



MINUTES

ORDINARY MEETING OF COUNCIL

held on

Wednesday 20 April 2022

at the

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



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

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Item 1 Opening of Meeting

The President declared the meeting open at 5.33pm.

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
Executive Manager Works and Assets	Paul Devcic
Environmental Health Officer (Victoria Park)	Michael Van Der Miele

Members of the Public

Dave Coaker

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

Cr Chappel declared an impartiality interest in relation item 11.1.3 – as the property owner is a relative.

Agenda Item 11.1.3 – Commissioned - Public Art		
Disclosing Member	Nature of Interest	The Nature being
Cr Chappel	Impartiality Interest	The property owner is a relative.

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

Item 6 Public Question Time

Important note:

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

On the 1 April 2022, the Shire President fixed the Extraordinary Election date as 9 July 2022 pursuant to Section 4.9 (1a) of the Local Government Act 1995. Under legislation the Shire is required to hold an election within 4 months of a Councillor resigning, and the date of the election must be fixed within 1 month of the resignation. Given Mr Dean Carslake resigned from Council on the 14 March 2022, the fixing of the election date as 9 July 2022 meets the Shire's regulatory requirements.

President's Meetings for the month of March 2022.

Date	Details of Meeting
2 March 2022	State Council
3 March 2022	SAC Delegations Workshop
4 March 2022	WA Women's Hall of Fame Ceremony
8 March 2022	Meeting with Hon Stephen Dawson MLC
9 March 2022	W.A Country Health Services Meeting
10 March 2022	Shire of Morawa Agenda Settlement
10 March 2022	Audit and Risk Committee Meeting
11 March 2022	Institute of Public Works Engineering Australasia Gala Dinner
15 March 2022	General Practitioner tendering for Regional Local Government Meeting
16 March 2022	Business Breakfast with Prime Minister Scott Morrison
16 March 2022	LGIS Board Induction
17 March 2022	Leadership Day with the Morawa District High School student Councillors
17 March 2022	Shire of Morawa Ordinary Council Meeting
18 March 2022	Regional Road Group Sub meeting- Morawa
22 March 2022	Arts and Culture and Heritage Workshop- Morawa
24 March 2022	ALGA Board Meeting- Canberra
25 March 2022	Meeting with the General Director of Local Government
25 March 2022	LGIS Board Meeting
28 March 2022	Public Accounts Committee Meeting- Student Transport Assistance Policy Hearing
30 March 2022	Mining Community Policy Forum
30 March 2022	Special State Council Meeting
31 March 2022	Regional Road Group Chairs' Meeting- Development Assistance Panel.

Item 9 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting
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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 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 17 March 2022 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 20 March 2022.

OFFICER'S RECOMMENDATION/ RESOLUTION

That Council confirm that:

220401

Moved: Cr Stokes

Seconded: Cr Collins

1. the Minutes of the Ordinary Council Meeting held 17 March 2022 are a true and correct record.

CARRIED BY 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 March 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**220402****Moved: Cr Collins****Seconded: Cr Coaker**

That with respect to Actions Performed under Delegated Authority for March 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 March 2022 to 31 March 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 delegation 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 March 2022 to 31 March 2022 ('the period') and are submitted to Council for information.

Bushfire

<i>Date of decision</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
16/03/2022	Extend prohibited burning period by 14 days	N/A	BFAC
16/03/2022	Appoint Bush Fire officers to carry out the powers and functions in the bush fire act 1954	N/A	BFAC

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

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

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
01/03/2022	210987	Repair cyclone damage to dwelling	15 Caulfield Street, Morawa	
02/03/2022	211076	Repair cyclone damage to Dwelling and Workshop	64 White Ave, Morawa	
15/03/2022	220119	Roof and internal repairs due to storm damage	20 Winfield Street, Morawa	
17/03/2022	220228	Repair storm damage to roof, patio and verandah	1503 Morawa-Yalgoo Road, Morawa	
25/03/2022	211063	Repair cyclone damage to sheds	174 Judge Road, Morawa	

Other Delegations

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
15/03/2022		Application for a public event- Swing in the Park	Morawa CRC	

The CEO also provided advice to the Department of Planning Lands and Heritage in relation to a Native Title Claim and transference of ownership from the Crown for the below parcels of land. The nature of the native title claim is such that the Shire can provide comments but has no decision-making authority in this case.



