



AGENDA

ORDINARY MEETING OF COUNCIL

to be held on

Monday, 17 June 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 April 2024.

Date	Details of Meeting
6 May 2024	Shire of Morawa Audit Entrance Meeting
10 May 2024	National Coordination Mechanism - Situational Update
15 May 2024	LGIS Risk & Compliance Committee Meeting
16 May 2024	National Coordination Mechanism – After Action Review
16 May 2024	Supporting Healthy Advertising in Local Governments Meeting
16 May 2024	Shire of Morawa – Ordinary Council Meeting
20 May 2024	State Road Funds to Local Government Advisory Committee
23 May 2024	MWSGFR Funding - Updates & Discussion
29 May 2024	Meeting with Shane Love MLA
30 May 2024	Public Sector Audit Committee Chair Forum

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 16 May 2024 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa’s secure portal to all Councillors on 20 May 2024.

OFFICER’S RECOMMENDATION

That Council confirm that:

1. the Minutes of the Ordinary Council Meeting held 16 May 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 May 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 May 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 May 2024 to 31 May 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 May 2024 to 31 May 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

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

Building Permits

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
17/05/2024	24/03	Install of Met Mast	Australian Radio Towers	

Other Delegations

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
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15/05/2024		Public Event Approval	Morawa Speedway	
07/05/2024		Health Notice - unfit for habitation		Lot 92 (No.7) Evans Street
07/05/2024		Health Notice - unfit for habitation		Lot 274 (No.4) Evans Street
07/05/2024		Notice under the Health (Asbestos) Regulations 1992		Lot 100 (No.1) Davis Street

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 Shared Medical Services Agreement

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That with regard to the Agreement for Sharing Medical Services Expenses between the Shire of Morawa and the Shire of Perenjori, Council:

1. Resolves to enter into a renewal of the Agreement for Sharing Medical Services Expenses (*Attachment 1*) for a term of five (5) years between the Shire of Morawa and the Shire of Perenjori.
2. Authorises the CEO to make final adjustments to the Agreement for Sharing Medical Services Expenses between the Shire of Morawa and the Shire of Perenjori.
3. Resolves that pursuant to section 9.49a of the Local Government Act 1995, the Common Seal be affixed to the Agreement for Sharing Medical Services Expenses between the Shire of Morawa and the Shire of Perenjori.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

To renew the Agreement for Shared Medical Services Expenses between the Shire of Morawa and the Shire of Perenjori.

DETAIL

The current agreement between the Shire of Morawa and Perenjori was established 1 June 2019 and was for a five (5) year term. The expiry date is therefore 31 May 2024. To maintain secure provision of shared medical services it is recommended a renewed contract be entered into.

The proposed renewal (*Attachment 1*) has been prepared to provide a new 5 year term, and clarity regarding sharing of Information and Communication Technology (ICT) services and infrastructure for the purposes of shared medical services with the Shire of Perenjori.

Currently, the ICT shared services agreement is a separate standalone document. Merging the ICT into the overarching Agreement for Shared Medical Services Expenses will simplify and streamline the arrangements. The template of the new Agreement for Sharing Medical Services Expenses was previously prepared by McLeods Barristers and Solicitors and in consultation with

the Shire of Perenjori. The Shire of Perenjori have confirmed in principal acceptance with the proposed renewal (*Attachment 1*).

LEVEL OF SIGNIFICANCE

Minor – continuing an Agreement for Sharing Medical Services Expenses with the Shire of Perenjori will provide a minor cost saving to the Shire.

CONSULTATION

Shire of Perenjori – CEO and Manager Corporate & Community Services
CEO

LEGISLATION AND POLICY CONSIDERATIONS

Strategic Community Plan 2022 to 2032

Be future focused in all we do:

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

Embrace cultural and social diversity:

Promote positive aging in place across the community

Cement strong foundations for growth and prosperity:

Enhance partnerships and alliances

Occupy a Safe and Healthy living space:

Enhance health service provisions

FINANCIAL AND RESOURCES IMPLICATIONS

Currently the Shire of Morawa provides support to the Medical Practitioner in the form of housing, utilities, car (including running costs) and the surgery, of which all are currently budgeted. The agreement enables the continued recoup of funds from the Shire of Perenjori for the provision of the doctor's vehicle and residential accommodation.

