



# AGENDA

## SPECIAL MEETING OF COUNCIL

to be held on

**Wednesday, 25 January 2023 at 4:00pm**

at the

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



WESTERN AUSTRALIA'S  
WILDFLOWER COUNTRY

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## DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

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

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

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

***Important Note:***

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

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

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

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**Item 1 Opening of Meeting**

The President to declare the meeting open at 4:00pm.

**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.

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

President (Presiding Member) Councillor Karen Chappel

Deputy President Councillor Ken Stokes

Councillor Yvette Harris

Councillor Shirley Katona

Councillor Mark Coaker

Councillor Jane Coaker

Councillor Debbie Collins

**Staff**

Chief Executive Officer

Executive Manager Corporate & Community Services

Executive Manager Works and Assets

Scott Wildgoose

Jackie Hawkins

Paul Devcic

**Members of the Public****3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests****Item 4 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting**

**Item 5 Reports from Officers****5.1 Total Fire Ban Impacts**

**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.

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**OFFICER'S RECOMMENDATION**

**That Council:**

1. **Acknowledge the impact that the increasing number of total fire ban declarations is having on the Shire's Road Work operations.**
2. **Direct the Shire CEO and Northern Country Zone representative to submit a paper and resolution to the next Northern Country Zone meeting stating:**
  - a. **That the Northern Country Zone request the WA Local Government Association to advocate to the State Government for a review of exemption conditions relevant to Road Work activities in relation to section 22C of the Bushfires Act 1954 and Bush Fires Regulations 1954 – Reg. 24Y to 24ZG. Ensuring country Local Governments are involved during the review process.**
3. **Direct the Shire CEO to review alternate operational models that could be implemented to allow some form of road maintenance under current conditions, if regulation changes aren't implemented for the 2023/2024 summer period**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is to provide Council with an understanding of the impacts of Total Fire Bans (TFB) on the Shire's Road maintenance operations and suggest an advocacy role for WALGA to try to overcome the issues.

**BACKGROUND**

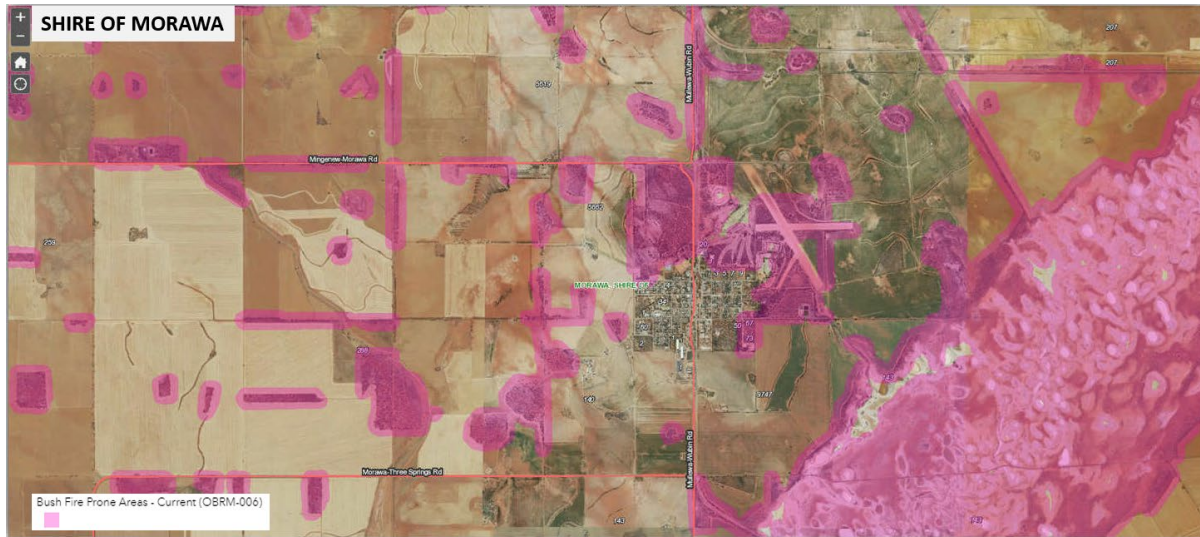
In 2022, the Government of Western Australia along with the Department of Fire & Emergency Services (DFES) announced the adoption of a new nationally consistent Australian Fire Danger Rating System (AFDRS).

