



AGENDA

ORDINARY MEETING OF COUNCIL

to be held on

Thursday, 18 April 2024 at 5:30pm

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 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.

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

President (Presiding Member) Councillor Karen Chappel

Deputy President Councillor Ken Stokes

Councillor Grant Chadwick

Councillor Dean Clemson

Councillor Mark Coaker

Councillor Debbie Collins

Councillor Diana North

Staff

Chief Executive Officer

Scott Wildgoose

Executive Manager Corporate & Community Services

Jackie Hawkins

Members of the Public**3.2 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests****Item 4 Applications for Leave of Absence****Item 5 Response to Previous Questions****Item 6 Public Question Time****Item 7 Questions from Members without Notice**

Item 8 Announcements by Presiding Member without Discussion
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President's Meetings for the month of March 2024.

Date	Details of Meeting
1 March 2024	Minister John Carey Minister for Planning
5 March 2024	Martin Aldridge Shadow Member for LG
5 March 2024	Morawa LEMC Meeting
6 March 2024	WALGA State Council
7 March 2024	Rural West/DAFF
12 March 2024	Town Teams Streets Alive Launch
14 March 2024	Shire of Morawa – Audit & Risk Management Committee Meeting
15 March 2024	Meeting re Planning and Building Requirements - 14 Caulfield Road
15 March 2024	Shire of Morawa Extra Ordinary Election
20 March 2024	WALGA Aboriginal Engagement Forum
21 March 2024	ALGA Board meeting
21 March 2024	New Councillor Induction
21 March 2024	2024 Corporate Business Plan Review Workshop
21 March 2024	Swearing in Ceremony – New Councillor
21 March 2024	Shire of Morawa – Ordinary Council Meeting
22 March 2024	Regional Telecommunications Review – MWCC Geraldton
27 March 2024	Opening of the Canberra Hub

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.

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 21 March 2024 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 22 March 2024.

OFFICER'S RECOMMENDATION

That Council confirm that:

1. the Minutes of the Ordinary Council Meeting held 21 March 2024 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

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 2024**

Author: Governance and Executive Support Officer

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

That with respect to **Actions Performed under Delegated Authority for March 2024**,
Council:

1. **Accept the Report.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To report back to Council, actions performed under delegated authority from the period 01 March 2024 to 31 March 2024.

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 March 2024 to 31 March 2024 ('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

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

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
14/03/2024		proposed additions and alterations to existing residential dwelling, carport / shed & front fence	H & D Mitchell	

Building Permits

No delegated decisions were undertaken by Shire pursuant to building permits during this period.

Other Delegations

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

LEVEL OF SIGNIFICANCE

Low – report provided to Council for information purposes.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Bushfire Act 1954

Dangerous Goods Safety (Explosives) Regulations 2007

Health Act 1991

Health Act 1911

Health (Public Buildings) Regulations 1992

Liquor Control Act 1988

Local Government Act 1995

Planning & Development Act 2005

Shire of Morawa Local Planning Scheme No. 2

Shire of Morawa Cemeteries 2018 - Local Law

Shire of Morawa Dogs 2018 - Local Law

Shire of Morawa Extractive Industries 2018 - Local Law

Shire of Morawa Fencing 2018 Local Law

Shire of Morawa Health 2004 - Local Law

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

Shire of Morawa Meeting Procedures 2012 - Local Law

Shire of Morawa Waste 2018 - Local Law

Shire of Morawa Delegations Register (2020)

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 Shire of Morawa Corporate Business Plan 2024-2034

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

That Council:

- 1. Adopt the Shire of Morawa Corporate Business Plan 2024-2034 as attached, acknowledging modifications as part of the annual review process.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

For Council to review the revised Corporate Business Plan for adoption.

DETAIL

The Shire of Morawa adopted its Strategic Community Plan 2022-2032 in August 2022 and the 2023 version of the Corporate Business Plan in April 2023.

The Corporate Business Plan 2023-2033 placed a greater emphasis on integrating strategic priorities with resource availability, including asset management and long-term financial planning. Providing a 10-year overview with a 5 year direct focus, thus providing information around known needs and projects, and still extrapolating across a 10 year timeframe to understand resource impacts.