The costs of preparing the new agreement are minimal due to the review of the agreement being undertaken in house.

RISK MANAGEMENT CONSIDERATIONS

There is minimal risk to the Shire of Morawa with the execution of this new agreement.

CONCLUSION

The renewing of the agreement between the Shire of Morawa and the Shire of Perenjori for the provision of medical services within our respective communities is essential. This new agreement will formalise the partnership for the next five (5) years.

ATTACHMENTS

Attachment 1 – 11.1.2a Agreement for Sharing Medical Services Expenses

11.1.3 Shire Residential Property Review – Part 1

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. Direct the CEO to allocate funds in the 2024/2025 Annual Budget to outsource residential property management to an appropriately accredited organisation, with a service delivery agreement that includes compliance with the Residential Tenancy Act and at least one property condition inspection per annum.
2. Direct the CEO to increase all residential property maintenance budgets by \$5,000 as part of the 2024/2025 annual budget to ensure any residential property compliance requirements and preventative maintenance can be conducted.
3. Acknowledge that the CEO is developing an Executive Policy around staff housing and that the provision of staff housing plays a highly valued role in the attraction and retention of staff.
 - a. Request the CEO to ensure the Executive Policy for staff housing includes the requirement for at least one inspection per annum.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to review the work conducted auditing the residential property management, compliance requirements, and the costs associated with outsourcing the service.

DETAIL

At the Ordinary Council Meeting held 18 April 2024, Council Resolved:

COUNCILLOR MOTION/RESOLUTION

240408 Moved: Cr Chappel Seconded: Cr Stokes

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.

CARRIED BY SIMPLE MAJORITY 6/0

Part 1 of this resolution for a Real Estate Agent or Property Management Business to review the status and sufficiency of tenancy agreements, current methods for monitoring compliance, recommendations for improving administration, and costs of outsourcing the process with a deadline of 30 June 2024.

The Shire reached out to three Geraldton based businesses about the scope of work outlined in the resolution. The consensus was that they couldn't audit for compliance, and this would be a function of the Department of Mines and Industry Regulation (DMIRS). However, anecdotally they all said that companies without skills or experience in property management who run the process themselves are generally non-compliant in some areas and it may not be prudent to encourage a DMIRS audit. They highlighted a few areas of common oversight where the Shire may be in contradiction of legislation and worth review:

- The process for taking and returning bonds through the bond's administrator.
- Several letters and notices generally get missed when managed in house.
- Electrical, fire safety, blinds, minimum security requirements
- Delays in conducting maintenance with health or safety implications
- The lease agreement would need to be specific to align with special conditions related to employment aligned leases to prevent the Residential Tenancy Act protections around 3 month vacate period etc. applying to terminated employees.

Based on this initial advice the Shire has contacted a legal firm to have a template employee tenancy agreement documented as the standard tenancy agreement documentation would not offer the Shire necessary protections. The legal firm noted that some Shire's didn't even use a lease agreement and just aligned it to the letter of offer and employment, but they said this isn't recommended and the Residential Tenancy Act will still apply over the top of the letter.

The real estate agents noted that the Shire did have tenancy agreements in place for most properties but were unable to comment on their effectiveness or the historic actions of the Shire.

From an administrative perspective the tenants generally pay bonds, rent, utility reimbursements on time so this doesn't appear to be part of the issue, with staff the Shire has the option to deduct from wages which simplifies the process.

The main area of poor performance generally centres around maintenance and inspections. Historically, the Shire has spent a minimal amount on maintaining housing (approx. \$4K per annum) and capital renewal expenditure has fluctuated year on year with some properties receiving no renewal expenditure over the last 10 years.

Housing inspections generally occur once a year but over time have become a low value exercise as the Shire has placed tenants into low state of repair properties at the commencement of their lease, maintenance or renewal items identified by tenants have not been actioned or not actioned in an appropriate timeframe, and the staff conducting inspections lack the relevant skills to enforce aesthetic or maintenance obligations upon tenants.