The CEO comments were in response to questions asked as below:

1. Are there any future proposals for the land identified? If so, in what time frame?
 - a. Shire of Morawa has no interest in this land or knowledge of any proposals for it.
2. Are there any future proposals for any adjoining land which may impact on the proposed transfer of the land identified?
 - a. All of the adjoining land is in private ownership and the Shire suggests making contact with the property owners to ascertain their views on the matter.
3. Are there any proposed planning scheme amendments which may affect the land identified? If so, in what time frame?
 - a. The Shire's planning scheme is currently under review, but no changes are proposed for this area.
4. Are there any known land management issues with the land identified, e.g. contamination etc?
 - a. The Shire has no knowledge of know land management issues on this land but suggests contact be made with the Department of Mines, Industry Regulation and Safety due to the presence of Mining Tenements and Leases in the area as well as the Department of Biodiversity, Conservation and Attractions due to conservation parks etc. in the region.

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 WAPC Subdivision Application No. 162090

Author: Planning Officer

Authorising Officer: CEO

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

220403

Moved: Cr Stokes

Seconded: Cr Coaker

That in regard to WAPC Subdivision No.162090 Council resolves:

1. Not to object to subdivision application Western Australian Planning Commission (WAPC) No. 162090 from Hille Thompson & Delfos on behalf of Mr Christopher Croot for Lot No's 3635 & 11470 North East Canna Road, Canna and does not seek to impose any conditions.
2. To suggest to the WAPC that it not apply a Bushfire Attack Level Assessment to Subdivision No. 162090 in this instance as the subdivision does not create any additional lots and a Bushfire Attack Level Assessment will still be applicable in any future approvals for dwellings etc.

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

Council is requested to provide comment of support to the Western Australian Planning Commission (WAPC) in respect of the subdivision Lot No's 3635 & 11470 North East Canna Road.

DETAIL

The Western Australian Planning Commission (WAPC) is generally not supportive of the subdivision of Rural zoned land. However, *Development Control Policy 3.4 – Subdivision of Rural Land (DC 3.4)* in particular, clause 6 states that rural subdivision will only be considered in the following exceptional circumstances:

- a. to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;
- b. to protect and actively conserve places of cultural and natural heritage;
- c. to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;
- d. in the Homestead lot policy area, to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and

- e. *for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.*

The WAPC Subdivision Application No.162090 seeks a boundary realignment of the land (classified as 'subdivision'). The proposed subdivision will not increase or reduce the number of lots although the lot sizes will be altered to Lot 1 1400.6ha and Lot 2 598.5ha. *Attachment 1 & Attachment 2.*

LEVEL OF SIGNIFICANCE

High

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Legislation

- *Planning and Development Act 2005*
- *Land Administration Act 1977*
- *Shire of Morawa Local Planning Scheme No.2*
- *Local Government Act 1995*
- *State Planning Policy SPP3.7 Planning in Bushfire Prone Areas*

State Government Policies

- *State Planning Policy 3.7 - Planning in Bushfire Prone Areas*
- *Development Control Policy 3.4 – Subdivision of Rural Land (DC 3.4) Clause 6 - Circumstances under which rural subdivision may be considered - In considering applications under section 6, the WAPC will consider rural subdivision in the following exceptional circumstances:*
 - f. *to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
 - g. *to protect and actively conserve places of cultural and natural heritage;*
 - h. *to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
 - i. *in the Homestead lot policy area, to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and*
 - j. *for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.*

Local Policies

- *Shire of Morawa Town Planning Scheme No.2*
The land is zoned 'Rural' under the Shire of Morawa Town Planning Scheme No.2 (TPS No. 2). TPS No. 2 has the following Objectives and provisions relevant to the application:

"4.1.1 Rural Zone

4.11.1 Objectives

- a) to ensure the continuation of broad-hectare farming as the principal land use in the District and encouraging where appropriate the retention and expansion of agricultural activities;*
- b) to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment;*
- c) to allow for facilities for tourists and travellers, and for recreation uses.*

*4.11.2 Site Requirements See Table 2.**4.11.3 Development Requirements: Except for:*

- a) establishment of a firebreak required to comply with a regulation or bylaw, or*
- b) provision of access to a building site, or*
- c) the area of building, or*
- d) cash crops; not more than 2000m² on any lot shall be cleared of indigenous trees or substantial vegetation. If the Council is satisfied upon receipt of a submission the clearing of an area greater than 2000m² will not adversely affect the amenity, environmental values, character and landscape qualities of the locality it may approve such land to be cleared subject to conditions as may be required by the Council.*