In line with regulation, the Shire has undertaken its annual review of the Corporate Business Plan with the 2024-2034 version being updated to reflect known market changes and current priority projects such as the Morawa Early Childhood Education and Family Centre being a major draw of resources in the next 2 years, with the estimated project cost at \$3.5m impacting on loan and reserve balances.

The adoption of the Caravan Park and Solomon Terrace Masterplans has triggered an increase in their allocations in the Corporate Business Plan, as last year had provisional sums but we now know the Masterplans have a \$10m budget for the multistage projects. Whilst the Corporate Business Plan allocations have increased these projects are heavily grant dependent. In general, throughout the 10 year term of the Corporate Business Plan, the Shire only has \$30-80K to spend on strategic initiatives outside of grant funding availability.

A few new building projects have been added including acoustic dampening boards at the oval function room, fencing off the old hospital to limit break ins and highlight the asbestos risk, and increased the budget to build new Shire staff units. Other asset renewal added into the plan is

replacing some end-of-life CCTV cameras, replacing/resurfacing the outdoor basketball courts, and renewing ageing playgrounds.

Across the life of the plan the Shire maintains a reasonable balance across most reserves and does not go outside set parameters in terms of indebtedness.

The strategic nature of the document means the Shire is willing to accept a Financial Overview bottom line of plus or minus \$200,000 to account for estimation and final modifications during the annual budget process. Noting that the Corporate Business Plan sets the strategic direction in advance and the annual budget will determine the actual funding allocations each year.

LEVEL OF SIGNIFICANCE

Medium significance

CONSULTATION

Council Concept Forum
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified

POLICY IMPLICATIONS:

Nil

FINANCIAL AND RESOURCES IMPLICATIONS

The adoption of items in the Corporate Business Plan does not guarantee budget inclusion but provides strong guidance to the administration to guide budget development.

RISK MANAGEMENT CONSIDERATIONS

Developing a resource focussed Corporate Business Plan reduces the risk of over allocating resources with a short term mindset.

Strategic items of value outside the Shire's resource constraints have been identified as grant dependent. This works towards providing more realistic expectations, that reduces the risk of misunderstanding and disincentivising community members.

CONCLUSION

Significant community consultation and strategic planning was undertaken in 2022, and this 2024 version of the Corporate Business Plan continues to provide a Shire focused document that will allow the Shire to utilize its resources to assist the community to deliver upon its vision for the future.

ATTACHMENTS

Attachment 1 – 11.2.1a Shire of Morawa Corporate Business Plan 2024-2034

11.1.3 Shire of Morawa Submission in response to Standing Committee inquiry into Local Government Matters

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

That Council:

- 1. Endorse the Shire of Morawa making a submission to the Standing Committee for the inquiry into Local Government matters**
- 2. Approve of the base content of the attached draft submission and empower the Shire President to work with the CEO to finalise the content of the submission and submit prior to the closing date**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to review the terms of reference of the House of Representatives Standing Committee on Regional Development, Infrastructure and Transport inquiry into local government sustainability and provide a submission in relation to the review.

DETAIL

The Standing Committee on Regional Development, Infrastructure and Transport (The Committee) is appointed under Standing Order 215 which was passed by the House of Representatives on 26 July 2022.

The Committee may inquire into and report on any matter referred to it by either the House or a Minister, including any pre-legislation proposal, bill, motion, petition, vote or expenditure, other financial matter, report, or document.

On the 21 March 2024, the Federal Government released a media update stating that The House of Representatives Standing Committee on Regional Development, Infrastructure and Transport will examine local government sustainability in a new inquiry.

Chair of the Committee, Mr Luke Gosling OAM, MP, said 'the Committee has prioritised a deeper understanding of local government financial sustainability and funding frameworks, alongside the changing infrastructure requirements and service delivery obligations for local governments. Local government sustainability is essential to supporting our Australian communities through the provision of vital infrastructure and related services. The Committee is seeking to understand the challenges faced by local governments in servicing infrastructure requirements across Australia's regional, rural, and remote locations.'

