



**MINUTES**  
**ORDINARY MEETING OF COUNCIL**

held on

**Thursday, 20 May 2021**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

**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.*

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**Item 1 Opening of Meeting**

The President declared the meeting open at 5.30pm.

**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.

**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**

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	Jackie Hawkins
Executive Manager Works and Assets	Paul Buist

**Members of the Public**

Nil

**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**

Nil

**3.4 Approved Leave of Absence**

Nil

**3.5 Disclosure of Interests**

Nil

**Item 4 Applications for Leave of Absence**

Nil

**Item 5 Response to Previous Questions**

Nil

**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**

Nil

**6.2 Public Statement Time**

Nil

**6.3 Petitions/Deputations/Presentations/Submissions**

Nil

**Item 7 Questions from Members without Notice**

Nil

<b>Item 8 Announcements by Presiding Member without Discussion</b>
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President's Meetings for the month of April 2021.

<b>Date</b>	<b>Details of Meeting</b>
02 April 2021	State Council Informal Forum
08 April 2021	Sinosteel Future Fund Committee Meeting
08 April 2021	Shire of Morawa, Briefing Session
14 April 2021	Pre SAC WALGA Meeting
14 April 2021	Lunch with the Prime Minister
16 April 2021	Meeting with Hon Reece Whitby and Melissa Pexton – DFES State Recovery Coordinator
17 April 2021	Thank a Volunteer BBQ
21 April 2021	WALGA Selection Committee
21 April 2021	Meeting with DFES Incident Controller and CEO
22 April 2021	Meeting with Paul Papalia
23 April 2021	Midwest Development Commission Board Meeting
25 April 2021	ANZAC Day Ceremony
28 April 2021	Finance & Services Meeting - WALGA
29 April 2021	Shire of Morawa, Ordinary Council Meeting
29 April 2021	Shire of Morawa, Briefing Session – Cyclone Seroja
30 April 2021	Post Cyclone Seroja Community Meeting with Agencies

<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.

- President Councillor Karen Chappel
- Deputy President Councillor Dean Carslake
- Councillor Jane Coaker
- Councillor Debbie Collins
- Councillor Yvette Harris
- Councillor Shirley Katona
- Councillor Ken Stokes



**Item 11 Reports of Officers****11.1 Chief Executive Officer****11.1.1 Integrated Planning and Reporting – April 2021**

**Author:** Executive Assistant

**Authorising Officer:** 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/RESOLUTION**

**210502 Moved: Cr Collins**

**Seconded: Cr Katona**

**That Council receive the Integrated Planning and Reporting (IPR) update for the month of April 2021.**

***CARRIED BY SIMPLE MAJORITY 7/0***

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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)**

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

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The expenditure associated with the provision of the software used to monitor and report on IPR has been 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 April 2021 update (*Attachment 1*).

### **ATTACHMENT**

*Attachment 1* – 11.1.1 IPR April 2021



**11.1.2 Actions Performed under Delegated Authority for April 2021**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER'S RECOMMENDATION/RESOLUTION**

**210503 Moved: Cr Carslake Seconded: Cr Stokes**

**That with respect to Actions Performed under Delegated Authority for April 2021, Council:**

**1. Accept the Report.**

***CARRIED BY SIMPLE MAJORITY 7/0***

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**PURPOSE**

To report back to Council, actions performed under delegated authority from the period 01 April 2021 to 30 April 2021.

**DETAIL**

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals;
- Building Permits;
- Health Approvals;
- One off delegations to the Chief Executive Officer;
- Dangerous Goods;
- Affixing of Common Seal;
- Other Delegations as provided for in the Delegations Register.

The following outlines the actions performed within the Shire relative to Delegated Authority from the period 01 April 2021 to 30 April 2021 ('the period') and are submitted to Council for information.

***Bushfire***

No delegated decisions were undertaken by Shire pursuant to bushfire matters during the period.

