



# **AGENDA**

## **ORDINARY MEETING OF COUNCIL**

to be held on

**Thursday, 15 October 2020**

**at 5.30pm**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

*'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'*

**DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.*

*Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.*

**DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS**

*Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C*

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Important Note:**

Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

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**Item 1 Opening of Meeting**

The President to declare the meeting open.

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member'.

**Item 3 Recording of Attendance****3.1 Attendance****Council**

President (Presiding Member) Councillor Karen Chappel  
Deputy President Councillor Dean Carslake  
Councillor Jane Coaker  
Councillor Debbie Collins  
Councillor Yvette Harris  
Councillor Shirley Katona  
Councillor Ken Stokes

**Staff**

Acting Chief Executive Officer	Robert Paull
Executive Manager Corporate & Community Services	John van der Meer
Executive Manager Works and Assets	Paul Buist
Economic Development Manager	Ellie Cuthbert
Executive Assistant	Rondah Toms

**Members of the Public****3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

**3.3 Apologies****3.4 Approved Leave of Absence**

**3.5 Disclosure of Interests****Item 4 Applications for Leave of Absence****Item 5 Response to Previous Questions****Item 6 Public Question Time**

*Important note:*

*'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.*

*Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.'*

**6.1 Public Question Time****6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions****Item 7 Questions from Members without Notice**

<b>Item 8 Announcements by Presiding Member without Discussion</b>
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President's Meetings for the month of September 2020.

<b>Date</b>	<b>Meeting</b>	<b>Details of Meeting</b>
1 <sup>st</sup>	Local Government partnership agreement - Rita Saffioti	Meeting
2 <sup>nd</sup>	WALGA State Council	Meeting
3 <sup>rd</sup>	Lydia Highfield and Rob Paull	CEO Recruitment Meeting
3 <sup>rd</sup>	Sinosteel and Rob Paull	Meeting
7 <sup>th</sup>	Rural West	Board Meeting
8 <sup>th</sup>	Midwest secondary grain freight	Meeting
8 <sup>th</sup>	Shire of Morawa	Special Council Meeting
10 <sup>th</sup>	Shire of Morawa	Briefing Session
18 <sup>th</sup>	Midwest innovation Summit	Summit
18 <sup>th</sup>	Regional Roads Group	Chairs Meeting
17 <sup>th</sup>	Shire of Morawa	Ordinary Council Meeting
22 <sup>nd</sup>	Desert blue connect board meeting	Board Meeting
24 <sup>th</sup>	ALGA board meeting	Board Meeting
24 <sup>th</sup>	SAC delegates	Meeting
25 <sup>th</sup>	WALGA	AGM

<b>Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting</b>
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The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

**Item 10 Confirmation of Minutes of Previous Meeting**

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The Minutes of the 17 September 2020 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 21 September 2020.

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**OFFICER'S RECOMMENDATION**

**That Council confirm that the Minutes of the Ordinary Council Meeting held on 17 September 2020 are a true and correct record.**

***SIMPLE MAJORITY VOTE REQUIRED***

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*Disclaimer*

*Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.*

**Item 11 Reports of Officers****11.1 Chief Executive Officer****11.1.1 Integrated Planning and Reporting – September 2020**

**Author:** Executive Assistant

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

**That Council receive the Integrated Planning and Reporting (IPR) update for the month of September 2020.**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

All local governments are required to produce a plan for the future under S5.56(1) of the *Local Government Act 1995*. To ensure there is a regular and open flow of information between the Shire's administration, the Council and the community, the following monthly update is provided.

**DETAIL**

The information provided (**Attachment 1**) is generated from the Shire's IPR software Envisio. This informs Council and the community of the current outcomes relating to the objectives of the Shire's Strategic Community Plan 2018-2028 and the Corporate Business Plan 2018-2022.

**LEVEL OF SIGNIFICANCE**

Low significance - report is presented to Council for information purposes.

**CONSULTATION**

Senior Management Team

**LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government Act 1995 S5.56 (1)*

*Local Government (Administration) Regulations 1996*

**Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Budgeted in the 2020/2021 financial year.

**RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management implications in relation to this item.

**CONCLUSION**

That Council receive the IPR update (*Attachment 1*).

