



MINUTES

ORDINARY MEETING OF COUNCIL

held on

Thursday, 10 February 2022 at 5:30pm

at the

**Shire of Morawa Council Chambers,
26 Winfield Street, Morawa**



DISCLAIMER

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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 elder's 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 Ken Stokes
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Yvette Harris
Councillor Shirley Katona

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

Councillor Dean Carslake

3.4 Approved Leave of Absence

Nil

3.5 Disclosure of Interests

Agenda Item: 15.2 CEO Remuneration Package Adjustment		
Name of Disclosing Member	Nature of Interest	The Nature being
Scott Wildgoose	Financial	Relates to CEO contract.

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

Item 6 Public Question Time

Important note:

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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

Item 8 Announcements by Presiding Member without Discussion

President's Meetings for the month of December 2021 and January 2022.

Date	Details of Meeting
1 December 2021	WALGA State Council
3 December 2021	Mid-West Development Commission
8 December 2021	Public Health Advocacy Institute
9 December 2021	Morawa Awards Committee
9 December 2021	Shire of Morawa Briefing Session
10 December 2021	State Road Funds to Local Government
13 December 2021	Mid-West Development Commission- Desert Blue Connect
15 December 2021	City of Fremantle
16 December 2021	Shire of Morawa Ordinary Council Meeting
17 December 2021	Morawa Shire Christmas Party
21 December 2021	Audit Committee and Special Council Meeting
5 January 2022	Covid Mandatory Update DFES
6 January 2022	WALGA Media Training
20 January 2022	Covid Mandatory Update DFES
24 January 2022	Desert Blue Connect Board
26 January 2022	Australia Day Event
28 January 2022	Australian Blackspot Consultive Panel
31 January 2022	Hon David Templeman MLA

Item 9 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting

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 Ken Stokes
- Councillor Debbie Collins
- Councillor Jane Coaker
- Councillor Shirley Katona
- Councillor Yvette Harris

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 16 December 2021 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 20 December 2021.

The Minutes of the 21 December 2021 Special Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 23 December 2021.

OFFICER'S RECOMMENDATION/RESOLUTION**220201****Moved: Cr Stokes****Seconded: Cr Coaker**

That Council confirm that:

1. the Minutes of the Ordinary Council Meeting held 16 December 2021 are a true and correct record.
2. the Minutes of the Special Council Meeting held 21 December 2021 are a true and correct record.

CARRIED SIMPLE MAJORITY 6/0

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 Actions Performed under Delegated Authority for December 2021 & January 2022**

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

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

OFFICER RECOMMENDATION/ RESOLUTION

220202 Moved: Cr Stokes

Seconded: Cr Coaker

That with respect to Actions Performed under Delegated Authority for December 2021 & January 2022, Council:

- 1. Accept the Report.**

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

To report back to Council, actions performed under delegated authority from the period 01 December 2021 to 31 January 2022.

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 December 2021 to 31 January 2022 ('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 campgrounds

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

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
01/12/2021	Certificate of registration of a food business	Certificate Granted	The Zenn Shack	

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
23/12/2021	Permit no 211179	Replace roof on rural shed due to cyclone damage.	1977 Morawa-Yalgoo Road, Morawa	

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

11.1.2 Amendment of Purpose of Crown Reserve 20057

Author: Town Planner

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.

OFFICER'S RECOMMENDATION/RESOLUTION

220203 Moved: Cr Coaker Seconded: Cr Harris

That Council:

- 1. Direct the CEO to submit a request through the Department of Lands to amend the purpose of Crown Reserve 20057 from "Shire Office and Hall" to "For the purpose of Recreation, Tourism, Health, Civic and Community Uses" or a similar suitable purpose as determined by the department, with the vesting providing the Shire with the power to lease for a period of up to 20 years.**

CARRIED BY ABSOLUTE MAJORITY 6/0

PURPOSE

Manage the respective uses, facilities, and activities within the Crown Reserve 20057.