***Caravan parks and camp grounds***

No delegated decisions were undertaken by Shire pursuant to caravan parks and camping grounds during the period.

**Common Seal**

No Common Seal actions were undertaken by the Shire during the period.

**Dangerous Goods Safety Act 2004**

No delegated decisions were undertaken by Shire pursuant to Dangerous Goods Safety matters during the period.

**Food Act 2008**

No delegated decisions were undertaken by Shire pursuant to the Food Act matters during the period.

**Hawkers, traders and stall holders**

No delegated decisions were undertaken by Shire pursuant to Hawkers, traders and stall holders during this period.

**Liquor Control Act 1988**

No delegated decisions were undertaken by Shire pursuant to liquor matters during the period.

**Lodging houses**

No delegated decisions were undertaken by Shire pursuant to lodging house matters during the period.

**Public Buildings**

No delegated decisions were undertaken by Shire pursuant to public buildings matters during the period.

**Septic Tank Approvals**

No delegated decisions were undertaken by Shire pursuant to the Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent Waste) Regulations 1974 during the period.

**Planning Approval**

No delegated decisions were undertaken by Shire pursuant to *Planning & Development Act 2005* during the period.

**Building Permits**

No delegated decisions were undertaken by Shire pursuant to *Building Act 2011* during the period.

**Other Delegations**

No other delegated decision was undertaken by Shire pursuant to this category during the period.

**LEVEL OF SIGNIFICANCE**

Low – report provided to Council for information purposes.

**CONSULTATION**

Nil

**LEGISLATION AND POLICY CONSIDERATIONS**

*Building Act 2011*

*Bushfire Act 1954*

*Dangerous Goods Safety (Explosives) Regulations 2007*

*Health Act 1991*

*Health Act 1911*

*Health (Public Buildings) Regulations 1992*

*Liquor Control Act 1988*

*Local Government Act 1995*

*Planning & Development Act 2005*

*Shire of Morawa Local Planning Scheme No. 2*

*Shire of Morawa Cemeteries 2018 - Local Law*

*Shire of Morawa Dogs 2018 - Local Law*

*Shire of Morawa Extractive Industries 2018 - Local Law*

*Shire of Morawa Fencing 2018 Local Law*

*Shire of Morawa Health 2004 - Local Law*

*Shire of Morawa Public Places and Local Government Property 2018 - Local Law*

*Shire of Morawa Meeting Procedures 2012 - Local Law*

*Shire of Morawa Waste 2018 - Local Law*

*Shire of Morawa Delegations Register (2020)*

**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**

There are no known financial implications relating to this Item.

**RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management implications relating to this Item.

**ATTACHMENTS**

Nil

**11.1.3 Code of Conduct - Council Members, Committee Members and Candidates**

**Author:** Planning Officer

**Authorising Officer:** 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/RESOLUTION**

**210504 Moved: Cr Carslake                      Seconded: Cr Coaker**

**That Council:**

- 1. Resolves to revoke the existing Shire of Morawa ELM03 Code of Conduct.**
- 2. Adopts the draft "Code of Conduct for Council Members, Committee Members and Candidates" for the Shire of Morawa and publish on the Shire's website.**

***CARRIED BY ABSOLUTE MAJORITY 7/0***

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**PURPOSE**

Council is requested to review and adopt the updated code of conduct to govern the local government affairs for the Shire of Morawa.

**DETAIL**

On 3 February 2021, the Local Government (Model Code of Conduct) Regulations 2021 (Model Code) was enacted which replaced the Local Government (Rules of Conduct) Regulations 2007.

The Model Code is applicable to Council Members, Committee Members and Candidates only, not employees. Schedule 1 of the Model Code is being presented as the draft Code of Conduct for Council Members, Committee Members and Candidates.

In accordance with s5.104 of the Act, Local Government is required to adopt by an absolute majority a Code of Conduct for Council Members, Committee Members and Candidates within 3 months of the new requirements coming into effect.

