



AGENDA

ORDINARY MEETING OF COUNCIL

to be held on

Thursday, 17 March 2022 at 5:30pm

at the

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



**WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY**

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

DISCLAIMER

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Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

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.

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member'.

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

President (Presiding Member) Councillor Karen Chappel
Deputy President Councillor Ken Stokes
Councillor Dean Carslake
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Yvette Harris
Councillor Shirley Katona

Staff

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	Jackie Hawkins
Executive Manager Works and Assets	Paul Buist

Members of the Public**3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

3.3 Apologies**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**

Important note:

‘This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.

Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.’

6.1 Public Question Time**6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions****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 February 2022.

Date	Details of Meeting
2 February 2022	Meeting with Hon John Carey BA MLA
3 February 2022	WA Health Webinar
4 February 2022	Goldfields/Esperance Zone Meeting
7 February 2022	WACHS CEO
8 February 2022	Shire of Bruce Rock
10 February 2022	WA Electors Meeting
10 February 2022	Shire of Morawa Concept Forum
10 February 2022	Shire of Morawa Ordinary Council Meeting
11 February 2022	Midwest development Commission Board Meeting
14 February 2022	Northern Country Zone Meeting
15 February 2022	WALGA Finance and Services Meeting
15 February 2022	Kimberley Zone Meeting
16 February 2022	Local Government House Trust Meeting
16 February 2022	Midwest Waste Association Council
17 February 2022	Hon Reece Whitby MLA
17 February 2022	Pilbara Country Zone Meeting
18 February 2022	Midwest Development and Risk Audit Meeting
18 February 2022	Great Southern County Zone
21 February 2022	Bridgetown Shire
23 February 2022	ALGA Strategic Session
23 February 2022	WALGA Special State Council Meeting
24 February 2022	ALGA Board Meeting
24 February 2022	LGIS Board Meeting
26 February 2022	Shire of Chapman Valley Presidents Dinner

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 10 February 2022 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa’s secure portal to all Councillors on 18 February 2022.

OFFICER’S RECOMMENDATION

That Council confirm that:

- 1. the Minutes of the Ordinary Council Meeting held 10 February 2022 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 February 2022**

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

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

OFFICER RECOMMENDATION

That with respect to Actions Performed under Delegated Authority for February 2022, that Council:

1. Accept the Report.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

DETAIL

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals;
- Building Permits;
- Health Approvals;
- One off delegations to the Chief Executive Officer;
- Dangerous Goods;
- Affixing of Common Seal;
- Other Delegations as provided for in the Delegations Register.

The following outlines the actions performed within the Shire relative to Delegated Authority from the period 01 December 2021 to 31 January 2022 ('the period') and are submitted to Council for information.

Bushfire

No delegated decisions were undertaken by Shire pursuant to bushfire matters during the period.

Caravan parks and campgrounds

No delegated decisions were undertaken by Shire pursuant to caravan parks and camping grounds during the period.

Common Seal

No Common Seal actions were undertaken by the Shire during the period.

Dangerous Goods Safety Act 2004

No delegated decisions were undertaken by Shire pursuant to Dangerous Goods Safety matters during the period.

Food Act 2008

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 Hawkets, 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.

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
15/02/2022		Application to Consume Liquor Approved	Morawa Speedway Assoc (Inc)	

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

No delegated decisions were undertaken by Shire pursuant to building permit matters during the period.

Other Delegations

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
15/02/2022		Application for Public Event- Approved	Morawa Speedway Assoc (Inc)	

LEVEL OF SIGNIFICANCE

Low – report provided to Council for information purposes.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Bushfire Act 1954

Dangerous Goods Safety (Explosives) Regulations 2007

Health Act 1991

Health Act 1911

Health (Public Buildings) Regulations 1992

Liquor Control Act 1988

Local Government Act 1995

Planning & Development Act 2005

Shire of Morawa Local Planning Scheme No. 2

Shire of Morawa Cemeteries 2018 - Local Law

Shire of Morawa Dogs 2018 - Local Law

Shire of Morawa Extractive Industries 2018 - Local Law

Shire of Morawa Fencing 2018 Local Law

Shire of Morawa Health 2004 - Local Law

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

Shire of Morawa Meeting Procedures 2012 - Local Law

Shire of Morawa Waste 2018 - Local Law

Shire of Morawa Delegations Register (2020)

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications relating to this Item.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications relating to this Item.