The previous Fire Danger Rating System was based on 60-year-old science which was not adaptable to the latest scientific understanding about weather, fuel, and fire behaviour in different types of vegetation.

The new Fire Danger Rating System has four levels and provides clear guidance around severity and appropriate actions to take.

This guidance extends to permitted and controlled activities during a TFB.

Much of the Shire of Morawa consists of bush fire prone areas, as reflected in the following map.



**Map of Bush Fire Prone Areas (Landgate) – Morawa Shire**

A TFB is declared when a fire is likely to spread rapidly or if widespread fires are already burning and firefighting resources are stretched.

As a result, Local Governments across the state are seeing an increase in the number of TFB declarations.

According to the latest DFES statistics, the Shire of Morawa had a total of 33 TFB declarations in 2021/22, a 660% increase from the same period during 2016/17. So far in 2022/2023 the Shire of Morawa has had 13 TFB declarations.

NUMBER OF TOTAL FIRE BAN DECLARATIONS PER FIRE SEASON - SHIRE OF MORAWA					
2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
5	2	8	18	16	33

**DETAIL**

The increasing number of TFB declarations is directly impacting the Shire’s Road Work operations.

During a TFB, Road Work may only be carried out in the course of trade or commerce, or by (or on behalf of) a public entity (such as the Shire) only when the Fire Danger Rating is not catastrophic, and all of the regulated conditions are complied with.



Key conditions:

1. Notification in advance of works via DFES website
2. Two approved fire extinguishers in proximity
3. The equipment must not be used within 5m of any inflammable material
4. If there is less than 30m between the road work and bush, crop, stubble, or grassland then a firefighting vehicle with a water volume over 500L (exact L set by criteria) must be onsite with a dedicated fire detection officer. With firefighting equipment to remain onsite 30 minutes after works.

In general, conditions 1 and 2 are achievable but conditions 3 and 4 prove much more difficult.

Road construction activities will prove difficult to perform as the Shire does not have a dedicated firefighting vehicle onsite during road works. The Shire's water tanker is onsite during some of the construction operations but does leave site to refill etc. The 30 min wait post works and then downing tools whilst the tanker takes on more water may stop works for around 50% of the day. All of the Shire's Road operations would be within 30m of bush or crop. The Shire generally conducts verge clearing before Road Construction is undertaken which will assist with meeting condition 3.

Road maintenance activities generally involve a single employee working alone with a grader. A significant amount of the Shire's 850km unsealed road network cannot achieve the minimum 5m setback to roadside vegetation (inflammable material). In many parts the roadside vegetation is within 1m of the road. As such without the Shire undertaking significant road verge clearing prior to the summer season each year, this is likely to be impractical and unfeasible, it means the Shire is unable to undertake road maintenance on any roads with bush within 5m of the edge of the road.

On average, during the summer period, there are 62 weekdays, 14 of which are lost to reduced services over the holiday period, in addition to staff leave.

As a result, the Shire's Road Construction and Maintenance Crews have 48 days to undertake construction and maintenance across the main three (3) months of summer. The summer period coincides with peak harvest season which places significant demand on the Shire's unsealed road network.

If the Shire continues to see years with 33 or more TFB declarations during the summer months, it will reduce the number of potential working days further unless the Shire can develop a system to meet the exemptions, or the exemption parameters are modified. Given the 5m clearance condition will be extremely difficult to overcome it has the potential to reduce the number of road maintenance days during harvest and immediately after harvest to 15 days. This equates to around one day of road maintenance per week. The result is a critically underserviced road network, simultaneously reducing driver safety, and increasing cost of maintenance and repair.