**ATTACHMENT**

*Attachment 1* – 11.1.1 IPR September 2020

**11.1.2 Local Government Review Panel – Final Report for new Local Government Act for WA and Inquiry Panel Report into the City of Perth**

**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/ Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

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**OFFICER RECOMMENDATION**

That with respect to *Local Government Review Panel – Final Report for new Local Government Act for WA and Inquiry Panel Report into the City of Perth*, Council:

1. Note recommendations from both the *Local Government Review Panel – Final Report for new Local Government Act for WA (Review Panel)* and *Inquiry Panel Report into the City of Perth (Perth Inquiry)*;
2. Endorse as the Shire of Morawa response to recommendations of the *Review Panel* as provided at Attachment 1;
3. Endorse as the Shire of Morawa response to recommendations of the *Perth Inquiry* as provided at Attachment 2; and
4. Request the Chief Executive Officer to:
  - a) Submit Attachment 1 to the Western Australian Local Government Association (WALGA);
  - b) Write to WALGA requesting that WALGA approach the State Government to:
    - i. Insist that in accordance with the *State/Local Government Partnership Agreement*, the local government sector-wide recommendations from the *Perth Inquiry* be presented to all local government authorities for consideration; and
    - ii. Undertake consultation with Western Australian local governments prior to the State Government considering implementing any of the *Perth Inquiry* recommendations and over a period which ensures appropriate and adequate time to respond.

**SIMPLE MAJORITY REQUIRED**

## PURPOSE

Council to consider proposed changes to the *Local Government Act 1995* recommended in the final report of the *Local Government Review Panel – Final Report for new Local Government Act for WA (Review Panel)* and also to recommended changes that are to apply to all local governments from the and *Inquiry Panel Report into the City of Perth (Perth Inquiry)*:

<https://dlgsc.wa.gov.au/department/publications/publication/local-government-review-panel-final-report>  
<https://www.dlgsc.wa.gov.au/department/publications/publication/report-of-the-inquiry-into-the-city-of-perth>

## DETAIL

Council will be aware of the review that has been progressing into the *Local Government Act 1995*. The *Review Panel* and *Perth Inquiry* have been received and forwarded to Councillors under separate cover.

### Review Panel

The *Review Panel* has 65 Recommendations and the Shire prepared a response that was presented to the 24 August 2020 Northern Country Zone (NCZ) of WALGA meeting (**Attachment 1**) where the following was resolved:

- *The Northern Country Zone of WALGA requests that the paper be laid on the table until such time as all Zones have had an opportunity to form a considered response; and*
- *The Northern Country Zone of WALGA does not support the report in its current form.*

At the following WALGA State Council Meeting, the NCZ's Resolution to defer the item was lost, with the following Alternate Resolution being adopted:

1. *WALGA acknowledge the panel report and the responses received from WALGA Zones and seek Government's commitment to further consultation on the recommendations contained therein;*
2. *Seek a formal commitment from the Minister for Local Government that the Local Government Sector be consulted on the Draft Local Government Act Bill in line with the State/Local Government Partnership Agreement and that WALGA actively participates in the legislative drafting process to develop the new Local Government Act; and*
3. *WALGA strongly encourage individual Local Governments to consider responding to recommendations of the panel report and advise WALGA of their submissions by 31 October 2020*

### Perth Inquiry

The *Perth Inquiry* has 341 Recommendations essentially to two areas:

- i. Specific to the City of Perth and the *City of Perth Act 2016* (215 Recommendations); and
- ii. Generic across the WA local government (126 Recommendations).

The 'generic' recommendations relate to matters including (but not limited to):

- further training and coaching of mayors, presidents and councillors;
- prescribing regulations to require local governments on continuing professional development;
- council meetings and committee meetings of Council be audio-visually recorded in their entirety, which recordings should be kept in compliance with the *State Records Act 2000*;
- extended obligations addressing disclosures of a conflict of interest; and
- lowering the prescribed minimum value for gifts that must be declared pursuant to regulation 20A(1) of the *Local Government (Administration) Regulations 1996* from \$300.00 to \$0.00.

**Attachment 2** provides the Shire response to recommendations of the *Perth Inquiry*.

## LEVEL OF SIGNIFICANCE

High – the implementation of the both the *Review Panel* and *Perth Inquiry* will impact Shire governance requirements and operations.

## CONSULTATION

In respect to the *Review Panel* it appears there is no avenue for local governments to make submissions to the report. This is a position WALGA is disputing with the State Government, hence the need to present Council's position on the recommendations to the NCZ and WALGA.

It is currently unsure how the State Government will deal with the *Perth Inquiry* recommendations. It is reasonable that WA local government should be given the opportunity to consider and respond to the recommendations relating to the whole sector.

## LEGISLATION AND POLICY CONSIDERATIONS

*Local Government Act 1995* & associated Regulations.

### Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

**Outcome 1.8** Maximise business, industry and investment opportunities.

**Outcome 4.3** A local government that is respected, professional and accountable.

## FINANCIAL AND RESOURCES IMPLICATIONS

Should the recommendations from both the *Review Panel* and *Perth Inquiry* be implemented, it will result in significant cost shifting to local governments and an increase of financial burden which will add to the administrative burdens placed on the organisation over past 20 to 30 years.

**RISK MANAGEMENT CONSIDERATIONS**

High – due to the ever-increasing burdens being placed on local government.