DETAIL

Crown Reserve 20057 ('the Reserve') is located within the Morawa townsite and as is currently zoned government services under Local Planning Scheme No.2 (*Attachment 1*). The current reserve purpose is "Shire Office and Hall Site" vested in the Shire of Morawa with no power to lease under Management Order J103948 (*Attachment 2*). Historically this purpose and zoning has been relevant as the reserve is the site of the Town Hall and Old Road Board Building (Shire Office) so aligned with the purpose of the reserve.

Given the old road board building no longer houses the Shire office and has recently been renovated to allow for multiple use concepts, it seems prudent to review the purpose of the reserve.

On 11 April 2021 the Shire along with much of the mid-west was ravaged by Cyclone Seroja causing widespread damage and psychosocial affects across the community. As part of the recovery process DFES, Department of Communities and Red Cross have established a recovery hub in Morawa. The Shire was looking to accommodate the recovery hub in the old shire office to provide a central point for community members with enough space for social events and activities. Once renovations were finished and a simple peppercorn lease was developed it became apparent that the Shire was not vested with power to lease on the reserve management order. Subsequently, the DFES legal team requested special ministerial approval to allow the Shire to lease on this occasion but it was determined that this could not be granted as the purpose of the reserve did not directly align to their proposed activities.

As such in order to rectify this situation the administration proposes to request the purpose of the reserve be amended and the power to lease be added as part of the same process.

When developing a proposed purpose officers have considered current reserve uses as well as envisaged future uses of the land, bearing in mind Crown Land is not designed to be used for commercial purposes unless ancillary to the primary purpose. Such as a bar at a sports club.

As such it is being recommended that the Crown Reserve purpose be amended to “For the purpose of recreation, tourism, health, civic and community uses”, with Recreation, Civic and Community uses aligning well with the existing use of the reserve and town hall, with the recovery hub use aligning to health and community, and tourism being broad enough to allow a variety of activities, Civic still allows the Shire to hire spaces freely as part of normal operations but with the new purpose leasing portions of the buildings on the reserve would also be an option. Usually crown reserves can be given the power to lease for up to 21 years so the Shire is just requesting 20 years but would happily accept 5 or 10 years.

The Department of Lands have suggested Council submit a formal request for an amendment of management order J103948 to allow them to commence the process to consider changing the purpose. Given the adjoining reserves are for the purpose of public school and church under Town Planning Scheme No.2 this would appear appropriate, however it will be subject to the Department of Lands consideration.

LEVEL OF SIGNIFICANCE

Medium significance – it is important reserves align with the purpose for which they are used and future uses have been taken into consideration.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Land Administration Act 1997

Land Administration Regulations 1998

FINANCIAL AND RESOURCES IMPLICATIONS

Costs to Council for managing the reserve in its current state would be met by the annual operational budget. Additional financial implications for any improvements to the reserve would need to be considered when proposed.

RISK MANAGEMENT CONSIDERATIONS

Nil

CONCLUSION

That Council resolve to request the Department of Lands grant a management order for

Reserve 20057 to the Shire of Morawa for the purpose of 'Recreation, Tourism, Health, Civic and Community uses'.

ATTACHMENTS

Attachment 1 – 11.1.2 Site Plan

Attachment 2 – 11.1.2 Management Order

11.2 Executive Manager Corporate & Community Services

11.2.1 Statement of Financial Activity – December 2021

Author:	Corporate & Community Services 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.

OFFICER'S RECOMMENDATION

220204 **Moved: Cr Stokes** **Seconded: Cr Harris**

That Council receive;

- 1) the Statement of Financial Activity for the period ending 31 December 2021.
- 2) the Bank Reconciliation Report for period ending 31 December 2021.
- 3) the attached List of Payments for the period ending 31 December 2021.
- 4) with respect to the Chief Executive Officer authorisations and reporting to Council;
4.1) information presented to this meeting in regard to reimbursement
Applications made by the Chief Executive Officer for the period
ending 31 December 2021

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

The Statement of Financial Activity is prepared to provide Council with a comprehensive report on the financial position on a monthly basis.

The Statement of Financial Activity Report will include the Monthly Financial Report, Bank Reconciliation Report and the List of Payments made.