Also on 3 February 2021, section 5.51A was inserted into the Local Government Act 1995, requiring the CEO to prepare and implement a Code of Conduct for employees.

Based on these changes to Regulations there now needs to be two Codes of Conduct documents:

1. Code of Conduct for Council Members, Committee Members and Candidates.
2. Code of Conduct for Employees – CEO to prepare and implement. No requirement for Council adoption.

These two documents will replace the current ELM03 Code of Conduct for Council Members, Committee Members, Staff, Volunteers and Contractors adopted at ordinary council meeting 19 November 2020.

The Code of Conduct presented is based on WALGA guidance to ensure alignment with regulations.

### **LEVEL OF SIGNIFICANCE**

High – regulations require a code of conduct to be adopted in line with the model code under the regulations within three months of the regulations coming into effect.

### **CONSULTATION**

Chief Executive Officer

### **LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government Act Sections 5.103 and 5.104*

*“5.103. Model code of conduct for council members, committee members and candidates*

- (1) Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) The model code of conduct must include —*
  - a. general principles to guide behaviour; and*
  - b. requirements relating to behaviour; and*
  - c. provisions specified to be rules of conduct.*
- (3) The model code of conduct may include provisions about how the following are to be dealt with —*
  - a. alleged breaches of the requirements referred to in subsection (2)(b);*
  - b. alleged breaches of the rules of conduct by committee members.*
- (4) The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) Regulations may amend the model code of conduct.*  
*[Section 5.103 inserted: No. 16 of 2019 s. 50.]*

*5.104. Adoption of model code of conduct*

(1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt\* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

*\* Absolute majority required.*

(2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend\* the adopted code of conduct to incorporate the amendments made to the model code.*

*\* Absolute majority required.*

(3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —*  
*a. can only be expressed to apply to council members or committee members; and*  
*b. are of no effect to the extent that they are inconsistent with the model code.*

(4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*

(5) *The model code is taken to be a local government’s adopted code of conduct until the local government adopts a code of conduct.*

(6) *An alleged breach of a local government’s adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*

(7) *The CEO must publish an up-to-date version of a local government’s adopted code of conduct on the local government’s official website.*

*[Section 5.104 inserted: No. 16 of 2019 s. 50.]”*

## **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no known financial and resource implications associated with this Report.

## **RISK MANAGEMENT CONSIDERATIONS**

Low – the Shire is regulated to adopt a Code of Conduct for Council Members, Committee Members and Candidates that align to the Model Code of Conduct prescribed in regulations.

## **CONCLUSION**

The aim of the Code of Conduct is to foster a high standard of professional and ethical conduct by council members and candidates, and to support consistency across local governments in relation to their response to complaints regarding conduct.

## **ATTACHMENTS**

*Attachment 1 – 11.1.3 Code of Conduct for Council Members, Committee Members and Candidates*

**11.1.4 Code of Conduct Behaviour Complaints Management Policy**

**Author:** Planning Officer

**Authorising Officer:** 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/RESOLUTION**

**210505 Moved: Cr Stokes Seconded: Cr Harris**

**That Council:**

- 3. Adopts the draft “Code of Conduct - Behaviour Complaints Management Policy” for the Shire of Morawa and publish on the Shire’s website.**
- 4. Adopt the Draft “Code of Conduct – Behaviour Complaints Form” for the Shire of Morawa and publish on the Shire’s website.**
- 5. Appoint the CEO as the Shire of Morawa Behaviour Complaints Officer.**

***CARRIED BY ABSOLUTE MAJORITY 7/0***

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**PURPOSE**

The new Model Code of Conduct provides a high-level process for conduct complaints management that requires local councils to make a finding on complaints regarding the alleged behaviour of council members, committee members and candidates that have been elected.

Local governments are encouraged to develop a more detailed policy and/or procedure for dealing with complaints that is consistent with the Regulations.