ATTACHMENTS

Nil

11.1.2 Adoption of Revised Policy ELM 20 Appointment of Temporary or Acting Chief Executive Officer

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council

1. Adopt the Council Policy – ELM 20 Appointment of a Temporary or Acting Chief Executive Officer

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

For Council to adopt a Policy to meet the requirements of Section 5.39C of the Local Government Act 1995 (the Act).

DETAIL

Under contract the Shire's Chief Executive Officer is entitled to 5 weeks annual leave each year (accrued if not taken), as well as personal leave and other forms of leave.

Under the current Policy EMP10 the CEO's leave is reported to Council through the Executive Manager Corporate and Community Services report each month, with the nature of the reporting being to determine the entitlement to leave under contract and that the CEO had sufficient leave credits. In general, the CEO works with the Shire President to ensure any leave or absences from the office are well managed and organised.

The current Council Policy ELM 20 Appointment of an Acting Chief Executive Officer only makes two statements as content:

1. Appointment of a person to a designated senior employee position on a temporary or acting basis will be in accordance with s. 5.39 (1a) of the Local Government Act.

2. In the event of an unforeseen absence of the Chief Executive Officer (CEO) then the default Acting CEO will be the Executive Manager of Corporate Services, for a period not exceeding ten (10) working days.

Specifically, section 5.39(1a) of the Act, allows that an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a

written contract for the position in which he or she is acting.

Under section 5.37 of the Act, the CEO is to inform Council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a).

In 2021, with the implementation of model standards for CEO recruitment section 5.39C was added to Act requiring Council's to adopt a policy for temporary employment or appointment of CEO. The policy must set out the process to be followed by the Local Government in relation to the employment of a person in the position of CEO for less than a year or the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

Upon review the existing Council Policy ELM 20 does not meet the requirements of 5.39C as it does not set out a clear process it just makes two broad statements.

As such the Chief Executive Officer contacted WALGA to see if a model template for this Policy had been prepared for the sector. Subsequently, the CEO has modified the template provided to incorporate relevant roles and wording for the Shire of Morawa but the general form and substance of the attached version of ELM 20 for readoption is based on the template which can be viewed as standard practice across the sector.

Essentially the Policy empowers the CEO to appoint an Acting CEO out of the Shire's existing Senior Employees being the EMCCS and EMWA, when the CEO is on leave for a period of between 72 hours and 6 weeks.

The Shire of Morawa only has two senior employee positions other than the CEO and they both perform functions on the Senior Management Team. It is part of the position description and recruitment of each of these roles that they should have capability to act up if required for a short period.

In theory the Shire could operate without an Acting CEO for short leave periods, but this presents a risk in terms of business continuity, use of delegations and authority, staff management and completion of tasks. By appointing an Acting CEO for a short period, it provides a level of certainty to the organisation, and it also offers existing senior employees the opportunity to upskill and gain exposure to the CEO duties in case it is ever needed for an extended period.

In terms of efficiency and business continuity it makes sense for the CEO to administer a level of control over short-term Acting appointments, as the CEO will be aware of leave needs, employee workload and impending deadlines, also the calling of special council meetings for short term appointments seems an inefficient use of Councillor time. In terms of risk, when employing the two senior officers the CEO will be gauging their suitability for acting up. The impact of short-term acting functions can still be considerable depending on the actions taken but by engaging existing employees it ensures some level of consistency in the role for Council and the community. The likelihood of Council engaging an external party for 6 weeks or less is low given the more established acting CEOs generally desire longer contracts with higher remuneration.

The policy provides a process for Council to appoint an Acting CEO for periods of greater than 6 weeks – either from the internal resources or external recruitment.

The policy differentiates between an Acting CEO and Temporary CEO by virtue of the position of the substantive CEO. If the substantive CEO is still engaged but on leave, then the person is Acting whereas if the substantive CEO is or has ended then the person is Temporary to facilitate the commencement of a new substantive CEO. All decisions about a Temporary CEO rest with Council.

LEVEL OF SIGNIFICANCE

Medium – The Shire needs to update its Policy in line with legislation and the proposed changes seek to make the process of appointing an Acting CEO more efficient with the CEO's impending leave approaching in May.

CONSULTATION

Senior Management Team
WALGA

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

5.36. Local government employees

(1) A local government is to employ —

(a) a person to be the CEO of the local government; and
(b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

(2) A person is not to be employed in the position of CEO unless the council —

(a) believes that the person is suitably qualified for the position; and
(b) is satisfied* with the provisions of the proposed employment contract.

* Absolute majority required.