Out of the three companies engaged only two were willing to quote to provide support services, and only one included organizing maintenance as part of their quote. From an administrative process point of view the main time resource with managing property comes with trying to manage maintenance requirements – the Shire does not have any dedicated employees with property management as part of their duties, it is instead a small part of a larger role.

The Shire has 28 residential properties, of which 9 are aged care units, 3 are low-income units under Department of Communities leasing arrangements, 1 is leased to the Doctor, and 15 are assigned to staff.

Based on the two quotes received the Shire estimates a full property management service would cost approximately:

\$1000 per property – based on 2 routine inspections, a fixed management fee, travel, and one tenant in or out.

On top of this the Shire can expect a margin to be added to all maintenance works to cover coordination.

If the Shire only outsourced the inspections component of the property management, then the cost would be around \$500 per property per year.

In terms of the cost's vs income comparison:

- the Shire receives approximately \$60,000 in income from the nine aged care units and spends about 50% of this on maintaining the properties.
- The three low income units cost around \$15,000 in maintenance which is equivalent to the income.
- The remaining 16 properties generate very minimal income and on average maintenance is around \$4,000 per property.
 - Staff housing is utilized as a recruitment and retention mechanism to provide a competitive edge in a challenging market. The value of foregone rent or utilities repayments is shown to employees as part of their remuneration package. Thus any increase in charges in this area would likely need to be offset by a general increase in salaries to maintain the status quo in terms of remuneration.

The CEO is currently developing an executive policy around staff housing that provides a framework around rent determination, discounts, utility costs etc. based around a seniority/level

principal.

It is worth noting that usually the provision of accommodation to employees would attract Fringe Benefit Tax (FBT) and be an extra cost to the Shire, however remote area accommodation is FBT exempt. Due to Morawa's distance from an urban centre it is classed as remote and exempt from FBT, thus the benefit offered to an employee in the form of housing is free of FBT, as such this remuneration mechanism can be seen by the employee as more beneficial than salary as it is tax free.

The impact of the FBT exemption is such that a \$200 per week rent reduction can be classed as a \$10,400 remuneration benefit with no impact on the Shire income or expenditure. Whereas to generate a \$10,400 benefit to the employee using a normal payment method the Shire would actually need to expend \$15,407, due to the 30% tax impact. Spread across 15 properties, this could increase costs by around \$75,000 per annum. As such it is not recommended to charge market rent for properties and instead a model of a significantly reduced rent is recommended with most staff receiving a 75%-95% reduction. It is suggested that the Executive staff receive a 100% reduction to rent and utilities to maximize this non cash benefit and attraction for these roles.

In essence if the Shire is charging very little rent for employee housing, then income will not offset maintenance and property management costs. As such the Shire needs to be comfortable in covering these costs as part of business as usual operations.

Over the last decade most of the property maintenance and renewal has been aligned to ageing assets and normal wear and tear, noting a couple of instances of tenant damage has occurred.

The concept of utilizing an external agency to manage inspections is well supported by the executive team, as the Shire has limited time to inspect 30 properties twice a year, and to ensure compliance in terms of notices etc. it makes sense to utilize a company that specializes in the industry. The cost of this service is impacted by the distance to Morawa, but the agents would try and stagger visits and inspections, so they undertake 8-10 properties each visit.

Depending on the level of service the Shire wishes to go with the overall cost of property management would be \$25,000-\$50,000, which is approximately 1% of rates income.

The executive team sees benefits of engaging the property manager to organize maintenance activities at the properties given the Shire does not have a building team and sourcing quotes is often a time-consuming exercise.

In general, the Shire employs a very basic level of tenancy management with minimal maintenance over an extended period of time, this is now becoming an issue property reach an age where costly items are starting to fail. It is worth noting that the administration would expect that if an external agency was to take over property management, then it would lead to consistently higher maintenance particularly in compliance orientated area, preventative maintenance, and upkeep requirements, whilst not a bad thing, this will impact on Shire budgets. As such it is recommended that all Shire residential properties have an annual maintenance budget of \$10,000.