The purpose of this report is for Council to adopt the Behaviour Complaints Policy and Form associated with the Code of Conduct for Elected Members, Committee Members and Candidates.

**DETAIL**

The policy and associated form being presented to Council aligns with WALGA templates and the Department of Local Government guidelines.

The policy provides a clear process to be followed to ensure all behaviour complaints are handled fairly and consistently.

It is recommended that Council appoint the Chief Executive Officer as the Behaviour Complaints Officer to fulfill regulatory obligations and to manage the administrative requirements associated with enacting this Policy.

**LEVEL OF SIGNIFICANCE**

High – having an appropriate and standardised approach to the management of code of conduct breaches is essential to good governance.

**CONSULTATION**

Chief Executive Officer  
WALGA

**LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government Act 1995*  
*Local Government (Model Code of Conduct) Regulations 2021*

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no known financial and resource implications associated with this Report.

**RISK MANAGEMENT CONSIDERATIONS**

Medium

**CONCLUSION**

The aim of the Code of Conduct is to foster a high standard of professional and ethical conduct by council members and candidates, and to support consistency across local governments in relation to their response to complaints regarding conduct.

**ATTACHMENTS**

*Attachment 1* – 11.1.4 Code of Conduct Behaviour Complaints Management Policy

*Attachment 2* – 11.1.4 Code of Conduct Behaviour Complaints Form



**11.1.5 Standards for CEO Recruitment, Employment and Termination**

**Author:** Planning Officer

**Authorising Officer:** 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/RESOLUTION**

**210506 Moved: Cr Carslake                      Seconded: Cr Collins**

**That Council adopts the draft “Model Standards for CEO Recruitment, Employment and Termination Policy” for the Shire of Morawa and publish on the Shire’s website.**

***CARRIED BY ABSOLUTE MAJORITY 7/0***

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**PURPOSE**

Council is requested to review and adopt the Standards for CEO Recruitment, Employment and Termination which align with the model standards prescribed under legislation. Key features of these regulations include the requirement:

- to establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- to establish a performance review process by agreement between the local government and the CEO; and
- to conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO’s contract.

**DETAIL**

On 3 February 2021, the Local Government (Administration) Amendment Regulations 2021 (CEO Standards) introduced mandatory minimum standards for the recruitment, selection, performance review and termination of employment in relation to local government Chief Executive Officers (CEOs).

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 22 of the Amendment Act by introducing mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

**LEVEL OF SIGNIFICANCE**

High

**CONSULTATION**

Chief Executive Officer

**LEGISLATION AND POLICY CONSIDERATIONS**

*Local government (administration) amendment regulations 2021*

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are no known financial and resource implications associated with this Report.

**RISK MANAGEMENT CONSIDERATIONS**

Medium – if model standards are not adhere to it is a possibility that CEO recruitments could be deemed invalid and the Shire would have to recommence the process. Legal risks also exist if correct termination processes are not adhered to.

**CONCLUSION**

The aim of the CEO Standards is to provide local government with a consistent and equitable process for CEO recruitment, performance review and termination across all local governments, in accordance with the principles of merit, equity and transparency.

**ATTACHMENTS**

*Attachment 1 – 11.1.5* Model Standards for CEO Recruitment, Employment and Termination Policy

**11.1.6 Proposed Garage – Lot 15 (No.75) Yewers Ave, Morawa**

**Author:** Planning Officer

**Authorising Officer:** 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/RESOLUTION**

**210507 Moved: Cr Carslake Seconded: Cr Katona**

**That Council resolve to grant development approval for the proposed garage on Lot 15 (No.75) Yewers Ave, Morawa subject to the following conditions:**