(3) A person is not to be employed by a local government in any other position unless the CEO —

(a) believes that the person is suitably qualified for the position; and
(b) is satisfied with the proposed arrangements relating to the person's employment.
(4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended: No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

5.37. Senior employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, prescribed.

(4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

5.39. Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section —

(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;

(b) in every other case, cannot be for a term exceeding 5 years.

(3) A contract under this section is of no effect unless —

(a) the expiry date is specified in the contract; and

(b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and

(c) any other matter that has been prescribed as a matter to be included in the contract has been included.

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.

(8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint in Gazette 28 Mar 2013 p. 1317).]

5.39 C. Policy for temporary employment or appointment of CEO

(1) A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —

(a) the employment of a person in the position of CEO for a term not exceeding 1 year;

(b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year. * Absolute majority required.

- (2) A local government may amend* the policy. * Absolute majority required.
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section
- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.

[Section 5.39C inserted: No. 16 of 2019 s. 22.]

FINANCIAL AND RESOURCES IMPLICATIONS

In general, when the Shire budgets employee costs it budgets to cover leave and higher duties for staff members to ensure they are remunerated for taking on extra responsibility.

RISK MANAGEMENT CONSIDERATIONS

The outbreak of Covid has demonstrated the need to be flexible and by increasing the efficiency with which an Acting CEO can be appointed it allows the Shire to respond to situations as they arise.

The risk of not having an Acting CEO in place when the CEO is uncontactable or unable to assist for a period over three (3) days is that employees tend to make rushed decisions or act without authority, both of which impose a risk upon the Shire.

There are risks associated with stepping up a Senior Employee into the CEO role if they aren't able to perform all the duties but for a short-term basis the impact of this is minor and it provides a development opportunity that might benefit the Shire in the future.

CONCLUSION

The CEO has prepared a revision to ELM 20 to align with the requirements of Section 5.39C of the Act and the Policy template provided by WALGA.

ATTACHMENTS

Attachment 1- Council Policy - ELM 20 Appointment of a Temporary or Acting Chief Executive Officer

11.1.3 LRCIP Phase 3 Project Nomination

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council

1. **Direct the Chief Executive Officer to respond to the Department of Infrastructure, Transport, Regional Development and Communication's Phase 3 Local Road and Community Infrastructure Program funding allocation to the Shire of Morawa of \$797,854, requesting to allocate the funds to:**
 - **Morawa Recreation Centre Roof Replacement - \$422,000**
 - **Town Hall Storage and Improvements - \$200,000**
 - **Cemetery Entrance and Car Park Sealing and Landscaping - \$175,854**
2. **Direct the CEO, upon acceptance of the project proposals by the department, commencing works on the Phase 3 projects as soon as possible to ensure funds are fully expended by June 2023.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to endorse the projects to be nominated under the Local Road and Community Infrastructure Program (LRCIP) Phase 3 to the Federal Government.

DETAIL

On 22 May 2020 the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program). Through the 2020–21 Budget, the Australian Government announced a \$1 billion extension of the LRCI Program, following strong community and local government support.

This program supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Following strong community and local government support, the Australian Government has committed to Phase 3 of the Local Roads and Community Infrastructure (LRCI) Program. An additional \$1 billion announced in the 2021-22 Budget will continue to boost Australia's economic recovery. This brings the total Australian Government commitment to the LRCI Program to \$2.5 billion.

Under Phase 3 of the program the Shire is able to apply for a maximum grant amount of \$797,854. Applications must be received by 30 June 2022 and construction activity must be complete by 30 June 2023.

A general principle of this grant is that it must be in addition to the normal budgetary expenditure of the Shire and the Shire must maintain capital expenditure at pre-grant levels.

The grant amount represents a significant amount of funding and allows the Shire to deliver on long held high-cost goals that are difficult to achieve within annual budgets.

The Shire has identified three projects that require substantial investment but work to achieve long held goals in both a community and infrastructure context.

Project 1

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

The Recreation Centre was constructed c.1984. The steel framed roof is pitched at 7½° and is clad in Colourbond steel. The roof materials are original, and it appears that aside from minor works to attempt to repair leaks and damage to skylights that the roof remains as installed.