4.11.4 Subdivision: Having regard to the prime agricultural importance of land in the zone the Council will only support further subdivision of existing lots where:

- a) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a farming property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern of landuse in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);*
- b) the lots are for farm adjustment;*
- c) the lots are for specific uses such as recreation facilities and public utilities; or d) the lots are required for the establishment of uses ancillary to the rural use of the land or are required for the travelling public and tourists (such as service stations and motels).*

4.11.5 Homestead lots: Notwithstanding clause 4.11.4 above, the council may support a subdivision application to excise a homestead lot, containing an existing farm residence, within the Rural Zone, subject to:

- (i) there having been a decline in population over two intercensal periods in the Census Collection District within which the subject land is located;*
- (ii) any such homestead lot being between 4 ha and 10 ha in size, excluding any battleaxe leg; and*
- (iii) any such homestead lot having its own frontage, and constructed vehicular access, to a constructed road."*

- Council Policy '9.1 RURAL SUBDIVISION' is applicable to the application. The Policy reflects TPS No. 2 objectives along with the following criteria:

Council will not support the subdivision of rural land resulting in the creation of lots smaller than 20 hectares"

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil

CONCLUSION

That Council offer no objections to the WAPC Subdivision Applicant No.162090

ATTACHMENTS

Attachment 1 – 11.1.3b Hillie Thompson & Delfos Proposed Subdivision Plan

Attachment 2 – 11.1.3c WAPC Display Plan

Attachment 3 – 11.1.3d WAPC Application

11.1.3 Commissioned - Public Art

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.

Cr Chappel declares that she has an Impartiality Interest in relation to this item and has made the necessary declaration and will vote accordingly.

OFFICER'S RECOMMENDATION/ RESOLUTION

220404

Moved: Cr Katona

Seconded: Cr Harris

That Council:

1. Approve the commissioned public art in the Winfield Street Heritage Precinct at the Morawa Post Office, 'Little West Wood.'
2. Supports the installation of removable planter boxes on Morawa Post Office land

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

To assess improvements at the Morawa Post Office, 'Little West Wood' including a piece of commissioned public art.

DETAIL

The Morawa Post Office falls within the Winfield Street Heritage Precinct. Its location is of high visual and pedestrian traffic significance which will result in high exposure and attraction to the main streetscape and aesthetic. Little West Wood has proactively engaged renowned artist Helen Ansell to design and paint a commissioned feature on the Morawa Post Office wall. This is part of a series of improvements planned to create a sense of place for community at this prime corner of the main street.

Helen Ansell is a regional Western Australian artist, whose vibrant paintings capture the spirit of native Western Australian flora and fauna. Helen has strong ties to indigenous communities having grown up in Ululla and the Midwest in Mullewa. She is passionate about supporting regional communities and has taken part in large scale public art projects.

The proposed main design of the mural will be located to the south side of the building facing Prater Street, with a smaller flower design on the front of the building located near the entrance of the Post Office facing Winfield Street.



Prater Street Design



Winfield Street Design

The artwork is proposed to commence in May 2022. The intended artwork will be colourful, contemporary aboriginal art in dot formation showcasing flora and fauna. With background red brick being incorporated into the proposed design.

Public art reflects a community and its surroundings, working to cultivate a cultural identity by setting a community apart and attracting people to its uniqueness.

The works will have a protective coating applied to protect it from weather and graffiti. Should there be a need the artist will be contracted to fix any aspect of the finished work.

As part of the Wildflower Country regional promotion there is the added leverage of a public art trial and mural trial that this artwork can be added to. This body of works aligns well with discussions and analysis conducted so far around the Arts and Culture and Tourism Plans currently in development by the Shire.

Little West Wood also propose to introduce two (2) large removal planter boxes within the post office land parcel. The idea is that the trees/shrubs planted in the planter boxes precinct will aid in increasing the visual identity of the street scape, assist in providing shade to pedestrians as well as reducing heat radiation to the building. For simplicity the proposal is to use IBC containers as a main structure and inclosing them with vertical wood cladding to create an aesthetically appealing planter box. This method also means the planters boxes can be moved easily with the right equipment when/if required. Given the planter boxes are removable the Shire cannot control whether they are installed on the Post Office land, but Little West Wood would like Council support for their introduction.