LEVEL OF SIGNIFICANCE

Medium – the Shire has historically undertaken residential property management with varied levels of success and could continue to do so. However, the recent audit has highlighted

inadequacies in processes and compliance activities, as such whether or not an external firm is engaged a greater level of resources needs to be allocated to this area.

CONSULTATION

Real Estate Agents
Lawyers

LEGISLATION AND POLICY CONSIDERATIONS

Section 3.58 of the Local Government Act 1995 – leasing and disposal of property to Shire employees is exempt from certain legislative requirements.

The Shire has a requirement to comply with the Residential Tenancies Act which has been updated a number of times since COVID-19 to offer greater protection to tenants.

POLICY IMPLICATIONS:

ENG03 Asset Management Policy – highlights the role of both the administration and Council in managing assets and ensuring their management is appropriately resourced.

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire will have several resource implications associated with the management of residential properties. It is recommended that \$50,000 be allocated to a property management account to cover costs of inspections, bond collection, issuing of notices, etc. for all 29 residential properties.

On top of this it is recommended that the maintenance budgets for all properties be increased to accommodate increased compliance standards. \$6,000 per property would amount to an increase of \$174,000 in maintenance of residential properties per annum.

It is not envisaged that the Shire will generate any extra income from the properties.

RISK MANAGEMENT CONSIDERATIONS

Fines associated with non-compliance with the Residential Tenancies Act are around \$10,000, and if non-compliance associated with maintenance causes an injury it may also have public liability insurance implications. The Shire lacks administrative and building maintenance resources to appropriately manage a large residential property portfolio, as such pursuing an outsourcing option is a risk mitigation activity.

CONCLUSION

That Council direct the CEO to allocate funds to outsource residential property management from 1 July 2024, and ensure that all residential properties receive a property condition and compliance inspection at least once a year.

ATTACHMENTS

Nil

11.1.4 Amendment to July 2024 Ordinary Council Meeting

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That Council:

1. **Acknowledges and approves the date of the next ordinary meeting of Council will be amended from Thursday, 18 July 2024 commencing at 5:30pm, to being held on Wednesday, 17 July 2024 at 5:30pm.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To amend the date of the July 2024 Ordinary Council Meeting.

DETAIL

To align with Morawa NAIDOC day celebrations and the visit from the Hon Hannah Beazley, Minister for Local Government and Youth, it is proposed to bring forward the July 2024 Ordinary Council Meeting from Thursday, 18 July 2024 commencing at 5:30pm, to being held on Wednesday, 17 July 2024 at 5:30pm.

LEVEL OF SIGNIFICANCE

Minor – ensuring minimal disruption to Councillors by forward planning and streamlining attendance requirements.

CONSULTATION

Shire President
CEO

LEGISLATION AND POLICY CONSIDERATIONS

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

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil

CONCLUSION

It is proposed to bring forward the July 2024 Ordinary Council Meeting from Thursday, 18 July 2024 commencing at 5:30pm, to being held on Wednesday, 17 July 2024 at 5:30pm.

ATTACHMENTS

Nil

11.2 Executive Manager Corporate & Community Services

11.2.1 Monthly Financial Report – May 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 May 2024.
2. the Bank Reconciliation Report for period ending 31 May 2024.
3. the attached List of Payments for the period ending 31 May 2024.
4. with respect to the Chief Executive Officer authorisations and reporting to Council;
 - 4.1. No Reimbursement applications made by the Chief Executive Officer for the period ending 31 May 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 bank reconciliation report currently shows a discrepancy between the Monthly Financial Report and the bank reconciliation. This is being investigated and rectified by Readytech. The summary of the report for 31 May 2024 is as follows:

Account	Balance
Municipal Account	798,918.04
Municipal Online Account	1,094,016.72
Trust Account	1,525.11
Reserve Account	4,840,415.99
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$8,834,776.86

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 May 2024 to 31 May 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)	643,622.05
Municipal	Cheques No: 12058	49.00
Municipal	Direct Debit Transactions	78,805.83
Municipal	Bank Transfers / Payroll / Other Payments	306,815.75
Municipal	Corporate Credit Cards	1,680.53
Trust	Electronic Funds Transfers (EFT)	0.00
	TOTAL	\$1,030,973.16