DETAIL

In accordance with the provisions of Section 6.4 of the *Local Government Act 1995* and Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*, a local government is to prepare each month a Statement of Financial Activity (**Attachment 1**) reporting on the revenue and expenditure as set out in the Annual Budget each month.

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,

- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual
- Net current assets
- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

As part of the monthly report a bank reconciliation report will be completed and included as **Attachment 2**. The summary of the report for 31 December is as follows:

Account	Balance
Municipal Account	1,677,450.07
Municipal Online Account	1,027,185.03
Trust Account	3,342.41
Reserve Account	3,438,934.34
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$8,246,911.85

Pursuant to Section 5.42 of the *Local Government Act 1995*, Council has resolved to delegate to the Chief Executive Officer the authority to make payments from the municipal and trust funds.

As a result of this delegation there is a requirement under the *Local Government (Financial Management) Regulations 1996* – Reg 13(3) for a list of payments to be prepared and presented to Council.

The list of accounts paid for the period 1 December 2021 to 31 December 2021 is presented as an attachment to this report (**Attachment 3**) and is summarised in the table below.

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	469,012.10
Municipal	Cheques No: 12025	8,015.20
Municipal	Direct Debit Transactions	32,972.34
Municipal	Bank Transfers / Payroll / Other Payments	122,956.37
Municipal	Corporate Credit Cards	1,583.74
Trust	Electronic Funds Transfers (EFT)	0
	TOTAL	\$634,539.75

Reimbursement Applications

There have been \$0 of reimbursements claimed by the Chief Executive Officer during the month of December.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

OFFICER'S COMMENTS

The month of December shows a snapshot of the shire of Morawa's half yearly progress. It reveals a significant reduction in expenses which is offset by the overall decrease in the year-to-date income.

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.42 *Local Government Act 1995* Delegation of some powers and duties to the CEO.

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.

Local Government (Financial Management) Regulations 1996

Regulations 34(1)

- (1) A local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) for each month.

Regulation 13

- (1) If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month.
- (3) A list prepared under sub regulation (1) or (2) is to be –
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

- 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

The risks identified as part of this report being inaccurate information is mitigated by Council receiving financial statements on a monthly basis and in the form that is in accordance with the Local Government Act 1995 and associated regulations in the format called Statutory Reporting and is considered Low Risk.

CONCLUSION

Council is requested to receive the attached Statement of Financial Activity, the Bank Reconciliation report, the list of accounts paid by the Chief Executive Officer and the list of any work related expenses/reimbursements submitted by the Chief Executive Officer.

ATTACHMENTS

Attachment 1 – 11.2.1a Monthly Financial Report for the period ending 31 December 2021.

Attachment 2 – 11.2.1b Bank Reconciliation for the period ending 31 December 2021.

Attachment 3 – 11.2.1c List of Accounts Paid for the period ending 31 December 2021.

11.2.2 February 2022 Budget Review – Covering actuals from 1 July to 31 December 2021

Author:	Executive Manager Corporate & 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.

OFFICER'S RECOMMENDATION/ RESOLUTION

That Council:

220205 Moved: Cr Stokes Seconded: Cr Coaker

- 1. Adopt the February 2022 Budget Review considering the actual financials for the period of 1 July 2021 to 31 December 2021 as presented in the Report and Attachment 1**
- 2. Amends the budget accordingly**

CARRIED BY ABSOLUTE MAJORITY 6/0

PURPOSE

For Council to consider and adopt the 2nd quarter 2021-2022 budget review.

DETAIL

Under Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, Council is obliged to undertake an annual budget review. A review of the 2021-2022 Annual Budget has been undertaken by the Chief Executive Officer and other senior staff using the monthly financial statements as of 31 December 2021.

The 1 July – 31 December 2021 Budget Review (*Attachment 1*) document details the examination undertaken and all budget movements proposed.

Summarised below are the major variations included in the Budget Review:

Opening Balance

During the Annual Budget development, the Shire predicted a closing surplus for 2020/2021 (opening balance for 2021/2022) of \$1,986,095. The actual closing balance for 2020/2021 in the Audited Annual Financial Report was \$2,110,858.