- 1. Development shall be in accordance with the approved plan(s). The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2. The use of second hand materials is not permitted.**
- 3. The development shall be consistent or complementary in colour with the existing building to the approval of the local government.**
- 4. All stormwater is to be disposed of on-site to the approval of the local government.**
- 5. The landowner/proponent is responsible to ensure the installation and maintenance at all times of a drainage system for the disposal of surface water which:**
  - a) Conveys water to an appropriate outfall.**
  - b) Avoids the entry of water into a building.**
  - c) Avoids water damaging the building.**
- 6. That a building permit is to be obtained for the garage prior to construction.**
- 7. The development/land use is to be located entirely within the property boundary.**
- 8. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists.**
- 9. The land use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.**

***CARRIED BY SIMPLE MAJORITY 7/0***

**PURPOSE**

The owner of Lot 15 (No.75) Yewers Ave, Morawa (the Applicant) is seeking approval to reduce the primary street setback of the proposed garage from that required 7.5m as per Table 1 of the Residential Design Codes.

**DETAIL**

The proposed garage is 6.10m long and 5.30m in width with a wall height of 2.4m. The Applicant is seeking to reduce the primary street setback from the required 7.5m as per Table 1 of the Residential Design Codes to 2.8m at the closest point.

The location of the proposed garage is in the existing driveway, currently an unauthorised carport sits in the proposed garage location. The existing carport is being removed and replaced with the proposed garage. The proposed reduced primary street setback is due to the tapered lot front. The proposed garage is not considered to impact the street scape nor impact on the amenity of adjoining landowners. There is significant open space still available within the front setback area, the proposed garage will provide the residence with adequate privacy.

**LEVEL OF SIGNIFICANCE**

Nil

**CONSULTATION****LEGISLATION AND POLICY CONSIDERATIONS**

State Planning Policy – 7.1 Residential Design Codes

**FINANCIAL AND RESOURCES IMPLICATIONS**

Nil

**RISK MANAGEMENT CONSIDERATIONS**

Nil

**CONCLUSION**

As an owner builder, the Applicant is required to engage a structural engineer to certify the proposed carport structure.

It is noted that:

1. If the development/land use, the subject of this approval, is not substantially commenced within a period of 2 years after the date of determination, the approval shall lapse and be of no further effect.
2. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
4. The development is to comply with the National Construction Code Series.
5. With regards to Condition No.4 on application for a building permit a detailed design of stormwater collection and disposal system of developed areas is to be supplied.
6. With regards to Condition No.7 it is recommended that the services of a licensed surveyor be employed to verify the exact boundary position.

The Shire received correspondence from the Department of Planning, Lands & Heritage stating they had no comments on the proposal.

## **ATTACHMENTS**

*Attachment 1* – 11.1.6 Site Plan for proposed Garage

*Attachment 2* – 11.1.6 Building specification form proposed Garage



**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 3.5 Investment Policy – Delegated Authority*
  
- Strategic Community Plan 2018-2028

**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 *Finance 3.3 Risk Management*

**CONCLUSION**

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

**BANK BALANCES AS AT 30 April 2021**

<b>Account</b>	<b>2021</b>
Municipal Account	\$2,068,973.07
Bonds & Deposits Account	\$20,281.04
Reserve Account	\$3,118,066.20
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 April 2021 with a comparison for 30 April 2020 is as follows:

<b>Account</b>	<b>30 April 2020</b>	<b>30 April 2021</b>
Municipal Account	\$774,618.43	\$2,068,973.07
Bonds & Deposits Account	\$22,572.73	\$20,281.04
Total Reserve Accounts	\$5,588,399.88	\$5,218,066.20

**RESERVE ACCOUNTS**

The Reserve Funds of \$5,218,066.20 as at 30 April 2021 were invested in:

- Bank of Western Australia \$3,118,066.20 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 April 2021 with a comparison for April 2020 is as follows:

	<b>April 2020</b>	<b>April 2021</b>
Leave Reserve	\$219,920.96	\$225,446.03
Swimming Pool Reserve	\$40,657.75	\$60,792.28
Plant Reserve	\$808,653.78	\$468,208.89
Building Reserve	\$94,159.90	\$114,419.78
Economic Development Reserve	\$3,493.66	\$3,520.20
Sewerage Reserve	\$247,526.73	\$223,057.56
Unspent Grants and Contributions Reserve	\$0.00	\$0.00
Community Development Reserve	\$1,253,300.13	\$1,258,767.12
Morawa Future Funds Reserve	\$2,020,784.73	\$2,041,943.17
Morawa Future Funds Interest Reserve	\$274,291.76	\$224,925.62
Refuse Transfer Station Reserve	\$0.00	\$0.00
Aged Care Units Reserve Units 1 - 4	\$70,566.33	\$70,731.65
Aged Care Units Reserve Unit 5	\$56,647.44	\$56,780.17
Aged Care Units Reserve Units 6 - 9	\$9,481.04	\$9,503.26
Business Units Reserve	\$125,758.14	\$146,092.05
Legal Fees Reserve	\$26,083.65	\$26,144.75
Road Reserve	\$147,073.88	\$147,418.45
Covid-19 Reserve	190,000.00	\$140,315.22
<b>TOTAL</b>	<b>\$5,588,399.88</b>	<b>\$5,218,066.20</b>

**TRANSFER OF FUNDS**

Nil

**Investment Transfers**

Nil

**ATTACHMENTS**

Nil



**11.2.2 Accounts Due for Payment – April 2021**

**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 Council endorse the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT14139 to EFT14211 amounting to \$507,717.33**
- **Municipal Direct Debit Payment Numbers DD7755.1 to DD7790.1 amounting to \$59,034.85**
- **Total Payroll in April 2021: \$115,939.99**  
**14/04/2021 - \$57,080.16**  
**28/04/2021 - \$58,859.83**
- **Total Credit Card payment in April 2021: \$1,430.77**

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**RESOLUTION 210508 – *carried en bloc***

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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 April 2021.

**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

Chief Executive Officer  
Acting Chief Executive Officer  
Executive Manager Corporate & Community Services

## LEGISLATION AND POLICY CONSIDERATIONS

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

- Strategic Community Plan 2018-2028

**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 per *Attachment 1*.

## RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management.

## 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 – April 2021**

**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 Council receive the Statement of Financial Activity for the period ending 30 April 2021.**

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**RESOLUTION 210508 – carried en bloc**

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**PURPOSE**

Regulation 34(1) (a) of the *Local Government (Financial Management) Regulations 1996* states 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.

**LEVEL OF SIGNIFICANCE**

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

**CONSULTATION**

Chief Executive Officer  
Acting Chief Executive Officer  
Executive Manager Corporate & Community Services

## OFFICER'S COMMENTS

Nil

## LEGISLATION AND POLICY CONSIDERATIONS

*Local Government (Financial Management) Regulations 1996*

- Strategic Community Plan 2018-2028

**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.

## 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 and the Annual Budget Review adopted by Council on 18 March 2021.

This report 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 April 2021 Monthly Financial Activity Report*

*Attachment 2 – 11.2.3 April 2021 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/RESOLUTION**

**210509 Moved: Cr Stokes Seconded: Cr Coaker**

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

- 1. Council receive the information presented to this meeting that the Chief Executive Officer has taken approved unaccrued leave from 1 April 2021 to 30 April 2021 since the Ordinary Council Meeting held on 29 April 2021.**
- 2. Council receive the information presented to this meeting that the credit card transactions made by the Chief Executive Officer using his corporate credit card in March 2021 and acknowledges that payments have been made in accordance with the Shire's procurement policy and Credit Card Agreement.**
- 3. Council receive the information presented to this meeting which include motor vehicle fuel reimbursement application made by the Acting Chief Executive Officer on 28 April 2021.**

***CARRIED BY SIMPLE MAJORITY 7/0***

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**PURPOSE**

The purpose of this agenda item is to report to Council on Chief Executive Officer (CEO) leave applications, use of corporate credit card and any reimbursement(s) 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 1 April 2021 and 30 April 2021.

