. Provide regional representation to support or conduct contract negotiations on behalf of, or in conjunction with, multiple similarly sized Councils to attain sub-regional economies of scale.
8. Seek funding and institutional support from State and Federal agencies for implementing the recommendations of the Report.
9. That a standardised data collection program commences across the region. The metrics for Local Government Areas to report against are to be consistent and relevant to inform strategic decision-making and allow reliable triple bottom line comparisons. The data is to be relevant to assessing preferable waste operations between Councils. For example, contamination statistics, waste service costs, capital investments, tonnages, community consultation expenditure and bin audits among others.

Pressures to change

Landfill remains the dominant waste disposal method in the South West. Although economic, the practice of burying Municipal solid waste is now being challenged by State policy, a growing domestic resource recovery market and more cost-effective processing technologies becoming available. Additionally, suitable land for landfill expansion is becoming scarcer, licensing conditions are increasing, and construction costs and legacy environmental responsibilities are becoming major financial risks to local government.

The waste market is currently experiencing significant change resulting from Federal policy and State driven investment in diversion operations. Some local pressures have been triggered from decisions made overseas but there are also south western influences like the diminishing suitability of land available for landfill expansion, considerable costs faced by Councils because of historic waste practices and existing landfills approaching the end of their operational lives.

Social pressure is also increasing as the impact of landfills on the local environment receives greater attention than previously, resulting from a higher public profile and increased government grant allocations to diversion enterprises.

There will continue to be a need for landfills as the transition from disposable products and packaging continues. Strategically, landfills provide a disposal option that can compete in the disposal market place and act as a contingency should preferable diversion technologies fail elsewhere due to natural disaster, insolvency, industrial accidents or other eventuality. Waste from disposal technologies, for example ash from thermal waste to energy, will require 'best-practice' landfills.

Local impacts of State Targets

Consistent with the rest of the State, the south west waste industry is guided by the Western Australian Waste Strategy 2030 (the Waste Strategy) and Annual Action Plan. These documents set clear targets for the State to collectively achieve by 2025 and 2030. Translated into local action, these objectives guide investment into attaining diversion and prevention of waste. The south west already has significant diversion strategies in place. Common diversion streams aside from FOGO include scrap metals, e-waste, chemicals, kerbside recycling and

reusable construction and demolition (C&D) waste. FOGO is expected to divert approximately 55% of the total waste fraction collected or deposited at Council facilities.

The State strategies respond to federal pressures such as specific waste streams actions correlating with national waste export bans determined by the Council of Australian Governments (COAG) on specific materials. The rolling COAG waste export bans are planned to commence on these dates:

- 1 January 2021 for glass
- 1 July 2021 for mixed plastics
- 1 December 2021 for tyres
- 1 July 2022 Single resin plastics (e.g. drink bottles) that are not cleaned and baled
- 1 July 2024 for mixed paper and cardboard.

As these bans are implemented, finding alternate disposal methods becomes more important so the circular economy policy targets remain attainable. This will have direct impacts on local operations and treatment solutions.

The south west's considerable geographical size, isolation from reuse markets and a heavy reliance on resource industries makes reducing waste processing and diversion costs more challenging but opportunities exist to considerably improve our regional performance. Despite the region's separation from large waste end-markets which can impact investment in waste and recycling, local markets for construction and demolition (C&D) waste and organics should be managed close to the source of generation for economic and environmental reasons.

Within metro centres, the higher cost of landfilling and waste disposal compared with regional areas, makes investing in diversion technologies a simpler decision. Alternative treatments that outperform disposal costs in regional areas is more difficult but the policy and environmental objectives set by the State make this an imperative. Finding economies of scale is critical to minimise existing disposal costs and meet policy targets. This also has implications for the life cycle of different assets.

Depending on how and when you measure the costs of waste management, different options can be supported. If a local Council includes long term management of waste facilities and potential environmental liabilities in their operations assessment, this will drive up the cost of airspace up as fees will be for service and accurately reflect real costs associated with landfill operations.