Reimbursement Applications

There have been no of reimbursements claimed and NIL leave days taken by the Chief Executive Officer during the month of May 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. 86.9% of outstanding rates have been collected.
2. Depreciation calculated for the period 1 July to 31 May 2024 is \$1,603,145.
3. Capital project spending currently at 48.11%, well below budget but expected as the State Freight Network project has not commenced and is 15% of the capital 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 May 2024

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

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

11.2.2 Budget Efficiency and Setting of Differential Rates

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 resolves to:

1. Notes the consideration of the efficiency measures listed in this report and in the Statement of Objects and Reasons (*Attachment 2*) used in the development of the Draft Budget for the 2024-2025 Financial Year;
2. Adopt the Statement of Objects and Reasons for each Differential and Minimum Rate for 2024-2025;
3. Pursuant to sections 6.32, 6.33 and 6.35 of the Local Government Act 1995, adopt a NIL rate in the dollar increase to the GRV category to form the basis of the proposed rate setting for the 2024-2025 Budget;
4. Pursuant to sections 6.32, 6.33 and 6.35 of the Local Government Act 1995, adopt a 16.70% decrease in the rate in the dollar for the UV Rural category to form the basis of the proposed rate setting for the 2024-2025 Budget;
5. Pursuant to sections 6.32, 6.33 and 6.35 of the Local Government Act 1995, adopt a 4.72% increase to the minimum rates for the GRV and UV Rural categories to form the basis of the proposed rate setting for the 2024-2025 Budget;
6. Pursuant to sections 6.32, 6.33 and 6.35 of the Local Government Act 1995, adopt a NIL rate in the dollar and NIL minimum rate increase across the UV Mining category to form the basis of the proposed rate setting for the 2024-2025 budget as detailed below:

<i>Rate Type</i>	<i>Rate in the Dollar (Cents)</i>	<i>Minimum Payment</i>
GRV Residential / Commercial	8.8342	\$355
UV Rural	1.8932	\$355
UV Mining	30.1974	\$683

7. Adopt the Rates Discount amount of 1.5% for prompt payment.
8. Authorise the Chief Executive Officer to advertise the proposed Differential Rates for 2024-2025 and call for submissions in accordance with the Local Government Act 1995 Section 6.36 – for a minimum of 21 days.

9. Authorise the Chief Executive Officer to seek ministerial approval under Section 6.33 of the Local Government Act 1995 to impose differential rates at the end of the advertising period, subject to no submissions being received.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

This report is for Council to adopt the 2024-2025 financial year Rates Model in advance of the 2024-2025 Annual Budget being adopted in order to gain approvals for the Shire's system of differential rating.

DETAIL

As Council is proposing to adopt differential rates it will be necessary to advertise the proposed rate in accordance with s6.36 of the *Local Government Act 1995*, review any submission/s received and authorise the Chief Executive Officer (CEO) to apply for ministerial approval prior to the adoption of the budget or imposition of any such rate.

As part of the budget deliberations and rate setting process Council must also review and adopt the Statement of Objects and Reason for its' rating strategy.

Council must also show that it has reviewed its' expenditure and considered efficiency measures as part of its budget deliberations.

A local government may impose differential general rates based on the predominant purpose for which the land is held or used. Ministerial approval will need to be obtained to impose a differential rate which is more than twice the lowest general rate imposed.

Council is required, as part of the differential rating process, to consider budget efficiencies so that it is not just automatically relying on differential rates without looking for alternative options. The effect of having no differential rates – would be a negative impact on revenue of approximately \$206,000. It is unfeasible to save the level of income required from efficiencies alone, however, a 0% increase to the differential rate income is proposed to reduce the overall difference.

Given the GRV rating category received its five yearly revaluation during the 2023/2024 financial year with property values increasing for the 2024/2025 financial year, it was deemed unnecessary to increase the GRV rate in the dollar, however the full revaluation change is proposed to be passed on with NIL change to the rate in the dollar. This is consistent with how the Shire has managed UV revaluations over the last five years.