Mr Gosling further emphasised that ‘the Committee is aware of significant public infrastructure workforce shortages, particularly in local government areas, and the importance of promoting skills development and job security for Australians. The Committee will examine labour hire and retention trends, including the impacts of labour hire practices, to identify barriers and opportunities to support our local workforce and local government sustainability and service delivery obligations.’

The Committee welcomes submissions from interested organisations and individuals by 3 May 2024.

To guide submissions and the committee the below focus areas have been set as part of the terms of reference:

- The financial sustainability and funding of local government
- The changing infrastructure and service delivery obligations of local government
- Any structural impediments to security for local government workers and infrastructure and service delivery
- Trends in the attraction and retention of a skilled workforce in the local government sector, including impacts of labour hire practices
- The role of the Australian Government in addressing issues raised in relation to the above
- Other relevant issues.

Given the potential impact of a federal inquiry into the Local Government sector it is prudent for the Shire to make a submission, to provide a Shire perspective to the review. The CEO has drafted the attached letter of submission to be submitted on the Shire letter head and signed by the Shire President on behalf of Council.

The main points in the submission in relation to the sustainability of Local Government relate to:

1. The need for the Local Government sector to have greater access to untied non-competitive funding.
2. The need for the State and Federal governments to acknowledge the considerable asset base of Local Government and provide funding that facilitates adequate asset maintenance.
3. A greater focus on regional living standards and the recognition that Local Government consistently fills service delivery gaps to provide a minimum standard of living to community members.
4. A need to remove or reduce cost or service shifting from other spheres of Government to Local Government
5. Active support for Local Governments to build and maintain key worker housing

Given the short turnaround since the announcement of the review and the submission deadline of 3 May 2024, the officer recommendation is that Council support the base content of the draft submission but empower the Shire President to work with the CEO to finalise the content of the submission prior to the closing date.

LEVEL OF SIGNIFICANCE

Medium significance – reviews of this type are few and far between. Whilst an individual submission may not have much weight, if multiple parties all highlight the same issues then it will add value to that argument.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil – the committee asks for submissions and the Shire’s points do not differ greatly from the likely arguments of many other country councils.

CONCLUSION

Given the nature of this review, it is prudent that the Shire make a submission to highlight the need for extra funding and support to better service the community.

ATTACHMENTS

Attachment 1 – 11.1.3a Shire of Morawa submission towards inquiry into and report on local government matters

11.2 Executive Manager Corporate & Community Services

11.2.1 Monthly Financial Report – March 2024

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

That Council receive:

1. the Monthly Financial Report including the Statement of Financial Activity for the period ending 31 March 2024.
2. the Bank Reconciliation Report for period ending 31 March 2024.
3. the attached List of Payments for the period ending 31 March 2024.
4. with respect to the Chief Executive Officer authorisations and reporting to Council;
 - 4.1. Reimbursement applications made by the Chief Executive Officer for the period ending 31 March 2024.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The Monthly Financial Report is prepared to provide Council with a comprehensive report on the financial position on a monthly basis.

The Monthly Financial Report includes the Statement of Financial Activity Report, Bank Reconciliation Report and the List of Payments made during the reporting month.

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 2024 is as follows:

Account	Balance
Municipal Account	815,341.41
Municipal Online Account	2,080,615.52
Trust Account	1,525.11
Reserve Account	4,744,338.96
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$9,741,821.00

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 2024 to 31 March 2024 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)	321,156.86
Municipal	Cheques No:	0.00
Municipal	Direct Debit Transactions	97,899.88
Municipal	Bank Transfers / Payroll / Other Payments	125,812.08
Municipal	Corporate Credit Cards	1,197.48
Trust	Electronic Funds Transfers (EFT)	0.00
	TOTAL	\$546,066.30

Reimbursement Applications

There have been no of reimbursements claimed and 3 leave days taken by the Chief Executive Officer during the month of March 2024.

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

1. 83.8% of outstanding rates have been collected.
2. Depreciation calculated for the period 1 July to 31 March 2024 is \$1,144,749.
3. Capital project spending currently at 33.9%, well below budget.