**CONCLUSION**

The *State Local Partnership Agreement* was signed on 2 August 2017 and has the following objectives:

*“The State Government and the Local Government sector will work together to:*

- *enhance communication between both spheres of Government to promote -*
  - *transparent and accountable government*
  - *community engagement*
  - *seamless legislation and*
  - *compliance requirements better service delivery outcomes for communities across Western Australia;*
- *ensure appropriate consultation is undertaken between the two spheres of government; and*
- *provide good governance for, and on behalf of, the people of Western Australia”.*

Whilst both the *Review Panel* and *Perth Inquiry* professionally prepared documents, there does not seem to be a mechanism for local governments across WA to lend their experience and knowledge to achieving workable and sustainable outcomes. It is questionable as to whether the consultation arrangements meet the objectives of the *State Local Partnership Agreement*.

**ATTACHMENTS**

*Attachment 1 – 11.1.2 Shire of Morawa response to recommendations of the Review Panel*  
*Attachment 2 – 11.1.2 Shire of Morawa response to recommendations of the Perth Inquiry*

**11.1.3 Review of Schedule 2, Clause 6 of draft Shire of Morawa Local Planning Scheme No. 2**

**Author:** Planning Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That with respect to the draft Shire of Morawa Local Planning Scheme No. 2, Council:

1. Requests the Chief Executive Officer to write to the Western Australia Planning Commission (WAPC) requiring Schedule 2, Clause 6 of the draft Shire of Morawa Local Planning Scheme No. 2 to be either removed or modified as outlined in this Report; and
2. Subject to the WAPC's positive response to 1. above, progress to advertise as addressed in Council Resolution 200907 of 17 September 2020.

**SIMPLE MAJORITY VOTE REQUIRED**

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**PURPOSE**

Council is requested to address Schedule 2, Clause 6 of draft Local Planning Scheme No.3 (draft Scheme) prior to public advertising.

**DETAIL**

At the Ordinary Meeting of 17 September 2020, Council considered the draft Scheme and draft Local Planning Strategy and resolved as follows:

*"That with respect to the Shire of Morawa Town Planning Scheme Review and Local Planning Strategy, Council:*

1. *Resolves to proceed to advertise the draft Shire of Morawa Local Planning Strategy in accordance with regulation 13(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (note Attachment 1);*
2. *Resolves to proceed to advertise the draft Shire of Morawa Local Planning Scheme No. 3 with section 84 of the Planning and Development Act 2005 and regulation 22(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (note Attachments 2 and 3); and*

3. *Authorises the Chief Executive Officer to commence public advertising of the draft Shire of Morawa Local Planning Strategy and draft Shire of Morawa Local Planning Scheme No. 3 for a period of ninety (90) days”.*

To progress the above resolution, discussions with staff from the Department of Planning, Lands and Heritage (Department) were undertaken to finalise the necessary documentation. It was revealed by the Department that the following clause of the draft Scheme has far reaching implications to the operation of the Scheme and capacity of the Shire to implement the provisions:

*“Schedule 2 – Additional site and development requirements for land uses*

*Clause 6 Environmental protection*

- (1) *No clearing or destruction of any remnant vegetation or revegetation shall be permitted except for:*
- (a) *clearing to comply with the requirements of the Bush Fires Act 1954 (as amended), the Local Governments Bushfire Notice and/or any bushfire management plan approved by the local government, and the Environment Protection (Clearing of Native Vegetation) Regulations 2004;*
  - (b) *clearing as may reasonably be required to accommodate an approved building and curtilage, access, and/or other use approved by the local government; and*
  - (c) *trees that are diseased, dangerous or have been assessed as a significant bushfire risk.”*

On the face of it, Schedule 2, Clause 6 appears to provide planning exemption for native vegetation clearing as it is addressed under the *Environment Protection (Clearing of Native Vegetation) Regulations 2004 (EP Regulations)*. However, the Shire has now been advised that planning permission will be required for clearing or removal of any remnant vegetation irrespective of the reference in Clause 6 (1) (a) to the *EP Regulations*.

The Shire understands that the Department’s interpretation is based on the definition of ‘works’ as provided in the ‘Deemed Provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Planning Regulations)* as follows:

*“works, in relation to land, means —*

- (a) *any demolition, erection, construction, alteration of or addition to any building or structure on the land; and*
- (b) *the carrying out on the land of any excavation or other works; and*
- (c) *in the case of a place to which a Conservation Order made under the Heritage of Western Australia Act 1990 section 59 applies, any act or thing that —*
  - (i) *is likely to damage the character of that place or the external appearance of any building; or*
  - (ii) *would constitute an irreversible alteration to the fabric of any building;”*

*(Shire underlining)*

The Department considers “...*other works*..” includes vegetation removal. Council was not specifically advised of the Department’s interpretation of native vegetation/revegetation in the new Scheme.