Visual illustration of what removable planter boxes will look like

The subject property is listed on the Shires Municipal Inventory, being located within the Winfield Street Precinct (*Attachment 3*). The proposed artwork is not considered to negatively impact the street precinct and the subject building whilst in the Heritage Precinct is not especially old or and the walls to be painted do not represent unique design or great heritage value.

This is an initiative taken by a local business to try and improve the look and feel of the townscape and as such this aligns well with the Shire's vision for the future.

LEVEL OF SIGNIFICANCE

Medium significance – Physical display will be forever.

CONSULTATION

Morawa Post Office, Little West Wood

LEGISLATION AND POLICY CONSIDERATIONS

Shires Municipal Inventory

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Whilst the visual impact of a mural can always be a risk, this is somewhat negated by the use of a well-respected local artist who has painted many murals of this type in the region.

CONCLUSION

That Council approve the display of public art and other improvements on private property, the Morawa Post Office 'Little West Wood'.

ATTACHMENTS

Attachment 1 – 11.1.3 – Helen Ansell Proposal

Attachment 2 – 11.1.3 – Removable planter boxes

Attachment 3 – 11.1.3 - Winfield Street Heritage Precinct

11.1.4 Draft Local Heritage Survey

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.

OFFICER'S RECOMMENDATION/ RESOLUTION

220405

Moved: Cr Stokes

Seconded: Cr Harris

That Council:

- 1. Endorse the Draft Local Heritage Survey for public advertising and consultation.**

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

A review of the 1996 Shire of Morawa Municipal Heritage Inventory is a requirement of the Heritage Act 2018. Inventories have been renamed "Local Heritage Surveys". This review is in accordance with Part 8 of the Heritage Act 2018 that is essentially the same guidelines as the 1990 Heritage Act requirements, including the identification of the "Heritage List".

The review is undertaken in consideration of the Department of Planning, Lands and Heritage's guidelines; Criteria for the assessment of local heritage places and areas as recommended in State Planning Policy 3.5 Historic Heritage Conservation.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire's towns and district. The levels of significance are consistent with the required categories (Heritage Act 2018). Council is requested to consider endorsing the attached draft version of its Local Heritage Survey to allow it to be released for public consultation.

DETAIL

The draft report is a summary of the recommendations for the Local Heritage Survey and the places within that survey that form the Heritage List for conservation guidance through the provisions of the Shire's planning scheme.

103 places are recommended in the Local Heritage Survey, many of which were mentioned in the 1996 heritage inventory. Some places still require information to identify and/or inform of their history.

Shire Council's endorsement of the draft report for community consultation is an important part of the review process as it engages with the community to further understand, provide information, make connections, and amend the draft document.

The Local Heritage Survey is a summary the community's heritage and having a role to be included, empowers them as the custodians of this heritage.

The review is undertaken in consideration of the Department of Planning, Lands and Heritage's guidelines; Criteria for the assessment of local heritage places and areas as recommended in State Planning Policy 3.5 Historic Heritage Conservation.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire's towns and district. The levels of significance are consistent with the required categories (Heritage Act 2018).

An overview of the review process was presented to Council on 22 March 2022, with implications associated with the Heritage List discussed in detail.

The draft report comprises recommendations for the Local Heritage Survey and the places within that survey that form the Heritage List for conservation guidance through the provisions of the Shire's planning scheme and a local planning policy. A Local Planning Policy relevant to the Heritage List will be prepared once Council has endorsed the Local Heritage Survey.

LEVEL OF SIGNIFICANCE

High significance - A review of the 1996 Heritage Inventory is a requirement of the Heritage Act 2018. This review is in accordance with Part 8 of the Heritage Act 2018 that requires the identification of the "Heritage List"

CONSULTATION

Senior Management
Council
Laura Gray (Heritage Consultant)
Department of Planning Land and Heritage

LEGISLATION AND POLICY CONSIDERATIONS

1996 Shire of Morawa Municipal Heritage Inventory
Heritage Act 2018

FINANCIAL AND RESOURCES IMPLICATIONS

The costs related to the completion of this project have been included in Council's 2021/2022 budget.

RISK MANAGEMENT CONSIDERATIONS

Nil

CONCLUSION

That Council endorse the Draft Local Heritage Survey for the purposes of public consultation.