Responding Effectively as a Region

The complexity of large-scale waste disposal requires a balanced approach that considers all potential options is preferable to choosing one single disposal method. This minimises risk through diversification, is more likely to meet national waste targets and responds to State policy. A mix of disposal options also minimises environmental harm and associated liabilities by isolating potentially harmful methods.

Increasing the diversity on how waste is redirected from landfill builds flexibility as the industry develops, allowing the market to resolve disposal issues for local governments. Incentivising greater private company participation at multiple levels of the waste hierarchy starting with reduce, reuse, recycling/compost and energy recovery from waste lets the market address waste rather than Councils having to come up with options.

Waste disposal at a regional scale should be considered as an integrated system rather than as one single waste stream to be resolved. This fragmentation is driven by the nature of the waste products, its different sources and the variety of disposal options open to Councils. This multi-faceted approach is consistent with previous studies completed for the Group, such as the 'Regional Waste Management Strategy 2015' (RWMS) which clustered waste management technologies to achieve higher diversion rates and capitalise on vertical integration.

There are established frameworks to coordinate regional responses, for example preparing an 'Integrated Waste Management Plan' (IWMP). This framework identifies the components within a waste management system that are required to attain regional economies of scale. Coordinating waste management regionally simplifies the management of waste to protect human health and the natural environment. The process requires evaluating local conditions and needs before choosing, mixing and applying the most suitable solid waste management treatments, using the Waste Hierarchy to determine regional expenditure priorities.

Alternative treatment solutions are assessed within the system so facilities can be placed for maximum regional benefit. Some of these services may include reuse shops, recycling stations, repair centres, thermal waste-to-energy (WTE), anaerobic digestion plants (AD) as well as other treatments as appropriate. Adjusting the community's role to be more participatory in waste management must be central when developing the plan as households are critical in determining the success and efficiency of a service.

Each local government or sub-region (two or more shires) can assist in coordinating services within a regional waste processing context. Locally managed initiatives include:

- Transfer Stations,
- Green waste mulching,
- Local waste groups driving community action, and
- C&D waste processing.

These services would continue being managed by each LGA however, a regional contract for the procurement of the services should be considered by the South West Group to reduce costs.

Effective support for regional assets comes from nurturing community participation. Regionally coordinated programs provide consistency, leading to trust and participation. These initiatives may include education, monitoring, enforcement and efficiency of facilities among others. Better understanding and involvement by the public results in lower contamination rates through greater ownership, so coordinating different services to maximise their impact is important. Regionally managed initiatives may include:

- Implementing an integrated waste education program,
- Supporting local waste groups,
- Providing local messaging,
- Bin audits, and
- Influencing commercial practices.

Large scale treatment facilities can divert significant waste volumes from landfill. Providing regional infrastructure may include Material Recovery Facilities (MRFs), Waste-to-Energy facilities and logistics. By working at a regional scale, outputs from these facilities may be managed elsewhere. At a strategic level, landfills should be maintained but reducing the volumes going to these facilities means they will not be necessary in each shire. In addition to

the greater economies of scale, best practice landfills can provide long-term waste disposal security.

Technology Development

The Market Sounding completed in 2021 identified proven technological solutions such as gasification, pyrolysis, biological waste-to-energy plants, composting and direct company-to-company resource trading that were worth pursuing in the South West. The volumes produced regionally were commercially viable with the right separation and contamination activities but each technology had different conditions to succeed. Determining the most suitable solution requires in-depth economic modelling and an open market was the best way to attract appropriate skills.

The market sounding process also established business relationships between the Group, State Government, technology providers and emerging companies. During interviews, discussions and written correspondence, more companies than those which responded stated their willingness to participate in a procurement process which could result in operational contracts such as an Expression-of-Interest (EOI) or Tender process.

Privately managed waste disposal operators are generally aware of the changes affecting long term landfilling and the significant capital investments needed to change existing practices. The long contracts that are needed to attain suitable cost to benefit ratios from these investments are required then to attract investment but can alternatively challenge local innovation and suppress growth of a viable reuse market. For example, a single disposal technology chosen for the next 25 years may be superseded before the returns on investment can be realised.