Operating Revenue

Various operating revenue accounts have been modified to rectify under or over allocations in the budget with the significant changes being:

- Inclusion of \$80,000 of grant income for the Bushfire Risk Planning Co-Ordinator, previously administered by Shire of Chapman Valley but now administered by Shire of Morawa.
- Increase \$5,575 in rental income on housing and business units to align with actual figures expected for 2021/2022.
- Inclusion of \$3,000 grant income and expenditure for the purchase of 2 public computers for the library, pending a WA Libraries Grant Application.
- Inclusion of \$20,000 income for an Arts & Culture Plan – not included in the original budget but successful grant application through DLGSCI.
- Inclusion of \$11,840 for the funding of Australia Day events to align with the actual income.
- Reduction to interest earnings of \$18,000 to reflect actual interest rate being achieved.

Overall increase in operating revenue through budget review is \$173,718

Operating Expenditure

Various operating expenditure accounts have been modified to rectify under or over allocations in the budget with the significant changes being:

Increase:

- Inclusion of \$80,000 expenditure relating to the Bushfire Risk Co-Ordinator that has income to offset the costs.
- Inclusion of \$20,000 expenditure relating to COVID 19 requirements such as PPE to protect staff and community, as well as business continuity items offset with a transfer from Covid reserve to cover the costs.
- Inclusion of expenditure relating to insurance claims of \$36,500
- Increase of \$30,000 for consultancies fees to ensure required plans are completed in line with CEO KRAs, as well as offset any temp staff or admin support outsourcing linked to covid and general business continuity.
- Increase to expenditure to match grants & contributions income of \$56,840. This includes Australia Day, Tourism Plan & Arts & Culture Plan.
- Increase to maintenance costs for various Council facilities including the cemetery.

Decrease:

- Removal of the Waste Management Strategy, saving \$25,000. With the other plans Council needs to prepare this Strategy is unlikely to be developed this financial year but will be factored into future financial years to align with a regional collection process.

Overall increase in operating expenditure through the budget review is \$176,840.

This overall increase includes the redistribution of Administration and overhead allocations between the schedules. These transfers are normally offset against materials but are required to be shown in Note 5 Budget Amendments on page 9 & 10 of the Budget Review document.

Capital Expenditure

Building Renewals

Other Housing – Replacement of the ceiling in one of the Dreghorn Street Units at a cost of \$6,000 that is partially funded by an insurance reimbursement.

Furniture & Equipment

Replacement of the photocopier in the Administration Office due to continued unreliability of current copier and the significant business impact of this, at a cost of \$10,000.

Infrastructure - Roads

Inclusion of \$80,000 to cover the increased expenditure on Nanekine Road. This is in part linked to a carried forward invoice from last year and due to the job being delayed by the cyclone meaning it wasn't finished last year and the Shire was required to complete the works early in the financial year when it was raining heavily. Carrying out the works in wet weather led to extra boxing, gravel carting, and general works to ensure the surface was suitable for sealing.

Overall increase in capital expenditure through the budget review of \$96,000.

Capital Income

The inclusion of a \$20,000 transfer from the COVID-19 Emergency Response Reserve to cover any costs associated with Council's business continuity and staff/community safety. Depending on how the Omnicron outbreak escalates and how restrictions change when borders eventually open, the Shire may need to bring in more measures to deliver critical community services with minimal service interruptions.

Final Position

With the budget review movements presented in attachment 1, accounting for an overall increase in the Shires surplus of \$3,447, being combined with the November Budget Reviews movements (\$6,007 end of year surplus) as per Council Resolution 211107, the Shire's end of year closing position is expected to be a \$9,454 surplus.