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 2023 - 2032

Be future focused in all we do:

- 1. Ensure the Shire and its assets are well resourced and sustainable.**

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 Monthly Financial Report that contains the 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 2024

Attachment 2 – 11.2.1b Bank Reconciliation for the period ending 31 March 2024

Attachment 3 – 11.2.1c List of Accounts Paid for the period ending 31 March 2024

11.2.2 Closure of the Covid-19 Emergency Response Reserve

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**That Council:**

- 1. Adopt the closure of the COVID-19 Emergency Response Reserve and transfer of the unspent funds balance of \$43,148.52 to the Community and Economic Development Reserve.**
- 2. Direct the CEO to give a minimum of one month’s local public notice of the changes to the purpose and use of the funds from the COVID-19 Emergency Response Reserve, such that the reserve is being closed and the funds are being transferred to the Community and Economic Development Reserve.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

The Cash Reserves Management Policy – FIN10 was created to provide a clear understanding of funds held in reserves, the purposes for which they are held and the Term of the Reserve and was adopted on 16 December 2021 Resolution 211207.

DETAIL

The term of the COVID-19 Emergency Response Reserve (COVID-19 Reserve) was that it would *“remain open until June 2023 – after which point if the threat of COVID-19 had not abated and removed the risk of lockdowns, the Shire should look to operationalise the expenditure in this area as COVID-19 will be transitioning away from an emergency to more of a way of life for the community. Any unspent funds from this reserve should be transferred to the Community and Economic Development Reserve (CED Reserve) during the closure process.”*

The COVID-19 Reserve currently has a balance of \$43,148.52. This balance will need to be transferred as part of the reserve closure process and be added to the \$1,308,007.28 that is currently sitting in the CED Reserve.

The purpose of the CED Reserve is to *“fund significant community or economic development projects within the Shire of Morawa.”*

LEVEL OF SIGNIFICANCE

Medium – it is a statutory requirement that any changes made to the purpose of a reserve be advertised for 1 month.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 Division 4 Section 6.11
Local Government (Financial Management) Regulations 1996
Australian Accounting Standards

FINANCIAL AND RESOURCES IMPLICATIONS

At this stage the proposed closure of the COVID-19 Reserve and transfer of those funds to the CED Reserve has no impact on the current budget as it is just a movement of existing funds. Details of both Reserves can be found on pages 9 and 10 in the attached Cash Reserves Management Policy – FIN10.

RISK MANAGEMENT CONSIDERATIONS

Well managed cash backed reserve are an important mitigator of financial risk.

CONCLUSION

It is recommended that Council adopt the closure of the COVID-19 Reserve and the transfer of the funds to the CED Reserve and direct the CEO to implement the necessary changes and to advertise the changes to reserves.

ATTACHMENTS

Attachment 1 - 11.2.2a Cash Reserves Management Policy – FIN10

Item 12 Reports from Committees**12.1 Appointment of Bush Fire Control Officers**

Author: Community Emergency Services Manager

Authorising Officer: Chief Executive Officer

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

COMMITTEE/OFFICER RECOMMENDATION

That Council

1. **Make the below listed appointments for the relevant Fire Control Officer positions:**
 - **Chief Bushfire Control Officer (CBCO) - Wayne Kowald**
 - **Deputy Chief Bushfire Control Officer (DCBCO) – Geoff Scott**
 - **Fire Control Officers**
 - **Shire CEO**
 - **Shire Community Emergency Services Manager**
 - **Canna/Gutha Brigade – Garry Collins**
 - **Koolanooka Brigade – Glen Tapscott**
 - **Morawa West Brigade – Darren Yewers**
 - **Pintharuka Brigade – Mark Coaker**
 - **Permit Issuing Officers**
 - **CBCO – Wayne Kowald**
 - **DBC0 – Geoff Scott**
 - **Canna/Gutha – Garry Collins**
 - **Townsite – Morawa VFES Captain - Dennis Beacham**
 - **Shire CESM**
 - **Shire CEO**
2. **Acknowledge the exemplary service and efforts of Richard Sasse and Garry Collins as they conclude their terms as Chief Bushfire Control Officer and Deputy Chief Bushfire Control Officer respectively.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for the Bush Fire Advisory Committee to nominate Officers to hold the positions of Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer, Fire Control Officer, Permit Issuing Officers, Fire Weather Officer and make a recommendation to Council in relation to those nominations.