The CEO has taken approved unaccrued leave from 1 April 2021 to 30 April 2021 as part of his approved paternity leave. All leave taken will be paid in accordance with the adopted request below:

*In total the CEO is set to be on leave for 32 working days. This is planned to be taken in the form of:*

- 2 days public holiday
- 7 days annual leave
- 9 days sick/carers leave
- 14 days unpaid parental leave

*This leave request will put the CEO in negative balances for both sick/carers leave and annual leave given the short timeframe since his commencement with the Shire to accrue leave on a pro rata basis.*

### **Corporate Credit Card**

This report covers March 2021 credit card statement (**Attachment 1**).

### **Reimbursement Application**

One motor vehicle fuel reimbursement for \$60.03 was submitted by the Acting CEO on 28 April 2021.

### **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;
- corporate credit card expenses; and
- work related expenses/reimbursements.

## **ATTACHMENTS**

*Attachment 1 – 11.2.4 CEO Credit Card Statement.*

**11.2.5 New Unbudgeted Accounts Created in April 2021**

**Author:** Executive Manager Corporate and Community Services

**Authorising Officer:** 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 adopts:

1. The creation of account 14810 - Storm Damage with a budget of \$100,000.
  2. To Establish a new Reserve Account for - Morawa-Yalgoo Road Reserve with the purpose of "To be used to fund significant maintenance works required on the Morawa-Yalgoo Road"
  3. The creation of Income account 12238 - Maintenance Contribution – Morawa Yalgoo Road with a budget of \$10,000
  4. That any income received into account 12238 in the 2020/2021 Financial Year will have a corresponding transfer to the Morawa Yalgoo Road Reserve Account
- 

**RESOLUTION**

210510 Moved: Cr Carslake                      Seconded: Cr Collins

That Council adopts:

1. The creation of account 14810 - Storm Damage with a budget of \$100,000.

*CARRIED BY ABSOLUTE MAJORITY 7/0*

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**RESOLUTION**

210511 Moved: Cr Carslake                      Seconded: Cr Coaker

That Council adopts:

1. To Establish a new Reserve Account for - Morawa-Yalgoo Road Reserve with the purpose of "To be used to fund significant maintenance works required on the Morawa-Yalgoo Road"
2. The creation of Income account 12238 - Maintenance Contribution – Morawa Yalgoo Road with a budget of \$10,000
3. That any income received into account 12238 in the 2020/2021 Financial Year will have a corresponding transfer to the Morawa Yalgoo Road Reserve Account

*CARRIED BY ABSOLUTE MAJORITY 7/0*

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**Reason for change:**

Council wished to separate the officer's recommendation into two resolutions to clearly delineate the two distinct subjects and provide greater transparency.

**PURPOSE**

s6.8 (1) of the Local Government Act 1995 states that a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –

- a) Is incurred in a financial year before adoption of the annual budget by the local government;  
or
- b) Is authorised in advance by resolution; or
- c) Is authorised in advance by the mayor or president in an emergency.

S6.8 (2)(b) of the Local Government Act 1995 states where expenditure has been incurred by a local government pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of Council.

**DETAIL****Cyclone Seroja**

Due to the Extreme Weather Condition – Tropical Cyclone Seroja Council has been required to spend monies from the Municipal Fund that had not previously been budgeted for. These funds were used to carry out the opening up of roads, clearing of debris and community support. As at 30 April 2021 the total expenditure allocated to account number 14810 is \$82,412 and is broken down as follows:

- 1) Job Number B1481 – Opening Up \$32,026
- 2) Job Number B14810 – Cleanup & Debris Removal \$50,091
- 3) Job Number B14811 – Emergency Admin Support \$294

As this is a declared event Council will be seeking reimbursement under the Disaster Recovery Funding Arrangement Western Australia. (DRFAWA). Should we be successful in our claim the funds may not cover all of the expenditure as it is part of the funding agreement that Council cover some of the cost and any funding may not be received this financial year. Council has submitted a Preliminary Event Notification Form with estimated expenditure of \$350,000.