With due respect to the Bush Fires Act 1954 and associated regulations, the road work exemption conditions fit neatly with Main Roads and metro operations but do not align well with country local government roads.

The purpose of this report is to seek WALGA support to encourage the State Government to modify the TFB regulations to allow Local Governments in country WA to continue to undertake road works. This approach will need to measure the financial and safety impact of not satisfactorily maintaining roads, against the risk of maintenance works causing a fire.

The TFB exemption conditions applied to off road activity such as harvesting are much less onerous with the key conditions being:

- the vehicle is mechanically sound;
- the exhaust system is in good condition, free of gas leaks and has a well-maintained spark arrester; and
- all reasonable precautions have been taken to prevent a bushfire starting.

The Shire assumes the 5m clearance rule is linked to the risk of grader blade strikes causing sparks. According to DFEs only 2 fires have been started by road work activities. Interestingly in 2021 WFI (farm insurers) stated on their website that on average 7% of harvesters start a fire each year – based on agricultural research from the Kondinin Group – but not all harvester fires require brigade or DFES response.

From a risk perspective the local government sector needs to highlight that increases in truck lengths and weights has placed an extra burden on the road network, at the same time as an increase in TFB declarations has reduced the ability of local governments to maintain roads in country areas. Essentially increasing the rate of pavement deterioration increasing the risk of traffic accidents.

The agricultural industry can continue to harvest during TFB declarations but rely on safe and accessible roads to transport product to market. Unless the regulations are reviewed to allow road maintenance grading, transporting grain and other materials during harvest will become more difficult.

The Author asks that the Shire request WALGA through the Northern Country Zone to advocate for the State Government to collaboratively review the regulations to improve the ability of country local governments to provide essential road work services given the resource and terrain constraints in place.

As a starting point the Shire suggests:

- the requirement that a grader not be used within 5m of inflammable material be removed
- Modify the requirements around grading and bitumising within 30m of bush or crop etc. such that consideration is given to works relating to unsealed roads or where the bitumen used is cold. A standard Ute mounted firefighting unit ranges from 500-1000L. If the regulation could reduce the minimum volume of firefighting water required onsite it would allow Local Governments to modify existing equipment to facilitate firefighting if needed.
- There is also a requirement for road works undertaken more than 1km from a reticulated water supply to have a 5000L water tanker onsite. This may be achievable for road construction but not for standard road maintenance operations and in general seems extremely onerous.

It could be argued that during the summer in country WA there is always a risk associated with fire as such the need to call TFBs is somewhat diminished, potentially a full review relating to

TFBs is needed, with the view that they could be removed and simple clearance and water provision guidelines apply during summer months.

The removal of TFBs is unlikely so the development of revised exemption conditions developed through a collaboration between DFES and Local Governments taking a pragmatic and risk-based approach seems like a more realistic request.

Local Governments take bushfire risk mitigation seriously and it is assumed that if conditions applicable to Local Government are relaxed, each Shire would still take a cautious approach to ensure their operations don't cause a fire.

All local governments in WA and located within the Midwest-Gascoyne District are facing the same restrictions and therefore, a coordinated approach towards finding solutions would have the greatest chance of success.

## **LEVEL OF SIGNIFICANCE**

Medium significance – Emergency and road management are core functions of the Shire, as such the nature of this report can be considered significant. It is too late for any changes to benefit the 2022/2023 summer, but it is hoped that through a consolidated approach changes could be made for next summer.

## **CONSULTATION**

Chief Executive Officer  
DFES

## **LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government Act 1995*  
*Bush Fires Act 1954*  
*Bush Fires Regulations 1954*

## **FINANCIAL AND RESOURCES IMPLICATIONS**

Under the current model the Shire is essentially paying six (6) staff members who are designated road works personnel to undertake duties that are townsite based or aligned to other operational areas. Whilst this is feasible for short term impacts, as the frequency of TFBs increases it will impact on rural road conditions and resources allocations during the winter months.