LEVEL OF SIGNIFICANCE

High – Compliance with legislation and prudent financial management

CONSULTATION

Shire President
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) The review of an annual budget for a financial year must —*
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) consider the local government's financial position as at the date of the review; and*
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.*

- (2) *Within 31 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
Absolute majority required.
- (4) *Within 31 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire of Morawa 2021/2022 2nd quarter Budget Review outcome is that Council is expected to have a surplus of \$9,454 at 30 June 2022 (adopted budget was balanced)

RISK MANAGEMENT CONSIDERATIONS

High – Compliance with legislation and accountability via external audits (OAG)

CONCLUSION

The review has considered all operational and capital areas of council and compared year to date figures to projected 30 June figures to ensure accounts are tracking in line with budget. Where changes and variations are known these changes have been incorporated to ensure that the desired financial result is achieved by Council.

The net effect of the projected income and expenditure to 30 June 2022 is that Council is expected to have a surplus of \$9,454 at year end instead of the original budgeted break-even balance.

This end of year position will be reviewed in May 2022 based on financials at March 2022.

ATTACHMENTS

Attachment 1 – 11.2.2 1 July to 31 December 2021 Budget Review

11.2.3 Dreghorn Street Footpath

Author: Executive Manager Corporate & Community Services

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declare that both have no conflicts of interest pertaining to this item.

OFFICER RECOMMENDATION/ RESOLUTION

220206 Moved: Cr Katona Seconded: Cr Coaker

With respect to the installation of a footpath on Dreghorn Street between Davis and Prater Street, That Council:

- 1. Resolves to adopt Option 3: Installation of the footpath along the east side of Dreghorn Street between the trees/lampposts and boundary fences.**
- 2. Direct the CEO to consider the potential future development of a Greening Plan for the Shire that looks to address tree canopy desires and the impact of historical planting such as trees under powerlines.**

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

The purpose of this report is for Council to determine the best way forward with the proposed footpath on Dreghorn Street between Davis and Prater Street.

DETAIL

The 10-year footpath program adopted by Council was implemented after safety concerns were raised by residents and tourists of the town. This program is designed to provide a safe network of shared use pathways throughout the entire Morawa townsite, connecting residential, commercial, and light industrial areas to key community facilities.

The Shire submitted a grant application to the Department of Transport's WA Bike Network (WABN) in 2019 for the continuation of a footpath on Dreghorn Street between Davis and Prater Street for 200m to accommodate the dual use of cyclists and walkers, with a minimum width of 2m but in general dual use paths are around 2.4m wide. The original scope of the project was costed at \$62,459 and had funding split 50/50 between WABN and Council. This footpath was due to be installed in the 2021-2022 financial year but was deferred until 2022-2023 so that a decision could be made on where to locate the path due to the trees planted along the road.

This report summarises the various options available to the Shire in terms of the footpath location for the Council to make an informed decision on the approach for next financial year.

East side of Dreghorn Street (Winfield Street Side)

There is approximately 2.5 metres between the property fences and the trees and 2m between the powerlines and the curb.

Option 1:

Locating the footpath through the middle of the verge with the power poles located down the centre, the footpath could be extra wide to allow for easy travel either side of the poles.

There are six (6) trees planted along this section of the road and due to root growth and location these trees would need to be removed if the footpath was to be centrally laid. That have been pruned back as they are underneath the powerline. As these trees are located under powerlines, they are pruned annually at a cost of approximately \$3,000.00. If these trees were to be removed to make way for the footpath it would cost \$9,000.00 to remove them but Council would then have an annual savings of \$3,000.00. To remove and relocate the trees to another location is not feasible as the Shire would need to get specifically qualified tradesmen to ensure that the trees and roots are removed with minimal damage, there would be a significant cost to this and no guarantee the trees would survive. If the trees were removed, once the footpath has been installed, new plants/trees that do not reach the height of the powerlines could be installed.

Option 2:

The road could be narrowed, and curbing extended by 500cm to allow the proposed footpath to comfortably fit in the space between the power lines and the road.

The road in this area is sufficiently wide to allow for narrowing without impacting traffic flow. The Shire plans to upgrade kerbing when installing footpaths so uplifting the kerbing isn't a concern.

Option 3:

On reviewing the width of the proposed footpath, it is possible to locate it close to the property boundary fences. Installing a footpath close to fences can cause problems from the growth of plants on private property blocking the path and installation may undermine fencing causing instability. This option represents the simplest solution as the verge width already exists and the growth of trees on this side of the road is restricted by the power lines.