DETAIL

The Shire of Morawa Bushfire Advisory Committee held its annual AGM on Wednesday, 3 April 2024. Other than receiving a report on the high-risk period that has just concluded, the main order of business was to nominate and elect Bushfire Control and Permit Issuing Officer Positions.

All nominations were unanimously supported.

Historically, the CEO has appointed Fire Control Officers under delegated authority, however due to the CEO being absent from the meeting and on leave, it was deemed prudent for the appointments to be resolved by Council.

Of note is the change of Chief and Deputy Chief positions.

LEVEL OF SIGNIFICANCE

Medium – it is a statutory requirement that either Council or the CEO by delegated authority accept the Fire Control Officer appointments.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Section 38 of the *Bush Fires Act 1954* states as follows:

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

(2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.

(2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.

(2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.

(3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.

(4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —

(a) carrying out normal brigade activities;

[(b), (c) deleted]

(d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;

(e) procuring the due observance by all persons of the provisions of Part III.

(5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.

(5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.

(5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).

(6) In this section —

approved local government means a local government approved under subsection (7) by the FES Commissioner.

(7) If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the *Government Gazette* —

(a) may approve the local government as one to which subsections (6) to (18) apply; and

(b) may from time to time cancel or vary any previous approval given under this subsection.

(8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).

(10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

(11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties

of that office.

(12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.

(13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the *Government Gazette*.

(14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).

(15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.

(16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.

(17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.

(18) Subsections (6) to (18) do not authorise the burning of bush —

(a) during the prohibited burning times; or

(b) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

All appointees are experienced Brigade Members and have demonstrated adequate capabilities to perform the relevant roles.

CONCLUSION

It is recommended that Council appoint the nominated people to the relevant roles as recommended by the BFAC.

ATTACHMENTS

Nil

Item 13 Motions of Which Previous Notice Has Been Given**13.1 Motion Regarding Management of Residential Housing Assets**

Author: Cr Karen Chappel

COUNCILLOR MOTION

That Council:

- 1. Directs the CEO to obtain a report from a registered Real Estate Agent or Property Management business and present to Council by 30 June 2024, detailing:**
 - a. Status and sufficiency of tenancy agreements for each asset, aligned with the Residential Tenancies Act 1987,**
 - b. Assessment of the current methods for monitoring compliance with tenancy agreements.**
 - c. Recommendations for improving the Shire’s administration of tenancy agreements.**
 - d. The costs of implementing a regular property inspection program and/or management of tenancy agreements by a registered Property Management business**

- 2. Directs the CEO to obtain a report from a Property/Building Inspection business, providing asset condition reports for each residential asset, and present it to Council by 31 December 2024 to inform the 2025 review of the Corporate Business Plan, detailing for each residential asset:**
 - a. Structural and general maintenance status,**
 - b. A prioritise list of maintenance requirements, and**
 - c. Recommendations for improving asset management to support the long-term performance of the Shire’s residential assets.**

OFFICER RECOMMENDATION

That Council supports the Councillor Motion as presented.

SIMPLE MAJORITY VOTE REQUIRED

COUNCILLOR COMMENT

The Local Government Act and Administration Regulations require Local Governments to implement asset management planning and principles that ensure:

- The Shire manages and maintains Local Government assets so that they perform to the standards required and meet long-term service requirements, and
 - The Shire’s financial and resource investment in asset management achieves best value outcomes.
-

Council owns a number of houses and as we look to the future and consider further investment in housing it would be prudent for the Shire to have an understanding of the condition of the current housing stock by obtaining an updated report on the state of the properties and any improvements required.

This would inform the Councils budget estimates for the 24/25 financial year.

Further to considering future investment it is vitally important for the Shire to identify risks and proactively take action to protect the long-term viability of these assets by implementing processes and policies that protect Shire Assets.