It is also possible that some of these costs may be covered by Council's insurance policies and staff are currently working with its insurers to achieve the best outcome for Council.

There is currently an operating income account set up that any funds in relation to DRFWA funding will be allocated to. This account originally had a budget of \$4,950 but was altered in the December 2020 Budget Review to a NIL Budget.

**Road User Agreement – Egan Street Rothsay Pty Ltd**

At Councils October 2020 meeting a report was tabled regarding a request for a Road Use Agreement for Egan Street Rothsay Pty Ltd for concessional loading on the Morawa-Yalgoo Road with the recommendations being adopted under *resolution 201022*.

Council has now signed the “Road User Agreement “ and are now required to set up new accounts for the managing of the funds that Council will receive under this contract. All monies received will initially be allocated to an operating income account with any unspent funds being transferred to a Reserve account at year end.

The required accounts will be as follows:

- 1) A new Reserve Account (30129) to be called Morawa-Yalgoo Road Reserve and its purpose is “To be used to fund significant maintenance works required on the Morawa-Yalgoo Road”
- 2) A new operating income account (12238) for the receipting of all funds during the year which will be called “Maintenance Contribution – Morawa -Yalgoo Road”.

Any operating expenditure during the year will be allocated to the current maintenance accounts for Morawa-Yalgoo Road.

### **LEVEL OF SIGNIFICANCE**

Medium significance – Council is required to adopt all income and expenditure for the year in its Annual Budget and any changes during the Budget Review Process. These new accounts with unbudgeted income and expenditure were not captured during budget review so need separate approval.

### **CONSULTATION**

Chief Executive Officer  
Acting Chief Executive Officer  
Executive Manager Works and Asse

### **OFFICER’S COMMENTS**

Nil

### **LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government (Financial Management) Regulations 1996*

- Strategic Community Plan 2018-2028

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

**Outcome 4.5** Long Term Financial Viability

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The expenditure raised for Cyclone Seroja is not expected to substantially change the adopted budget balances as the expenses have to date been mainly salaries and wages which have been diverted from other adopted expenditure lines that will now be underspent.

The first quarter income received from the Road Users Agreement will initially be receipted to the operating account but it is unlikely that there will be any offsetting expenditure this year so the income will be transferred into the Morawa-Yalgoo Road Reserve for future years.

**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 and the Annual Budget Review adopted by Council on 18 March 2021.

**ATTACHMENTS**

Nil

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**Item 12 Reports of Committees**

**12.1 Minutes of WALGA State Council Meeting held 5 May 2021**

**Author:** Chief Executive Officer

**Authorising Officer:** 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/RESOLUTION**

**210512 Moved: Cr Coaker                      Seconded: Cr Harris**

**That Council receive the Minutes from the Meeting of the Western Australian Local Government Association State Council held at WALGA, 170 Railway Parade, West Leederville and via MS Teams on Wednesday, 5 May 2021. (*Attachment 1 - 12.1.*)**

***CARRIED BY SIMPLE MAJORITY 7/0***

**Item 13 Motions of Which Previous Notice Has Been Given**

Nil

**Item 14 New Business of an Urgent Nature**

Nil

**Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)**

Nil

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

The next ordinary meeting of Council will be held on Thursday, 17 June 2021 commencing at 5.30pm.

The President wished to have on record that on Thursday, 10 June 2021 the President and CEO of WALGA will be attending the Shire of Morawa's Briefing session.

**16.2 Closure**

There being no further business, the President declared the meeting closed at 5.38pm.



..... Presiding Member