Establishing a Separate Management Entity

The complexity of administering a regional waste plan, aligning operations to targets, negotiating contracts, community messaging and other tasks associated with developing the waste system requires dedicated personnel. A theme acknowledged in previous reports included separating these waste operations from other Council operations. A separate entity provides considerable advantage to the local waste sector by creating a limited, manageable risk framework.

The cost of continuing current waste disposal practices i.e. 'business as usual', is expected to rise as State policy diverts more waste away from landfill without significant operational cost decreases as well as sites becoming more expensive to develop with new licence conditions. Added to these direct costs are the indirect costs of transitioning to transfer stations, potential introduction of a waste levy, increased transport costs and ongoing environmental monitoring/remediation costs associated with unlined cells.

The rising costs of waste management, changes in market innovation, loss of proactive pricing, inability to capture lost value from waste streams and changing social attitudes suggest that business as usual is not the most effective means to continue operating.

Plan for 2021/22

Should Council acknowledge the 'Regional Options Paper and Strategic Recommendations', the work plan for the forthcoming year will be determined by the recommendations. Councils can expect to see:

- Preparation of an Integrated Waste Management Plan including an audit of municipal waste facilities throughout the region,

- Scenario modelling of alternative disposal methods and their costs using a long term development outlook,
- Assembly of a technical group comprising waste managers from within Councils providing operational advice on proposed initiatives,
- Scoping an 'Expression of Interest' requesting market driven solutions in diverting municipal solid waste disposal from landfill allowing scope to consider recycling and FOGO processing,
- A standardised data protocol allowing comparisons between Council datasets to underpin informed regional decisions across the region.

Maintaining momentum in this project continues the foundation work in determining a suitable regional response to waste disposal pressures with local benefits. Should the 'Regional Options Paper and Strategic Recommendations' be acknowledged and the project continue, then a measured but defined series of outcomes than will allow Councils to make local decisions consistent with regional outcomes.

Participation in this Group allows access to relevant information and negotiating power in sub-regional negotiations to attain economies of scale. Members should start seeing financial benefits of participation as operational contracts are shared for the benefit of members. Regional representation will link Councils more effectively and seek cooperation between members wherever possible.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could:

1. Not acknowledge the recommendations but continue with the project; or,
2. Not continue the project.

CONCLUSION

The Group recognises that continued individual waste management reduces negotiating power for sub-regional contracts and increases costs. Coordinating operational assets using a separate entity is likely to achieve greater diversion and more effective education programs at an overall lower cost.

Given the trend of waste management growth in Western Australia over the previous 15 years, strategic partnerships with private industry and growing the local economy will spread risk and reduce overall costs for Councils in the Region. Councils cooperating with investments will benefit from services being provided that are beyond the scope of an individual Council. More complex treatment processes underpinned by a comprehensive community engagement strategy and coordinated procurement policy can further reduce waste volumes through building a regional waste economy.

Proposed treatments need to be underpinned by strong, consistent community messaging that plays a significant role in managing community participation and reduction in contamination.

A comprehensive waste management plan views regional operations holistically, providing greater flexibility and diversity in waste management. With the existing State and Federal support for waste processing growth, it is now time to seek alternate methods for disposal. An Expressions of Interest process focussing on processing Municipal solid waste can be an effective tool that opens the region to a wider pool of service providers. Crafted skilfully, the specifications can capture economic long term solutions that in some areas have developed local economies focussed on reusing materials previously considered valueless.

Timeline for Implementation of Officer Recommendation

Should the Council acknowledge the 'Regional Options Paper and Strategic Recommendations', a new annual scope of works and milestones will be developed within July 2021.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 COUNCILLOR

Nil.

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 CONFIDENTIAL – DRAFT REPORT - WORKS AND SERVICES BUSINESS UNIT REVIEW

This report is confidential in accordance with Section 5.23(a) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

(a) a matter affecting an employee or employees

RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2) of the Local Government Act 1995 to discuss the following confidential items:

12.1.1 CONFIDENTIAL – DRAFT REPORT – WORKS AND SERVICES BUSINESS UNIT REVIEW

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil.

13 CLOSURE

The Shire President to advise that the next Ordinary Council Meeting will be held on 23 June 2021 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.