West Side of Dreghorn Street (Town Hall Side)**Option 4:**

If the Shire was to try and easily fit the footpath on the existing road verge without impacting the road it would require tree removal.

On the west side of Dreghorn Street there are nine (9) large trees planted and their removal would cost approximately \$27,000. The tree roots are of a significant size that concerns are raised around their impact on the road.

Correspondence received from the Department of Transport when discussions were being held regarding the delaying of the path requested that we avoid the removal of these large trees, if at all possible.

Option 5:

On reviewing the width of the proposed footpath and the location of the trees it is possible to install the footpath without removing the trees if the kerb is realigned and the road narrowed. This will not remove the current and future issue of the roots pushing up and damaging both the footpath and the road if the trees are not removed. To date we have not had to carry out any repair works to the road but may need to in the future.

Option 6

Forego the grant funds and do not undertake the footpath works. Given that commuters have traversed this area for a number of years without a footpath it isn't a critical deliverable. However, it is only one street back from Winfield Street and forms part of the Shire footpath linkage plans.

When considering all the options presented it is worth thinking about the flow of people around the town. Existing footpaths take people from Winfield Street to the school and vice versa. The likelihood is that community members and tourists travelling on the Dreghorn St footpath between Davis and Prater Street will be moving to or from the IGA or Post Office, to access services further down Winfield Street they would likely use the new Davis Street footpath directly to Winfield Street. Given that Winfield Street is likely to be the main destination or origin for commuters, locating the footpath on the East Side of Dreghorn Street makes most sense from a commuter perspective.

Whilst removing trees may make some business sense due to regular pruning costs, given the general heat and lack of shade around Morawa it doesn't seem prudent to remove any trees without first considering the overall tree and planting schedule for the townsite and other greening alternatives. The Shire has received a few community comments around the benefit of trees, plants and general foliage around townsites. If this is again highlighted through the strategic community plan review process, the Shire may want to look at developing a Greening Plan.

In terms of user safety, given the path will be used by cyclists as well as pedestrians, option 3 locating the path between the power poles and the fence boundary offers the greatest distance between commuters and the road. This location also aligns generally with where footpaths have been located around the townsite.

As such the administration is recommending Council adopt Option 3 as its preferred course of action.

LEVEL OF SIGNIFICANCE

Low – this project won't commence until next financial year.

CONSULTATION

Senior Management Team
WA Bike Network
Community Development Officer

If Option 3 is adopted as the preferred course of action the property owners with the boundary fences will be consulted with prior to any works commencing.

LEGISLATION AND POLICY CONSIDERATIONS

NIL

FINANCIAL AND RESOURCES IMPLICATIONS

Council can with minimal investment of \$9,000.00 save \$3,000.00 per year by removing the current trees along the east side of Dreghorn Street. This stops any damage from tree roots along that side of the road and removes any issues related to the power lines.

Unfortunately, unless Council removes the trees on the west side of Dreghorn Street the current trees will still lift up the edges of the road in future years but will not damage a footpath unless Council elects to install the path on that side of the road.

The preferred option (Option 3) comes with no current budget impacts as the project will align with budget expectations and no trees will be moved, however it does not prevent the occurrence of future costs.

RISK MANAGEMENT CONSIDERATIONS

Council risks losing the grant funding if a decision is not made on which side of Dreghorn Street the footpath will be installed as we have only been able to delay the project by a year and WA Bike Network are currently not willing to allow us to replace the project.

CONCLUSION

Staff have reviewed all the options available for this footpath installation with the preferred option being Option 3.

ATTACHMENTS

NIL

11.3 Executive Manager Works & Assets

11.3.1 PBS Scheme Vehicle Access Morawa-Yalgoo Road

Author: Executive Manager Works and Assets

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.