## **RISK MANAGEMENT CONSIDERATIONS**

There is no risk to the Shire of advocating for a review of the regulations.

There are road user risks associated with foregoing maintenance during summer and fire risks associated with grader use that will need to be considered as part of any review. It is pragmatic and realistic to expect a review of the regulations if it affects enough areas of the State.

**CONCLUSION**

The Shire recognises that the Bushfire Regulations and exemptions that allow Road Works with certain conditions have attempted to balance fire risk against the need to ensure road networks are well maintained, however the reality of road work operations in remote and rural areas may not have been fully considered.

As such the Shire is asking for a regional and statewide approach from WALGA to advocate to the State Government for a holistic review of road work exemptions under Total Fire Ban conditions, with particular focus on the operations in rural areas such as maintenance grading.

**ATTACHMENTS**

*Attachment 1 – 5.1a DFES TFB Road Work Fact Sheet*

*Attachment 2 – 5.1b DFES TFB Off Road Activity Fact Sheet*

**5.2 Design and Construction of the Morawa Recreation Centre Roof Replacement (RFT-01-2223)**

**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.

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**OFFICER'S RECOMMENDATION**

**That Council:**

1. **Direct the CEO to submit an altered Local Road and Community Infrastructure Program Phase 3 Work Schedule, such that:**
  - a. **The budget for the Town Hall Storage and Landscaping increase to \$325,000**
  - b. **The budget for the Cemetery Entrance increase to \$300,854**
  - c. **The Recreation Centre Roof Replacement be removed from the work schedule**
  - d. **A new project for Disability Accessible Caravan Park Ablution Facility be added with a budget of \$172,000**
2. **Direct the CEO to undertake necessary maintenance to the Recreation Centre Roof and further investigate re-scoping the replacement project to deliver the project within the next three years.**
3. **Direct the CEO to continue to explore other potential funding options for the Recreation Centre Roof Project**

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

The purpose of this report is to provide Council with an update on the outcome of the tender opening for Design and Construction of the Morawa Recreation Centre Roof Replacement (RFT-01-2223) held at the Core Business Australia office on Thursday 12 January 2023, 3pm, and suggest alternative projects where LRCIP funding could be reallocated.

**BACKGROUND**

On 16 February 2022, Eastman Poletti Sherwood Architects inspected the roof of the Morawa Recreation Centre roof following reports of water leaks in the main hall and squash courts.

The Recreation Centre was constructed in 1984 and due to the relatively inert environment in Morawa, the Shire have benefited from extra life of the roof and wall cladding materials.

Eastman Poletti Sherwood Architects made the determination that “*with some minor maintenance the roof life can be extended, but a re-roof is likely going to be required within the next 5 years.*”

At the March 17 2022 Ordinary Council Meeting, Council voted by simple majority (6/0), in support of the Officer’s recommendation to:

- 1. Direct the Chief Executive Officer to respond to the Department of Infrastructure, Transport, Regional Development and Communication’s Phase 3 Local Road and Community Infrastructure Program funding allocation to the Shire of Morawa of \$797,854, requesting to allocate the funds to:**
  - **Morawa Recreation Centre Roof Replacement - \$422,000**
- 2. Direct the CEO, upon acceptance of the project proposal by the department, commencing works on the Phase 3 projects as soon as possible to ensure funds are fully expended by June 2023.**

In May 2022, the Shire appointed consultants, Core Business Australia to prepare a detailed design and specifications for roof replacement, facilitate the tender process, and perform contract management during the construction phase.

The Recreation Centre Roof Replacement tender (RFT-01-2223) was given State Wide Public Notice on the 26 November 2022. The submission period was 26 November 2022 until 12 January 2023. The Shire received no submissions for this tender.