For the Shire of Morawa with a part time planning officer (one day a week) and coverage of area of 3,516 km<sup>2</sup> in area (with significant agricultural enterprises), such a provision is extremely onerous on the Shire and agricultural land-owners. In addition, it is questioned that such a provision will improve the planning and environment outcomes for the Scheme.

To avoid the duplication clearing approvals in farming areas and clearing over ‘non-native vegetation’ and that clearing of non-native vegetation is ‘as of right’, it is suggested that the following be added to Schedule 2, Clause 6:

*“(d) clearing of vegetation that is not native vegetation.*

*“(e) clearing of native vegetation where required for ‘agriculture – extensive’ in the Rural zone.\**

*\* Note: This provision does not negate obligations under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.”*

## LEVEL OF SIGNIFICANCE

High - The new Scheme plays a significant role in shaping the development of the Shire for the next 15 years.

## CONSULTATION

Shire President, Cr Chappel  
Senior Management Team  
Department of Planning, Lands and Heritage

## LEGISLATION AND POLICY CONSIDERATIONS

The process for the preparation, advertising, modification and approval of a local planning scheme is set out in the *Planning and Development Act 2005 (Act)* and *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*.

With respect to advertising a local planning scheme, the *Act* and *Regulations* state as follows:

### **Local Planning Scheme**

- *s.84 / r.22(1) Local government to prepare notice of scheme advertisement.*
- *r.22(2) Local government advertises draft Scheme 3 by publishing notice in a newspaper, displaying draft Scheme 3 in Shire offices, giving a copy to relevant public authorities, publishing draft Scheme 3 on Shire website and advertising in other ways considered appropriate. (Note: this is the current stage for Council in relation to the process)*
- *r.22(4) Draft Scheme 3 to be advertised for a minimum of 90 days.*
- *r.25(2) Local government to consider submissions made*
- *r.25(3) Council resolves to support or not support draft scheme with or without modification*
- *r.28 Following resolution, local government to provide documentation to WAPC*

- s.87(1) / r.29 WAPC to consider documentation and make recommendation to Minister
- s.87(2) / r.31 Minister to approve with or without conditions or refuse to approve Scheme 3
- s.87(3) / r.32 Minister to endorse final Scheme 3 and publish in the Local Government Gazette
- s.87(4B) / r.33 Local government to publish notice of approval of Scheme 3 in newspaper and also notify submitters

#### State Policies

- State Planning Framework
- State Planning Strategy
- Mid-West Planning Framework
- Land Use Planning in Rural Areas
- Urban Growth and Settlement
- Historic Heritage Conservation
- Development Contributions for Infrastructure
- Mid-West Planning & Infrastructure Framework
- Planning for Bushfire Risk Management

#### State Planning Manuals and Guidelines

- Local Planning Manual
- Tourism Planning Guidelines
- Rural Planning Guidelines
- Planning for Bushfire Protection

### Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

**Outcome 1.8** Maximise business, industry and investment opportunities.

**Outcome 4.3** A local government that is respected, professional and accountable.

### FINANCIAL AND RESOURCES IMPLICATIONS

The Shire's budget for 2020/21 includes an amount of \$30k for the finalisation and advertising of the Scheme (not including staffing costs). The drafting of the Scheme maps has largely been completed albeit with some suggested modifications.

Allocated funds will be spent to support advertising of the documents, principally for newspaper notices, letters and other advertising material.

### RISK MANAGEMENT CONSIDERATIONS

Medium - The Scheme will be subject to community comment as it progresses through the formal process following adoption. There are no standard appeal rights for the State Administration Tribunal on proposed local planning schemes.

### CONCLUSION

Prior to advertising the draft Scheme, amendments should be sought as addressed in the Report (or similar modification/s) so as to prevent planning approval being required for clearing of native vegetation/revegetation in the rural areas of the Shire.

**ATTACHMENTS**

Nil

## 11.2 Executive Manager Corporate & Community Services

### 11.2.1 Banks Reconciliations – September 2020

**Author:** Senior Finance Officer

**Authorising Officer:** Executive Manager Corporate & Community Services

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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#### OFFICER'S RECOMMENDATION

**That with respect to Banks Reconciliations – September 2020, Council receive the bank reconciliation report for 30 September 2020.**

***SIMPLE MAJORITY VOTE REQUIRED***

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#### PURPOSE

Local Government (Financial Management) Regulation 34 (1) (a) states that a Local Government must prepare financial statements monthly.

#### DETAIL

The information provided is obtained from the bank reconciliations carried out for Municipal, Reserves and Bonds & Deposits Bank accounts to ensure all transactions have been accounted for.

#### LEVEL OF SIGNIFICANCE

Low - report is presented to Council for information purposes.