ATTACHMENTS

Attachment 1 – 11.1.5 – Draft Local Heritage Survey Report

Attachment 2 – 11.1.5 – APPENDIX 1

Attachment 3 – 11.1.5 – APPENDIX 2

11.2 Executive Manager Corporate & Community Services

11.2.1 Financial Activity – March 2022

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/ RESOLUTION

220406

Moved: Cr Coaker

Seconded: Cr Collins

That Council receive;

- 1) the Statement of Financial Activity for the period ending 31 March 2022.
- 2) the Bank Reconciliation Report for period ending 31 March 2022.
- 3) the attached List of Payments for the period ending 31 March 2022.
- 4) with respect to the Chief Executive Officer authorisations and reporting to Council;
4.1) information presented to this meeting in regard to NIL reimbursement applications made by the Chief Executive Officer for the period ending 31 March 2022

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 March is as follows:

Account	Balance
Municipal Account	1,731,911.32
Municipal Online Account	1,027,438.33
Trust Account	3,342.41
Reserve Account	3,441,112.24
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$8,303,804.30

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 March 2022 to 31 March 2022 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)	288,815.51
Municipal	Cheques No: 12026	46,816.62
Municipal	Direct Debit Transactions	56,040.53
Municipal	Bank Transfers / Payroll / Other Payments	176,853.02
Municipal	Corporate Credit Cards	1,949.70
Trust	Electronic Funds Transfers (EFT)	0
	TOTAL	\$572,425.08

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 March continues to show income being lower than budgeted. Expenditure is continuing to track under the current budget allocations which is due to immature budget phasing. As the maturity improves the variances between budget and actuals should reduce.

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 March 2022.

Attachment 2 – 11.2.1b Bank Reconciliation for the period ending 31 March 2022.

Attachment 3 – 11.2.1c List of Accounts Paid for the period ending 31 March 2022.

11.2.2 Sundry Debtors Write Offs

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**220407****Moved: Cr Collins****Seconded: Cr Coaker**

That Council:

1. Approve to write off the following outstanding Sundry Debtors

Debtor 22 - \$165.00	Debtor 48 - \$506.25
Debtor 31497 - \$51.20	Debtor 30399 - \$74.80
Debtor 89 - \$306.00	Debtor 30751 - \$125.40
Debtor 32336 - \$125.40	Debtor 60 - \$163.20
Debtor 3149 - \$100	
Total Debtors: \$1,617.25	

2. Agree to allocate funds in the 2022/2023 budget to implement a improved method of managing standpipes and direct the CEO to research appropriate systems prior to budget submission.

CARRIED BY SIMPLE MAJORITY 6/0

PURPOSE

The Shire currently has some Sundry Debtors that are still outstanding and have been for some time. This report is to request Council approve the write off of these debts as the amounts are deemed uneconomical to pursue and /or the debtors have left town.

DETAIL

The Debtors Officer has recently carried out a review of the outstanding debtors and found that there are some that have been outstanding for a considerable time. Some of these debtors have since left town and the amounts owing are below the threshold normally deemed economical to pursue.

Contact has been made with the Shires debt recovery agency regarding these debts with the outcome being the request to Council to approve the write off of these debts.

The following table is a list of all the Sundry Debtors that are currently outstanding with an explanation of what the debt was for and why it should be written off.

Debtor	Date	Amount	Details
22	14/5/2015	165.00	The invoice was for rental fees for the childcare centre. The Debtor refused to pay the account and has since left town. Uneconomical to pursue.
48	22/1/2016	506.25	The initial invoice was for the cleaning of tablecloths hired for a wedding on the 3/10/2015. The hirer was initially banned from hiring further equipment from the Shire to encourage payment to no avail. Debtor has since left Morawa. Uneconomical to pursue
31497	18/2/2016	51.20	The invoice was for refilling the fuel after hire of the community bus. Debtor has refused to pay and has since left town. Uneconomical to pursue.
30399	14/11/2016	74.80	This invoice was for the sale of standpipe water. The Debtor refutes the claim stating that it was not their company that obtained the water.
89	18/6/2017	306.00	This invoice was for the sale of standpipe water. The Debtor initially argued that the bill was not theirs and has since gone into liquidation.
30751	29/11/2018	125.40	This invoice was for the supply of 2 x 200mm Street Blade Signs. The company they were supplied to has closed and the proprietor has left town. Uneconomical to pursue.
32336	29/11/2018	125.40	This invoice was for the supply of 2 x 200mm Street Blade Signs. The company they were supplied to has closed and the proprietor has left town. Uneconomical to pursue.
60	8/5/2019	163.20	This invoice was for the sale of standpipe water. The Debtor refutes the claim stating that it was not their company that obtained the water. Uneconomical to pursue.
3149	16/12/2020	100.00	This invoice was for the clean-up of property to reduce the fire hazard the rubbish caused. This account was not added to the rates of the property and the then owner has refused to pay, and the property has since been sold. Uneconomical to pursue
	Total:	1,617.25	

Debt Recovery was put on hold in 2019-2020 when the implications of the pandemic were unknown. The above debts are mostly prior to that, and the age of the debts make it very hard to pursue through the courts as the knowledge around each of the debts has been lost due to staff changeovers.