## **DETAIL**

Discussions with Core Business Australia confirmed that the general consensus from industry is that such a large project, requiring a number of specialised fields of expertise and trades, it carries an unacceptable level of risk for a single operator to accept full liability.

Given the reliance on LRCIP funding to undertake this project, and the requirement for Phase 3 LRCIP funds to be spent by 30 June 2023, time constraints prohibit the Shire to readvertise the tender with the same scope.

One option available is for the Shire to undertake in-house project management with a variety of subcontractors undertaking tailored work. The project could continue with the current scope without the need to re-tender. The main issue with this option is that it reallocates all the risk back on to the Shire and although a consultant could assist with project management, subdividing the workload and ensuring suitable outcomes may still make delivering the project by 30 June unfeasible.

With targeted maintenance, Eastman Poletti Sherwood Architects estimate that the full replacement may be extended out to 2027. From a risk perspective, with annual condition assessments, this is may be an acceptable alternative whilst the Shire reassesses the project and searches for alternative grant opportunities. The Shire has maintenance funds in the budget for this facility and can engage contractors to support the building team in this area.

If Council has the appetite to opt for maintenance in-place of renewal, the LRCIP funds must be either given back to the Department of Infrastructure, Transport, Regional Development and Communications, or reallocated to other eligible projects. The funding allocated to the Recreation Centre roof was \$422,000.

The Shire's other two Phase 3 LRCIP projects could utilise some of the funds to complete further works and enhance outcomes.

#### Town Hall Storage and Landscaping

Current budget \$200,000. Currently only have capacity to undertake storage unit and basic site levelling elements. With extra funds could pave the whole area to ensure water flows away from the buildings which is the major factor causing damage. Could also look to install elements of pot plants and potentially the reticulation elements that would be needed for the community garden proposed in the master plan that may form part of further stages. Also if funds allow it would be prudent to upgrade the Town Hall projector to accompany the new screen.

It is suggested to increase this project budget by \$125,000 to \$325,000. The storage unit has already been contracted and it should be feasible to spend these extra funds by June 30.

#### Cemetery Entrance

Current Budget \$175,854. Currently the complexity of implementing a sealed carpark area and appropriate drainage is suggesting that most of the current budget will be used by the carpark and entrance road upgrades. As such it is suggested to also add extra funds to this project to enhance landscaping, reticulation, and other related elements.

It is suggested to increase the project budget by \$125,000 to \$300,854. With the road works contractors and scoping already complete. The Shire will look to engage a landscaping company to tie in both this project and the town hall landscaping within the given timeframe if possible.

The reallocation of these funds on these existing projects leaves \$172,000 worth of grant funding still to be spent. At this stage in the financial year the Shire's building and road teams are already scheduled and committed so any new project would need to be outsourced. To outsource a project and deliver by 30 June it would need to be relatively off the shelf that doesn't require significant scoping and management.

The project identified by the administration that seems feasible in the given timeframe is the implementation of a modular disability accessible toilet and shower facility at the caravan park. This idea has been discussed in the past and there is evidence of tourists commenting on the lack of disabled facilities for caravanners.

Modular units vary in size and scale but can generally be manufactured and installed in a 12-week timeframe which fits within project timeframes. Below is an example of a standalone disabled changing, showering, and bathroom facility. Many other styles exist and the WALGA panel has a number of vendors in this field.



The Shire has already confirmed with the Department that toilet facilities at Caravan Parks would be eligible to receive funding under the program.

### **LEVEL OF SIGNIFICANCE**

Medium significance – although the risk of catastrophic failure of the Recreation Centre roof is unlikely, there is an increased potential for further structural damage to flooring and walls if the building is not renewed in the near future. The LRCIP funds represent a significant financial input for the Shire and not expending the full allocation would be a loss.