OFFICER COMMENT

The Shire owns and manages around 30 residential properties including staff housing, contractor accommodation, aged care accommodation, and low-income units.

In recent years, the Shire has faced increasing costs from property maintenance due mostly to the age of buildings and key fixture or structural failings such as ceiling collapses, widespread evaporative air conditioner failures, water ingress, plumbing issues, and fencing issues. On top of this the cost of basic maintenance items that would be expected to occur at regular intervals such as property repaints, blinds and curtain changeovers, flooring replacement etc. have all escalated rapidly since the onset of Covid.

It is also worth noting that whilst the Shire used to employ a building maintenance team (2 FTE), over the last five years this team has undertaken more capital works tasks as opposed to property maintenance. In general, this was done to reduce expenditure on capital works. A good example of this is where the Shire opted to construct the new camp kitchen at the caravan park in house as opposed to contracting it out. In the short term this did work out considerably cheaper for the delivery of that capital works project, however the use of the building maintenance in this way may have impacted the long-term asset sustainability/renewal.

Over recent year the Shire administration has attempted to be more proactive in property management, however regular staff turnover, and urgent repair works has become an impost on resources.

The recommendation to have a building inspector review all residential properties and provide a report to support budgeting and business planning is supported. To some extent if this proves successful, this could be a 3–5-year review process to maintain maintenance standards and knowledge similar to the asset revaluation process.

In the last 3 years, the Shire has not had any issues with major tenant related damage or issues, however the concept of outsourcing residential property management has been discussed a few times internally. Whilst outsourcing property management when minimal income is received for the properties might become a cost prohibitive exercise it is worth investigating further. Noting that the Shire has very limited administrative resources and property management is often low on the list of priorities for multiple reasons, thus outsourcing may achieve a more consistent management model if it can be done cost effectively.

When reviewing the tenancy arrangements Council and the Property Management agent must be cognisant of the nuances of employment related housing and that it is an attraction and retention tool, and clauses under the Residential Tenancies Act such as eviction notices etc. become complicated when actioning based on a termination of employment situation.

The Shire currently has \$15,000 under Other Housing Expenditure that could be allocated towards this analysis and report. This budget should be sufficient to undertake part one of the recommendation, and potentially allow for the condition/maintenance inspection of a few houses.

In the time since the motion was presented the CEO has been able to source one quote for the property condition analysis as detailed in Part two of the recommendation. This quote was just under \$50,000 without the provision of accommodation. Given this cost, it is prudent that a necessary budget allocation be made, and the body of work be completed early next financial year.

The administration will try to facilitate part one of the recommendation with a standard lease inspection of all tenanted properties. This would provide a potential base level of understanding to any property management company around the current condition of residential properties.

From a asset renewal perspective, the Shire lacks capacity to renew more than 4 homes in a year so completing the report to assist 2025/2026 budgeting and the 2025 version of the Business Plan seems prudent.

Item 14 New Business of an Urgent Nature

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

15.1 Closure of the Meeting to the Public
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Author:	Executive Manager Corporate & Community Services
Authorising Officer:	Chief Executive Officer
Disclosure of Interest:	The CEO has a conflict of interest in relation to Item 15.2 given it is a review directly related to his performance, however the regulations stipulate that the process should be by agreement.

OFFICER'S RECOMMENDATION

That Council:

That Council closes the meeting to the public under section 5.23 (2)(b) 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 Confidential Report – Sale of Land for Recovery of Unpaid Rates

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

DETAIL

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

- 15.2 Confidential Report – Sale of Land for Recovery of Unpaid 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 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

15.2 Confidential Report – Sale of Land for Recovery of Unpaid Rates

This is a confidential report.

15.3 Reopening of the Meeting to the Public

OFFICER'S RECOMMENDATION

That Council reopens the meeting to the public.

SIMPLE MAJORITY VOTE REQUIRED

Item 16 Closure

16.1 Date of Next Meeting

The date of the next ordinary meeting of Council will be on Thursday, 16 May 2024 commencing at 5:30pm, in the Council Chambers.

16.2 Closure

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