With the review of services and processes moving forward the administration will be continuing to move more services to a pay upfront style of trading to limit debts.

Officers also recommend that Council invest in an appropriate system to track and manage standpipe usage to negate future disputes and to ensure the Shire is not inadvertently weathering excessive water costs.

LEVEL OF SIGNIFICANCE

Low

CONSULTATION

Finance Officer / Rates, Payroll & Debtors
AMPAC – Council's debt recovery agent

LEGISLATION AND POLICY CONSIDERATIONS

Debtors Management Policy – FIN05

FINANCIAL AND RESOURCES IMPLICATIONS

The outstanding debt level of Council was highlighted during the 2020-2021 Audit. Since then, a full review has been conducted, where we have managed to get some debts paid but have been unable to recover the amounts listed above. Council will need to absorb the outstanding amounts with a reduction to expected income.

The Shire is in the process of reviewing its Debt Recovery Policy to ensure that all debts are pursued in a timely manner.

RISK MANAGEMENT CONSIDERATIONS

By allowing outstanding debts to build up and not pursue them earlier on means that Council will find it harder to recover the debts. The collection of Sundry Debtors is reliant on early intervention by Council's Debt Recovery team as the longer debts are left outstanding the more it could potentially cost in recovery charges and the higher the chance of it going through the court system. Fortunately for Council, if the debt ends up in court generally some of the legal costs can be recovered if awarded by the court or if it is stated clearly on any hire agreements.

CONCLUSION

As these debts have been outstanding for many years it is deemed that they are all uneconomical to pursue and it would be in the best interest of Council to give the approval to write off the debts and ensure that any new debts are not allowed to remain unpaid for any length of time by apply good debt management procedures.

ATTACHMENTS

NIL

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**220408****Moved: Cr Collins****Seconded: Cr Coaker**

That Council receive the Minutes of the WALGA State Council Meeting held 2 March 2022. (*Attachment 1 - 12.1*)

CARRIED BY SIMPLE MAJORITY 6/0

Attachment 1 – 12.1 Minutes of WALGA State Council Meeting 02 March 2022

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**

220409

Moved: Cr Harris

Seconded: Cr Stokes

That Council closes the meeting to the public under section 5.23 (2)(b) 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 Confidential Item - Sale of Abandoned Properties from Deceased Estates for Non-payment of Rates

CARRIED BY SIMPLE MAJORITY VOTE 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 – Sale of Abandoned Properties from Deceased Estates for Non- Payment of Rates

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

15.2 Confidential Report – Sale of Abandoned Properties from Deceased Estates for Non-payment of Rates

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

220410 Moved: Cr Collins

Seconded: Cr Stokes

That Council:

1. Accept the offer of \$5,000 (received via public auction) for 22 Richter Avenue and authorize the CEO and Shire President to apply the Common Seal to property transfer documents as required - subject to;
 - a. The CEO working with the Shire's lawyers to ensure the sale of contract includes adequate terms to ensure the property is cleared of all rubbish and external debris within 6 months and either returned to a habitable condition or demolished within 18 months.
2. Subject to the sale of 22 Richter Avenue proceeding as per recommendation 1, write off all the remaining outstanding rates and charges associated with the property after the sale up to of \$15,000.
3. Note the status of the sale of the derelict property at 43 Valentine Street as provided in the report

CARRIED BY SIMPLE MAJORITY 6/0

15.3 Reopening of the Meeting to the Public**OFFICER'S RECOMMENDATION/ RESOLUTION**

220411

Moved: Cr Harris

Seconded: Cr Katona

That Council reopens the meeting to the public.

CARRIED BY SIMPLE MAJORITY 6/0

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

The next ordinary meeting of Council will be held on Thursday, 19 May 2022 commencing at 5.30pm.

16.2 Closure

There being no further business, the President declared the meeting closed at 5.40pm.



.....Presiding Member