### **CONSULTATION**

Chief Executive Officer  
Core Business Australia  
Eastman Poletti Sherwood Architects

### **LEGISLATION AND POLICY CONSIDERATIONS**

*Local Government Act 1995*  
*Local Roads and Community Infrastructure Program Guidelines – Phase 3*

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The introduction of a new project would have resource implications but the risks of not completing the existing project and losing grant funding is greater.

### **RISK MANAGEMENT CONSIDERATIONS**

The risk of not reallocating funds and taking on the roof in house are great from a project delivery perspective given short timeframes and scope but also from a future liability perspective as no overarching agency will be willing to warrant the entire project.

There is a risk that if a decision is not made at this meeting, then grant funds could be foregone.

### **CONCLUSION**

Whilst the Shire could persevere with the Recreation Centre Roof renewal and manage the



project in house with subcontractors, the risk of still missing the grant deadline and/or the project being mismanaged or failing due to rushing is high.

It is therefore the recommendation of the administration that the LRCIP funds be reallocated across the two existing projects with the addition of a new project to add disability facilities to the caravan park.

**ATTACHMENTS**

Nil

**5.3 Department of Water and Environmental Regulation Native Vegetation Offset Requirements Relating to Lot 512 (Reserve 49257)**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER RECOMMENDATION**

**That Council:**

1. Support DevelopmentWA pursuing the cash offset solution, at their cost, in order to facilitate a clearing permit for Lot 512 (Reserve 49257)
2. Authorise the CEO to work with DevelopmentWA to facilitate the installation of the firebreak on Lot 512 (Reserve 49257), when permits allow, subject to the Shire providing a financial contribution towards the installation of no greater than \$2,000

***SIMPLE MAJORITY VOTE REQUIRED***

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**PURPOSE**

For Council to consider information pertaining to clearing permits required for Lot 512 (Reserve 49257) and a request for support from DevelopmentWA to meet DWER requirements.

**DETAIL**

At the Ordinary Meeting of Council on the 15 September 2022, Council voted by simple majority:

**That Council:**

1. Direct the Chief Executive Officer to request DevelopmentWA to construct a firebreak of no greater than 15m on Lot 512 (Reserve 49257) and 3m Lot 9000, subject to obtaining the necessary clearing permits from the Department of Water and Environmental Regulation and endeavouring, where plausible, to protect Clerophyll Woodland; York gum (*Eucalyptus loxophleba*)

Since this resolution, Development WA have undertaken the process of applying to clear native vegetation under the Environmental Protection Act 1986. To date it has cost Development WA \$2,900 in submissions fees for this process and 30 hours of labour.

On the 11 January 2023 the Department of Water and Environmental Regulation (DWER) wrote back to Development WA requesting mitigation of the clearing of good vegetation.

Essentially as the proposed area of native vegetation to be removed was deemed to be in good condition the Department wants to know how this will be offset.

The three options available being:

- Designate a suitable conservation area of comparable value
- Undertake revegetation of a similar area
- Cash offset

### Offsetting Land

DevelopmentWA and the Shire have investigated at length offsetting a portion of land for conservation. DWER require a restrictive covenant to be lodged over the title for this to occur, the land needs to have similar vegetation as what is being cleared.

This conservation would need to be in perpetuity. This would restrict services, development, or construction on the land. Given Lot 512 is adjacent to the townsite, the water tank and close to the existing subdivision it doesn't seem prudent to place a restrictive conservation covenant over any part of this Lot. When looking at the Morawa townsite and the Local Planning Strategy the only suitable area that is unlikely to ever receive development is the area at the northern end of the Widimia Trail – Lot 3650 on Reserve 17517. Both Lots 512 and 3650 are Crown Land, managed by the Shire but under the jurisdiction of DPLH.