OFFICER'S RECOMMENDATION/ RESOLUTION

220207 Moved: Cr Stokes

Seconded: Cr Katona

That with respect to 42m A-Triple Performance Based Standard (PBS) Scheme Vehicle Access Approval Application for Level 3 Mass–Saltbush Contracting, Council:

1. **Do not support the application and the amendment to vehicle access on the Morawa Yalgoo Road SLK 0.00 to SLK 42.7**
 - a. **The main reason for not supporting this request is the increase in vehicle length to 42m and the inherent risks associated with single lane sections of road, generally road geometry and meandering terrain, as well as various curves and crests.**

CARRIED SIMPLE MAJORITY 6/0

PURPOSE

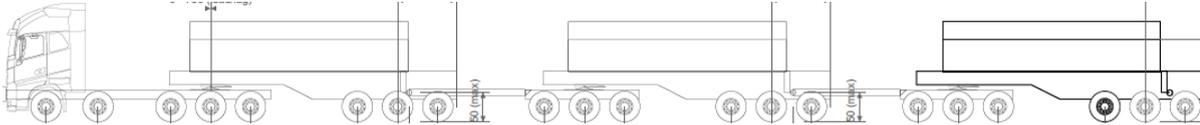
Saltbush Contracting, through Main roads Heavy Vehicle Services, are seeking to modify the access approval on the Morawa-Yalgoo Road to allow Performance Based Standard (PBS) Level 3 vehicles with AMMS Level 3 Mass (23.t for tri-axle groups).

DETAIL

The Morawa Yalgoo Road from Wubin Mullewa Road to the Shire of Yalgoo boundary has been designated conditional RAV 7, requiring Council consent to operate heavy vehicle combinations on the section of road. When developing its Road User Agreement with Silverlake Resources to transport gold ore from Perenjori to Yalgoo through Morawa, it was for RAV7 vehicles. These vehicles can be up to 36.5m in length.

Saltbush Contracting (Silverlakes Contractors) are requesting to allow TD4, TD4.3 and PBS TD3B.3 vehicles on the road.

Road Name	Road Number	Start Point	Start SLK	End Point	End SLK	Access Currently Approved	Support Required
Morawa Yalgoo Rd	5110149	Mingenew Morawa Rd	0.00	LGA Boundary	42.71	N7.3, PBS 2B.3	TD4, TD4.3, PBS TD3B.3



When Silverlake Resources made their initial request to the Shire, the Shire had a road report completed by CORE Business. Potential safety issues identified were in relation to the width of the road, meandering terrain, curves, crests, and culvert geometry. It was deemed that the road and its current widening regime would accommodate the concessionally loaded RAV 7 vehicles, but the Shire should look to improve the road where possible.

The request from Saltbush Contracting goes beyond the current assessment and the major concern is that the new vehicles are proposed to be 42m long – 5.5m longer than the existing vehicles.

Main Roads highlights the benefits of the Performance Based Standards Scheme (PBS) in the attached document but in generally they reference improved vehicle standards, improved efficiency, and reduced traffic impact.

Whilst there seems to be merit in the system with the Shire still working to widen the road to a 7m seal in all sections and the current Road User Agreement only covering RAV 7 vehicles, it is recommended that Council not support the longer vehicles at this stage. With reasoning linked to general safety concerns on the road, existing issues with crests, geometry and terrain placing other road users at risk, and the extra length of vehicle being the major safety concern.

The Shire would remain open to reconsidering this proposal once the entire road is widened, although it would always pose an overtaking risk, it is likely to reduce wear and tear and road impacts.

The Shire is cautious that once approval is given for one company it sets a precedence and more trucks may look to go to this extended length which will add increased safety concerns and wear to the edges of roads.

It should be noted that Main Roads Heavy Vehicle Services can still approve the request without Shire support.

At this stage it seems as though Shire of Yalgoo administration is not supportive of this proposal until their section of the road is fully sealed. The Shire of Perenjori are still reviewing the application for their section of road but in the past have not supported this type of vehicle due to similar concerns related to bends, crests, road surface, and safety.

It is also disappointing to see this request come from Saltbush directly through Main Roads and not through Silverlake as the RUA is held with the mine and states RAV 7 and length so this would need to be amended if PBS was to be used.

LEVEL OF SIGNIFICANCE

Low – No complaints have been received by the Shire during the period the applicant has been using the Morawa-Yalgoo Road.