#### CONSULTATION

Acting Chief Executive officer  
Executive Manager Corporate & Community Services

#### LEGISLATION AND POLICY CONSIDERATIONS

*Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.*

- *Section 3 – Finance 3.3 Risk Management Controls*
- *Section 3 – Finance 3.4.3 Investment Policy – Delegated Authority*

**Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)**

**Outcome 4.3 A local government that is respected, professional and accountable.**

## Outcome 4.5 Long Term Financial Viability

### FINANCIAL AND RESOURCES IMPLICATIONS

As presented to Council.

### RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management

### CONCLUSION

The Shire of Morawa's financial position is as follows:

#### **BANK BALANCES AS AT 30 September 2020**

Account	2020
Municipal Account	\$3,422,355.64
Bonds & Deposits Account	\$22,281.04
Reserve Account	\$3,107,837.96
Reserve Term Deposit (Community Development)	\$500,000.00
Reserve Term Deposit (Future Funds 1)	\$800,000.00
Reserve Term Deposit (Future Funds 2)	\$800,000.00

#### **BANK RECONCILIATION BALANCES**

The Bank Reconciliation Balances for 30 September 2020 with a comparison for 30 September 2019 is as follows:

Account	2019	2020
Municipal Account	\$2,937,608.86	\$3,422,355.64
Bonds & Deposits Account	\$21,254.56	\$22,281.04
Total Reserve Accounts	\$5,559,397.73	\$5,207,837.96

#### **RESERVE ACCOUNTS**

The Reserve Funds of \$5,207,837.96 as at 30 September 2020 were invested in:

- Bank of Western Australia \$3,107,837.96 in the Reserve Account
- Term Deposit (Future Funds 1) \$800,000.00
- Term Deposit (Future Funds 2) \$800,000.00
- Term Deposit (Community Development Fund) \$500,000.00

Breakdown for September 2020 with a comparison for September 2019 is as follows:

	September 2019	September 2020
Leave Reserve	\$219,154.48	\$225,082.64
Swimming Pool Reserve	\$40,516.04	\$60,694.30
Plant Reserve	\$835,730.76	\$467,454.20
Building Reserve	\$93,831.73	\$114,235.35
Economic Development Reserve	\$113,098.10	\$3,514.54
Sewerage Reserve	\$246,664.02	\$222,698.02
Unspent Grants and Contributions Reserve	\$0.00	\$0.00
Community Development Reserve	\$1,246,664.16	\$1,256,305.42
Morawa Future Funds Reserve	\$2,056,310.44	\$2,037,319.50
Morawa Future Funds Interest Reserve	\$273,335.77	\$224,510.71
Refuse Transfer Station Reserve	\$0.00	\$0.00
Aged Care Units Reserve Units 6 - 9	\$9,447.99	\$9,487.94
Aged Care Units Reserve Units 1 - 4	\$70,320.38	\$70,617.64
Aged Care Units Reserve Unit 5	\$56,450.01	\$56,688.64
Business Units Reserve	\$125,319.83	\$145,856.57
Legal Fees Reserve	\$25,992.74	\$26,102.61
Road Reserve	\$146,561.28	\$147,180.83
Covid-19 Reserve	\$0.00	\$140,089.05
<b>TOTAL</b>	<b>\$5,559,397.73</b>	<b>\$5,207,837.96</b>

### **TRANSFER OF FUNDS**

Nil

### **Investment Transfers**

- \$800,000.00 from Future Funds to Term Deposit Future Funds 1 for 90 days @ 0.70% interest – Matures 30 December 2020
- \$800,000.00 from Future Funds to Term Deposit Future Funds 2 for 90 days @ 0.70% interest – Matures 30 December 2020
- \$500,000.00 from Community Development Fund to Term Deposit Community Development Fund for 90 days @ 0.70% interest – Matures 30 December 2020

### **ATTACHMENTS**

Nil

**11.2.2 Accounts Due for Payment – September 2020**

**Author:** Senior Finance Officer

**Authorising Officer:** Executive Manager Corporate & Community Services

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That with respect to Accounts Due for Payment – September 2020, Council endorses the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT13463 to EFT13543 amounting to \$278,266.74**
- **Municipal Cheques Payment Numbers 33 and 12004 amounting to \$14,074.90**
- **Municipal Direct Debit Payment Numbers DD7289.1 to DD7337.9 amounting to \$49,339.58**
- **Payroll for September 2020**  
03/09/2020 - \$49,179.07  
17/09/2020 - \$48,628.32  
**Total payroll for September 2020: \$97,807.39**
- **Credit Cards payment in September 2020**  
**\$23.77**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

A list of accounts is attached for Council's consideration in relation to all Shire payments made for the month of September 2020.

**DETAIL**

*Local Government (Financial Management) Regulations 1996 – Reg 13.*

On 20 June 2019, Council delegated the Chief Executive Officer (CEO) to make payments from the municipal fund or the trust fund as required. A list of all accounts paid by the CEO is to be prepared each month showing all accounts paid since the last list was prepared.