The Shire has proposed a 16.70% decrease to the UV Rural rate in the dollar on the basis that the value of UV Rural properties has increased by 96% since 2019/2020, and this years revaluation saw an increase of 25% from 2023/2024 values. As such the direct application of revaluations upon the property owners was deemed unfeasible, as such the Shire has applied a rate in the dollar decrease.

The rate in the dollar modifications have been suggested to allow Council to maintain the current level of services and be in line with the objectives of the adopted Strategic Community

Plan 2022 – 2032 (SCP), Strategic Resource Plan 2022-2037 and Corporate Business Plan 2024 – 2034 (CBP).

Matters Considered as part of the Budget Process

In the review of the rate increase for the 2024-2025 Budget, Council has considered a range of issues impacting the development of the draft budget including:

- The validity or relevance of the rates increase proposed in the current Strategic Resource Plan 202-2037.
- The Corporate Business Plan 2024-2034.
- The Strategic Community Plan 2022-2032.
- The impact of the agricultural season and the economic changes in the mining industry.
- Whether differential rating was applicable for 2024-2025 as required by the Department of Local Government, Sport & Cultural Industries (DLGSC) Rating Policy Differential Rates.
- The Shire's asset management plans including key capital costs going forward.
- Budget efficiencies as required by the DLGSC Rating Policy Differential Rates.
- Supply constraints in material and labour continue to place upward pressure on prices.
- The continuing reduction/tightening of available grants and the increased number of councils chasing the reduced amounts of funding available.
- The tight labour markets.
- The Local Government Cost Index (LGCI) was forecasted at 3.9% in March 2024 and then expected to decrease by 0.8% for the 2024-2025 year.
- The Consumer Price Indicator rose in Perth to 3.4% in March with the CPI inflation expected to remain steady at 3.8% for the full year.

In recognition of the difficult circumstances that Council has faced this year, and with the expected continuation of higher than average costs it is recommended to Council that:

- Rates in the dollar (RID) are left unchanged due to an increase in valuations and minimums for GRV are increased by 4.7%
- Rates in the dollar (RID) for UV Rural are decreased by 16.70%% and minimums increased by 4.7%
- The rates discount percentage be maintained at 1.5% being approximate \$36,000 reduction to the rates income.
- Penalty interest is to remain at the reduced rate of 5.5%. This is the same as implemented last year and will potentially raise around \$24,000.
- The only differential rate applicable for 2024-2025 is UV Mining and it is proposed that Council does not increase the rate in the dollar (RID) from 30.1974c and minimums remaining at \$683.
- Annual charges increased by 4.5%
- Fees and Charges – no increases to most Council controlled items with the remainder generally increasing by 4%.

Changes in Property Values

There has been a revaluation to GRV properties this year with the Valuer General increasing the total rateable GRV from 1 July 2024 to \$3,722,566 up from \$2,799,272.

As advised by the Valuer General the total rateable value of all rural properties from 1 July 2024

is \$130,942,500 up from \$105,039,500.

Matters Regarding Differential Rating and Minimums

The Statement of Objects and Reasons for Differential Rating - *Attachment 2* - has been reviewed and amended and needs to be adopted by Council so that it can form the basis of the rationale for the rating strategy and be made available to interested parties as part of the advertising requirement of the intention to impose differential rates.

Budget Efficiencies

Where the Shire can implement efficiencies, they will be included in the Draft Budget and have been used when determining the increase to the rates revenue for 2024-2025.

Efficiency measures considered are:

- Ongoing assessment of the Organisational structure;
- Review of position descriptions, remuneration and need for the position as vacancies arise;
- Consideration of outsourcing and use of short-term contractors for specialized projects;
- The implementation of Altus Payroll;
- The recovery of outstanding debts including rates and sundry debtors;
- Exploring shared service arrangements;
- Ongoing review of service levels;
- Continued use of local suppliers whenever possible and appropriate: and
- Conduct 3 budget reviews each financial year.

With the increases to costs expected to continue over the next 12 to 24 months any efficiencies gained are offset by:

- ◆ Award wage increases of 6% (predicted)
- ◆ Increase to insurance expenses of up to 8%
- ◆ Utility Cost increases (to be determined)
- ◆ Higher costs for materials and contractors estimated at 10%
- ◆ Tight labour market placing pressure on the Shire to offer above award wages
- ◆ Overall increase to expenditure of up to 5%

As such the general budget has been made more efficient to accommodate increases outside shire control.