CONSULTATION

Chief Executive Officer – Shire of Yalgoo
Executive Manager Works and Assets – Shire of Morawa
Works Manager – Shire of Perenjori

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995
Road Traffic Act 1972
Road Traffic (Vehicles) Act 2012
Road Traffic (Vehicle Standards) Regulations 2002
Main Roads Act 1930

FINANCIAL AND RESOURCES IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

Medium – if the Shire supports this application it may lead to community safety impacts and unknown maintenance costs.

CONCLUSION

The Shire's existing Road User Agreement for Morawa-Yalgoo Road was based on RAV 7 conditional loading and all of the safety and road assessments centred around this. The increase in vehicle length poses a safety risk that is enhanced on single lane sections, curves, and crests. It is not recommended for Council to support this proposal at this stage and sight safety concerns as the reasoning.

The mine and contractor would need to work with the Shire further to alleviate any concerns if this proposal was to be reconsidered.

ATTACHMENTS

Attachment 1 – 11.3.1 Report on Benefits of PBS Scheme.

Item 12 Reports of Committees**12.1 Minutes of WALGA State Council Meeting held 01 December 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.

OFFICER'S RECOMMENDATION/ RESOLUTION

220208 Moved: Cr Coaker Seconded: Cr Collins

That Council receive the Minutes of the WALGA State Council Meeting held 01 December 2021. (*Attachment 1 - 12.1*)

CARRIED BY SIMPLE MAJORITY 6/0

Attachment 1 – 12.1 Minutes of WALGA State Council Meeting 01 December 2021

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)**15.1 Closure of the Meeting to the Public****Author:** Chief Executive Officer**Authorising Officer:** Chief Executive Officer**Disclosure of Interest:** The author has disclosed an interest relating to item 15.2 proposed to be a confidential item.**OFFICER'S RECOMMENDATION/ RESOLUTION****220209 Moved: Cr Coaker****Seconded: Cr Katona**

That Council closes the meeting to the public under section 5.23 (2)(a) and (c) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012 s 6.2* so that it can consider the following Items:

- 15.2 CEO Remuneration Package Adjustment

CARRIED BY SIMPLE MAJORITY 6/0**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 'confidential matters' as addressed below:

- 15.2 Confidential Item – CEO Remuneration Package Adjustment

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 Meeting Procedures Local Law 2012

The key parts include:

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried— (a) the presiding member is to direct everyone to leave the meeting except— (i) the members; (ii) the CEO; and (iii) any officer specified by the presiding member; and (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

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 Meeting Procedures Local Law 2012* s 6.2 so that it can consider the reports as addressed.

ATTACHMENT

Nil

Mr Scott Wildgoose, Jackie Hawkins and Paul Buist left the meeting at 5.40pm

15.2 CEO Remuneration Package Adjustment

Author: Executive Manager Corporate & Community Services

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Authorising Officer declares that he has a financial interest in this item and has only authorised for administrative purposes.

OFFICER RECOMMENDATION/RESOLUTION

220210 Moved: Cr Stokes Seconded: Cr Harris

That Council:

- 1. Resolve to vary the CEO employment contract to reduce the contracted Fringe Benefit Tax (FBT) remuneration component by \$887 to reflect the actual FBT liability more accurately.**
- 2. Direct the Shire President to seek the CEO's written acceptance of this contract variation.**

CARRIED BY ABSOLUTE MAJORITY 6/0

15.3 Reopening of the Meeting to the Public

OFFICER'S RECOMMENDATION/ RESOLUTION

220211 Moved: Cr Harris Seconded: Cr Katona

That Council reopens the meeting to the public.

CARRIED BY SIMPLE MAJORITY 6/0

Scott Wildgoose, Jackie Hawkins and Paul Buist returned to meeting 5.42pm

Item 16 Closure

16.1 Date of Next Meeting

The next ordinary meeting of Council will be held on Thursday, 17 March 2022 commencing at 5.30pm.

16.2 Closure

There being no further business, the President declared the meeting closed at 5.43pm.