**LEVEL OF SIGNIFICANCE**

Low significance - report is presented to Council for information purposes only.

**CONSULTATION**

Acting Chief Executive Officer  
Executive Manager Corporate & Community Services

**LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government (Financial Management) Regulations 1996 – Reg 13*

**Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

**Outcome 4.5** Long Term Financial Viability

Use of Corporate Credit Cards Policy 3.7.

**FINANCIAL AND RESOURCES IMPLICATIONS**

As presented to Council in **Attachment 1**.

**RISK MANAGEMENT CONSIDERATIONS**

As per Policy Section 3 – Finance 3.3 Risk Management Controls

**CONCLUSION**

Council is requested to endorse the list of accounts paid by the Chief Executive Officer as provided in **Attachment 1**.

**ATTACHMENTS**

*Attachment 1 - 11.2.2 List of accounts due and submitted*

**11.2.3 Monthly Financial Statements – September 2020**

**Author:** Senior Finance Officer

**Authorising Officer:** Executive Manager Corporate & Community Services

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

**That with respect to Monthly Financial Statements – September 2020, Council receive the Statement of Financial Activity for the period ending 30 September 2020.**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

Regulation 34(1) (a) of the *Local Government (Financial Management) Regulations 1996* requires that a local government must prepare monthly financial statements for Council. The Monthly Financial Activity Report and Schedules are provided for Council's consideration.

**DETAIL**

As per the *Local Government (Financial Management) Regulations 1996*, a monthly statement of financial activity report on the sources and application of funds, as set out in the annual budget has the following details:

- Annual budget estimates.
- Operating revenue, operating income and all other income and expenses.
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the reporting period.
- Identification of any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provision of likely financial projections for those highlighted significant variations and their effect on the end of year result.
- Inclusion of an operating statement.
- Any other supporting notes as required.

The actual amounts contained in the report are subject to end of year 2019/2020 adjustments and final audit. The actual figures could possibly change following the completion of final audit for 2019/2020. The auditors were on site from 30 September 2020 to 02 October 2020 to undertake the end of year audit and we are awaiting the Audit Completion Report. The final accounts will be confirmed by the auditor and be presented to council as part of the annual financial report for 2019/2020.

**LEVEL OF SIGNIFICANCE**

Low significance - report is presented to Council for information purposes.

**CONSULTATION**

Acting Chief Executive Officer  
Executive Manager Corporate & Community Services

**LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government (Financial Management) Regulations 1996*

**Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

**Outcome 4.5** Long Term Financial Viability

**FINANCIAL AND RESOURCES IMPLICATIONS**

As presented in **Attachments 1** and **2**.

**RISK MANAGEMENT CONSIDERATIONS**

There are no perceived risks associated with the report.

**CONCLUSION**

This report is based on the 2020/21 Annual Budget adopted by Council on 30 July 2020. It contains the budget amounts, actual amounts of expenditure and income to the end of the month for the purpose of keeping Council abreast of the current financial position and the variances are explained under Note 2 of the report.

**ATTACHMENTS**

*Attachment 1* – 11.2.3 September 2020 Monthly Financial Activity Report

*Attachment 2* – 11.2.3 September 2020 Schedules 2 - 14

**11.2.4 Chief Executive Officer Authorisations and Reporting to Council**

**Author:** Senior Finance Officer

**Authorising Officer:** Executive Manager Corporate and Community Services

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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**OFFICER'S RECOMMENDATION**

That with respect to the Chief Executive Officer Authorisations and Reporting to Council, Council:

1. Receive the information presented to this meeting of the time worked by the Chief Executive Officer between 3 September 2020 and 30 September 2020 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.
2. Receive the information presented to this meeting that the Chief Executive Officer took no leave since the last Ordinary Council meeting held on 17 September 2020.
3. Receive the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card for September 2020 and acknowledges that payment has been incurred in accordance with the Shire's procurement policy and Credit Card Agreement.
4. Receive the information presented to this meeting of no reimbursement applications made by the Chief Executive Officer in September 2020.

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this agenda item is to report to Council on Acting Chief Executive Officer (CEO) leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

**DETAIL**

Due to the position held by the CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

These functions can only be approved by Council resolution.

### Leave Taken

This report covers leave taken by the CEO for the period between 3 September 2020 and 30 September 2020. On 29 September, personal leave was taken on 29 September 2020 as shown in **Attachment 1**.

### Leave Sought

This report covers the period the period between 15 October and 19 November 2020 (from the date of the October Ordinary Council Meeting). The CEO is not seeking to take any leave during this period.

### Reimbursement Applications

This report covers September 2020. No reimbursements were claimed during this period.