- DPLH have advised there is no legal precedent for lodging a restricted covenant over the title of crown land and a legal decision-making process with a statutory timeframe will need to be commenced. A likely outcome is the Shire will need to take ownership of it, there are estimated transfer costs associated with this.
- DWER have advised that lot 3650 has a different vegetation band and therefore not appropriate to offset. An alternative is to subdivide lot 512. There will be at least \$10,000 worth of consultant and lodgement fees for this, on top of any transfer costs associated with the Crown Land and labour costs, which cannot be fully ascertained.

Estimated direct costs \$10,000 + unknown land value + transfer costs.

This process is likely to be cumbersome and labour-intensive outlook with no guarantee of costs or a suitable end result.

### Revegetating

DWER have advised that 0.22hc will need to be revegetated and managed in perpetuity. DevelopmentWA are familiar with this process and ascertain the following

- A Consultant will need to produce at least one vegetation management plan and one completion report, this is likely to be at minimum \$10,000.
- There will cost associated with the types and number of plants and replacement of any that fail to take,
- There will be watering costs and ongoing management
- The area will likely need to be fenced off which is an additional cost.

Estimated Direct Costs \$15,000 + potential fencing costs

This method is likely to be labour intensive with ongoing management burdens.

### Cash mitigation/offset

An initial estimate of \$13,940 has been calculated by DWER (subject to DWER delegated approval) and is on offer as a monetary contribution as a mitigation of the clearing.

This represents an equivalent cost to revegetation option, with no ongoing management, and no further labour costs.

### Way Forward

This whole process has been a learning for DevelopmentWA and highlighted other blocks in other towns that are also facing difficult bushfire prone ratings.

The Lots (Lots 10-15) on White Avenue were created in 2014 prior to the requirement of BAL ratings and Bushfire reports.

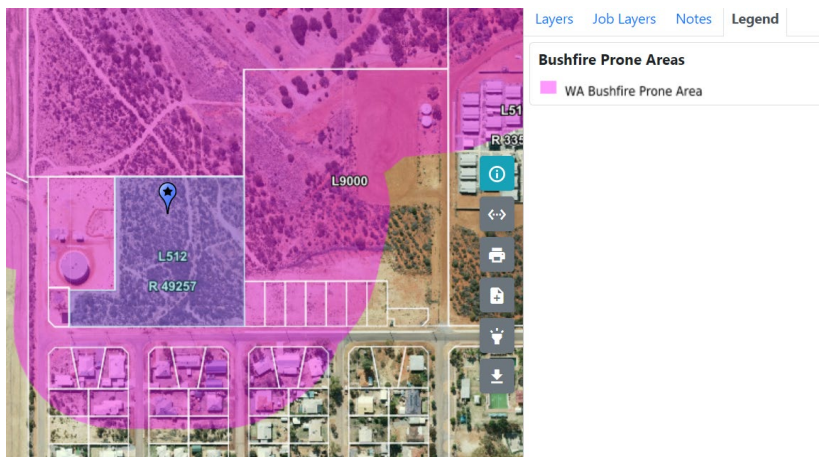


Figure 1 Map showing vacant lots 1-9 within the Bushfire Prone area, and Lot 512 highlighted

Lot 10 was sold, is under a build contract with expenses forgone by the owner and but is unable to be developed on, representing significant legal and reputational costs for DevelopmentWA if not resolved within the lot boundary (lot swapping is unavailable). It also represents a significant period of disruption for residents.

DevelopmentWA advises that for an affordable build within regional areas, BAL ratings are required to be BAL 29 or less. A BAL 29 rating would require a non-standard firebreak on lot 512, which is not exempt under the Bushfire Management Act, therefore a clearing permit is required. Lot 512 is Crown land and consisting of 'good quality vegetation.'

Although the responsibility for the subdivision and land requiring the clearing for building purposes rest with DevelopmentWA and the land purchaser themselves, Development WA have requested the Shire contribute to achieving a positive outcome. The reasoning is linked to the DevelopmentWA agenda to help grow towns and as the Shire has management rights over lot

512 there is a legal obligation under the Bushfire Management Act to install a 3m firebreak installation regardless.