LEVEL OF SIGNIFICANCE

High significance – Setting the 2024-2025 rate in the dollar (RID) is a significant part of the development of the 2024-2025 budget.

CONSULTATION

CEO Briefing Forum / Workshop – 16 May 2024

LEGISLATION AND POLICY CONSIDERATIONS

- S6.33 (1) of the *Local Government Act 1995*

- Financial Management Regulation 52A - a local government may impose a differential rate.

An application to the Minister for Local Government is required for approval to impose a differential general rate under s6.33 (3) of the *Local Government Act 1995* that is more than twice the lowest differential rate being imposed. The Shire's current UV Mining rate is 15.95 times the UV Rural rate.

FINANCIAL AND RESOURCES IMPLICATIONS

For Council to maintain the service levels it prides itself on an increase to the rates revenue raised is required. Whilst the revenue increases may seem high, the Shire's cost portfolio is constantly increasing and the current economic market is applying constant upward pressure. Thus without extra own source income the only option would be to reduce service provision.

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RISK MANAGEMENT CONSIDERATIONS

Financial Risk

The current differential rate levels pose a strategic risk to the shire such that the Shire is reliant on ministerial approval to maintain current differentials, this could cause budget delays or loss of income if the minister withholds approval. To manage the risk, Officers propose to keep the UV Mining rate fixed at its current rate.

Compliance Risk

Under the Shire's risk governance framework non-compliance with the requirements regarding differential rates is a major risk – i.e. imposed penalties. Such a penalty would be imposed by the DLGSC. Through complying with the requirements of the DLGSC Rating Policy: Differential General Rates, the risk is mitigated from High to Low.

CONCLUSION

That Council adopts the Statement of Objects and Reasons as attached, adopts a the proposed changes to the rates in the dollar and minimums for its rating categories, and advertises their intention to impose differential rates as required under legislation, prior to seeking ministerial approval for the proposed rating categories.

ATTACHMENTS

Attachment 1 – 11.2.2a Proposed Rates model for 2024-2025

Attachment 2 – 11.2.2b Statement of Objectives and Reasons

Attachment 3 – 11.2.2c Draft Statement of Financial Activity 2024-2025

Item 12 Reports from Committees**Item 13 Motions of Which Previous Notice Has Been Given****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**

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) (a), (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 – Appointment of Acting Chief Executive Officer**
- **15.3 Confidential Item – Request to Waive Interest Charges on Overdue Rates Account**
- **15.4 Confidential Item – Transfer of Properties to the Shire of Morawa as part of Cyclone Seroja Recovery Program**

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 – Appointment of Acting Chief Executive Officer
- 15.3 Confidential Item – Request to Waive Interest Charges on Overdue Rates Account
- 15.4 Confidential Item – Transfer of Properties to the Shire of Morawa as part of Cyclone Seroja Recovery Program

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

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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 – Appointment of Acting Chief Executive Officer

This is a confidential item.

15.3 Confidential Item - Request to Waive Interest Charges on Overdue Rates Account

This is a confidential item.

15.4 Confidential Item - Transfer of Properties to the Shire of Morawa as part of Cyclone Seroja Recovery Program

This is a confidential item.

15.5 Reopening of the Meeting to the Public**OFFICER'S RECOMMENDATION**

That Council reopens the meeting to the public.

SIMPLE MAJORITY VOTE REQUIRED

15.6 Shire President Publicly Confirms Confidential Item Resolutions

The Shire President publicly confirms the Confidential Item Resolutions for:

- 15.2 Confidential Report – Appointment of Acting Chief Executive Officer
- 15.3 Confidential Item – Request to Waive Interest Charges on Overdue Rates Account
- 15.4 Confidential Item – Transfer of Properties to the Shire of Morawa as part of Cyclone Seroja Recovery Program

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

Pending Resolution outcome of Item 11.1.4, the date of the next ordinary meeting of Council will be on Wednesday, 17 July 2024 commencing at 5:30pm, in the Council Chambers.

16.2 Closure

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