### Corporate Credit Card

This report covers September 2020 credit card statements. Note that there was credit card expenditure of \$29.65 in September 2020 (**Attachment 2**).

### LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

### CONSULTATION

Senior Management Team

### LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states:

*“Role of council*

- (1) The council —
  - (a) governs the local government’s affairs; and*
  - (b) is responsible for the performance of the local government’s functions.**
- (2) Without limiting subsection (1), the council is to —
  - (a) oversee the allocation of the local government’s finances and resources; and*
  - (b) determine the local government’s policies.”**

### Shire of Morawa Policies

*CEO Leave Authorisations and Other Approvals Policy*  
*Use of Corporate Credit Cards Policy*

### Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

**Outcome 4.3** A local government that is respected, professional and accountable.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no known financial or resource implications in relation to this item.

**RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management implications in relation to this item.

**CONCLUSION**

That Council receive the information contained in this report addressing the CEO's:

- leave of any type;
- additional hours worked and claimed (none);
- corporate credit card expenses; and
- work related expenses/reimbursements (none).

**ATTACHMENTS**

*Attachment 1* – 11.2.4 CEO's Timesheets

*Attachment 2* – 11.2.4 CEO Credit Card Statement

### **11.3 Economic Development Manager**

There are no Reports from the Economic Development Manager

## **11.4 Executive Manager Works & Assets**

The Executive Manager Works and Assets Report forms part of the 'Confidential' Agenda.

**Item 12 Reports of Committees****12.1 Meeting of WALGA State Council Meeting 02 September 2020**

**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council receive the **Unconfirmed Minutes of the WALGA State Council Meeting held Wednesday 02 September 2020. (Attachment 1 - 12.1).**

***SIMPLE MAJORITY VOTE REQUIRED***

**12.2 Unconfirmed Minutes of the Morawa Sinosteel Future Fund Committee Meeting held 06 October 2020**

**Author:** Manager Economic Development

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council receive the **Unconfirmed Minutes of the Morawa Sinosteel Future Fund Committee meeting held Tuesday 06 October 2020 commencing at 5.15pm at the Morawa Shire Council Chambers, Morawa (Attachment 1 - 12.2).**

***SIMPLE MAJORITY VOTE REQUIRED***

**MATTERS ARISING****5.1 Morawa Sinosteel Future Fund Grant Committee - Grant Acquittals****COMMITTEE RECOMMENDATION**

That with respect to the **Morawa Sinosteel Future Fund Grant Committee – Grant Acquittals**, the Morawa Sinosteel Future Fund Committee recommend to Council:

1. That the following applications be confirmed as being acquitted in line the grant process:
  - MSFFG10 Amateur Swimming Club;
  - MSFFG11 WA College of Agriculture-Morawa;
  - MSFFG13 Morawa Historical Society; and
  - MSFFG14 Morawa Craft Group.
2. Note the current expenditure of:
  - MSFFG16 Shire of Morawa COVID-19 Recovery Package Funds

***ABSOLUTE MAJORITY VOTE REQUIRED***

**5.2 Morawa Sinosteel Future Fund Grant Application: Morawa District High School P&C Band Committee**

**COMMITTEE RECOMMENDATION**

That the Morawa Sinosteel Future Fund Grant Committee recommend Council approve the Morawa District High School P&C Band Committee application to the value of \$6,574.23, subject to receipt of a completed funding agreement.

***ABSOLUTE MAJORITY VOTE REQUIRED***

**5.3 Morawa Sinosteel Future Fund Grant Application: Morawa Speedway Association Inc**

**COMMITTEE RECOMMENDATION**

That the Morawa Sinosteel Future Fund Committee recommend Council approve the Morawa Speedway Association Inc.'s grant application for \$9,986.20, subject to receipt of a completed funding agreement and the following condition:

1. The Morawa Speedway be provided grant funds to commence works once the Shire of Morawa has been provided with planning approval under the *Shire of Morawa Local Planning Scheme No. 2* and building works approval as required under the *Building Act 2012*.

***ABSOLUTE MAJORITY VOTE REQUIRED***

**5.4 Morawa Sinosteel Future Fund Grant Application: Morawa Tennis Club Inc.****COMMITTEE RECOMMENDATION**

That the Morawa Sinosteel Future Fund Committee recommend Council approve the Morawa Tennis Club Inc.'s grant application for \$4,013.20, subject to receipt of a completed funding agreement and subject to the following conditions:

1. That there be no cost to participants attending the event; and
2. There be not less than 10 participants in each event session.

***ABSOLUTE MAJORITY VOTE REQUIRED***

**12.3 Unconfirmed Minutes of the Audit Committee Meeting held 15 October 2020**

**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council receive the Unconfirmed Minutes of the Audit Committee Meeting held 15 October 2020 (Attachment 1 - 12.3 – to be provided under separate cover).