Given the complexity of all other options, DevelopmentWA is willing to opt for the Cash Offset option and cover the cost of the Mitigation Permit, if the Shire agrees to contribute towards the cost of installing the Firebreak.

The Shire's EMWA believes if the work could be aligned to other clearing undertaken for the Shire's Road program, then the Shire's regular contractor could be engaged to assist in this area at a reasonable rate. DevelopmentWA are willing to accept a \$2,000 contribution from the Shire and agree to cover the extra costs associated with the Firebreak works themselves.

Whilst this matter is not directly the Shire's responsibility, it seems prudent, given the amount of officer time and other resources expended to reach this point, for the Shire to provide a \$2,000 contribution to finalise the works within the next six (6) months.

### **LEVEL OF SIGNIFICANCE**

Medium – the DevelopmentWA blocks represent an investment in Morawa dating back to 2014 and DWER have set a 30-day timeframe to for Development WA to respond to their request.

### **CONSULTATION**

Chief Executive Officer  
EMWA  
Development WA  
DPLH  
DWER

### **LEGISLATION AND POLICY CONSIDERATIONS**

*Bushfire Management ACT 1954*  
*Environmental Protection Act 1986*

#### ***Strategic Community Plan 2022 to 2032***

*Aspiration: Be Future Focussed In All We Do*

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Overall DevelopmentWA will be incurring costs over \$15,000 to complete this body of work.

By choosing this method the Shire is limiting its financial contribution to \$2,000.

### **RISK MANAGEMENT CONSIDERATIONS**

Development WA are permit holders so will manage firebreak installation and the risk of over removal.

The main risk to the Shire is reputational if a suitable firebreak cannot be installed. As it would restrict development in town, and although not a Shire owned subdivision or build, the original goal of the subdivision was to enable development. This was supported by the Shire in 2014.

**CONCLUSION**

That given DWER has set somewhat challenging requirements linked to the clearing permit for Lot 512, the simplest way forward appears to be the cash offset. In order to assist DevelopmentWA with completing this body of work they have asked for a contribution from the Shire of \$2,000. Whilst not obligated to provide this contribution, it seems equitable given other costs associated with this process.

**ATTACHMENTS**

Nil

**Item 6 New Business of an Urgent Nature****Item 7 Matters for Which the Meeting May Be Closed (Confidential Items)****7.1 Closure of the Meeting to the Public**

**Author:** Chief Executive Officer

**Authorising Officer:** Chief Executive Officer

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

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**OFFICER'S RECOMMENDATION****That Council:**

That Council closes the meeting to the public under section 5.23 (2)(c) and (e) 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:

- **7.2 Confidential Report – Sale of Abandoned Properties from Deceased Estates for Non-payment of Rates**
- **7.3 Supply and Deliver New Motor Grader Including Trade-In (RFT-10-2223)**

***SIMPLE MAJORITY VOTE REQUIRED***

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**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:

- 7.2 Confidential Report – Sale of Abandoned Properties from Deceased Estates for Non-payment of Rates
- 7.3 Supply and Deliver New Motor Grader Including Trade-In (RFT-10-2223)

**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 2022 to 2032**

***Be future focused in all we do:***

Ensure the Shire and its assets are well resourced and sustainable.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Any known financial implications are addressed in the respective reports.

### **RISK MANAGEMENT CONSIDERATIONS**

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

### **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.

### **ATTACHMENTS**

Nil

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

This is a confidential report.

**7.3 Confidential Report - Supply and Deliver New Motor Grader Including Trade-In (RFT-10-2223)**

This is a confidential report.

**7.4 Reopening of the Meeting to the Public**

**OFFICER’S RECOMMENDATION**

**That Council reopens the meeting to the public.**

***SIMPLE MAJORITY VOTE REQUIRED***

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**Item 8 Closure**

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