***RECOMMENDATION/S OF COMMITTEE***  
**(To be advised)**

**Item 13 Motions of Which Previous Notice Has Been Given****Item 14 New Business of an Urgent Notice**

**Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)****15.1 Closure of the Meeting to the Public**

**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

**OFFICER'S RECOMMENDATION**

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider the following Items:

- 15.2 Confidential Item – Request to Retrospectively Waive the Interest Portion of Overdue Rates on Property A742 (s5.23 (2) (b) (d) and (e) of the *Local Government Act 1995*);
- 15.3 Confidential Item – Review of Arrangements for Tender RFT 03-2019 to undertake the Management of Jones Lake Road Transfer Station and Landfill facility (s5.23 (2) (b) (c), (d) and (e) of the *Local Government Act 1995*); and
- 15.4 Confidential Item – Request for Road Use Agreement between the Shire of Morawa and Egan Street Rothsay Pty Ltd (s5.23 (2) (c), (d) and (e) of the *Local Government Act 1995*); and
- 15.5 Confidential Item – Business Case for a 24-hour gymnasium in Morawa (s5.23 (2) (b), (c), and (e) of the *Local Government Act 1995*).

**SIMPLE MAJORITY VOTE REQUIRED**

**PURPOSE**

This item seeks Council's approval under s5.23 (2) of the *Local Government Act 1995* to move into camera or closed session to consider confidential matters:

**DETAIL**

Under s5.23 (2) of the *Local Government Act 1995*, Council must resolve to move into camera or closed session. The following Items are considered to be 'confidential matters' as addressed below:

- Item 15.2 is presented to address a request to retrospectively waive the interest portion of overdue rates on property A742 (s5.23 (2) (b) (d) and (e) of the *Local Government Act 1995*).
- Item 15.3 is presented to address a review of arrangements for Tender RFT 03-2019 to manage of the Jones Lake Road Transfer Station and Landfill facility (s5.23 (2) (b) (c), (d) and (e) of the *Local Government Act 1995*).

- Item 15.4 is presented to address a request for road use agreement between the Shire of Morawa and Egan Street Rothsay Pty Ltd (s5.23 (2) (c), (d) and (e) of the *Local Government Act 1995*).
- Item 15.5 is presented to address a Business Case for a 24-hour gymnasium in Morawa (s5.23 (2) (b), (c), and (e) of the *Local Government Act 1995*).

## LEVEL OF SIGNIFICANCE

High – Confidential Items

## CONSULTATION

Senior Management Team

## LEGISLATION AND POLICY CONSIDERATIONS

### **Local Government Act 1995**

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal —
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person;
  - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
  - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
  - (ii) endanger the security of the local government's property;
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.

### **Shire of Morawa Standing Orders Local Law 2011**

The key parts include:

- 6.2 (1) *The CEO may recommend that part of the meeting is closed.*
- 6.2 (2) *The Council may decide to close a meeting or part of a meeting.*
- 6.2 (3) *The presiding member is to direct everyone to leave the meeting except, members, the CEO and any officer specified.*
- 6.2 (5) *Clause 8.9 (re speaking twice)*

6.2 (7) *The presiding member is to ensure any resolution of the Council made while the meeting was closed is to read out including a vote of a member.*

### **Strategic Community Plan 2018 to 2028 (desktop Review June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

#### **FINANCIAL AND RESOURCES IMPLICATIONS**

Any known financial implications are addressed in the respective reports.

#### **RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management considerations.

#### **CONCLUSION**

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011* s 6.2 (2) so that it can consider the reports as addressed.

#### **ATTACHMENT**

Nil

<b>15.2</b>	<b>Confidential Item – Request to Retrospectively Waive the Interest Portion of Overdue Rates on Property A742</b>
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**Author:** Executive Manager Corporate and Community Services

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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<b>15.3</b>	<b>Confidential Item – Review of Arrangements for Tender RFT 03-2019 to undertake the Management of Jones Lake Road Transfer Station and Landfill facility</b>
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**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

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<b>15.4</b>	<b>Confidential Item – Request for Road Use Agreement between the Shire of Morawa and Egan Street Rothsay Pty Ltd</b>
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**Author:** Executive Manager Works and Assets

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

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<b>15.5</b>	<b>Confidential Item – ‘Preliminary Business Case’ for a 24-hour gymnasium in Morawa</b>
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**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

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**15.6 Reopening of the Meeting to the Public****OFFICER'S RECOMMENDATION**

That Council reopens the meeting to the public.

***SIMPLE MAJORITY VOTE REQUIRED***

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**Item 16 Closure****16.1 Date of Next Meeting**

The next ordinary meeting of Council will be held on Thursday, 19 November 2020 commencing at 5.30pm.

**16.2 Closure**

There being no further business, the President to declare the meeting closed.