General findings:

Roof Area	Condition	Notes
Lower Roof	Fair-Good	Meeting rooms/ablutions – some areas where sheeting has weathered back to substrate silver metal, fixing heads are rusted, paintwork to roof steelwork is in poor condition. Consider use of double glazed sky lights when replacing.
Upper Roof	Fair	Main hall/Squash Courts – full length sheets from ridge to eaves, area of corrosion on the west side coinciding with water penetration, corrosion on east side coinciding with repair work, corrosion hole near squash court eaves, defective paint treatment, poor paint condition peeling throughout but not excessive corrosion,
Wall Sheeting	Fair to Good	Fixing heads are corroded, generally sheeting in good condition, paintwork in poor condition.

Eastman Polletti suggest a variety of short term solutions that will resolve some of the immediate corrosion and water ingress issues:

- a. Complete clean of all gutters

- b. Seal joins with non-silicone adhesive
- c. Clean pan flashings of the skylights and consider replacement with double glazed or alternatively just cap and remove sky lights if they aren't utilised.
- d. Try to replace roof fixings with a larger silicone washer protected with a solid washer – however there is a risk the current fittings will break when unscrewing due to corrosion which will pose a bigger problem or alternatively just rust treat the existing fittings
- e. Remove previous repairs and surface patch with an adhesive flashing roll
- f. Clean the roof and paint with metalfix
- g. The paintwork to the steel requires addressing and consideration should be given to the use of polyurethane or epoxy protective coating paint systems rather than traditional decorative paint systems so as to achieve a longer paint life.

Without this maintenance work the roof would be compromised and require replacement within 5 years. With the repairs its life could be extended by another couple of years but require annual review.

In the longer term a full roof replacement will be needed and after brief discussions with the Department of Local Government Sport and Cultural Industries, it has become apparent that it would be highly unlikely that the Shire would be able to access CSRFF funding for the roof replacement.

The roof space is 1250 sqm and made of Colourbond corrugated roof sheeting. Safety wire, gutters and flashings would also need to be replaced. Improvements in technology and transport mean the lapped sheets will be able to be replaced with full length sheets. the insulation should be replaced and the eaves purlins should be rust treated, or possibly replaced depending on the extent of corrosion. the downpipe to the spreaders from the top roof the lower roof should be turned through 90° and extended down across the lower roof by about 400mm to ensure there is no chance of water from the spreader getting pushed back up under the lower roof apron flashing. to install full tray over flashings behind skylights back to wall to avoid soaker flashings behind skylights

The relatively inert environment in Morawa has meant that the Shire have benefited from extra life of the roof and wall cladding materials. For some time, the Recreation Centre roof has been allowing water seepage that has caused the roof support structures to rust causing instability. On top of this the water leakage is also beginning to cause damage to the Recreation Centre sprung floor which is expensive to replace and maintain. As a short term measure the Shire's building maintenance officer has patched various holes on the roof but this is not a viable long-term solution. But a more substantial fix is required next financial year.

The Shire could invest \$100-200K undertaking the repairs as detailed by Eastman Polletti, however this may only delay a full replace by 2-5 years, at which point further investment would be needed.

Alternatively, the Shire could commit to the full replacement of the recreation centre roof, with the goal of utilising technology improvements to secure another 40-year life from the facility. The Shire could also look to have the roof cyclone rated in case of future cyclone events. Initial indications are that in the current market a full roof replacement would cost \$400-500K. Whilst this represents a significant investment,

given current inflation, this cost could be substantially more in 2-3 years' time.

Based on the LRCI funding and the other projects proposed it is proposed that the Shire allocate \$422,000 of the grant funding towards this project. It is hoped with the right scoping and market conditions that the works would be able to be completed for this amount but Should all the tenders come in above this amount the Shire may need to draw on reserve or budget reallocations to complete the works. If the cost goes above \$500K it might be worth just completing substantial repairs and foregoing a full replacement until a time when the market is less inflated with building works.

Project 2

Another value-add project that is on the Shire's long-term radar is the enhancement of the Morawa Town Hall to incorporate a dedicated storage space and refloored entrance area. The Cultural Precinct Master Plan made provision for a storage facility adjacent to the town hall to allow tables, chairs, and other items to be removed from the foyer area. Moving forward with this plan would allow the foyer area to be opened and would add to the aesthetics and useability of the facility.

Initial quantity surveyor cost estimates indicate that storage for the hall and new access doors with appropriate levels would costs approximately \$165,000. Given the current market and to undertake the flooring and enhance the landscape around the storage unit with a usable pathway and potentially with a rainwater tank it is suggested the Shire budget \$200,000 for these works.

Project 3

The Shire also proposes to enhance the cemetery entrance area looking to initially seal the carpark and driveway and update some of the landscaping. High level project scoping and budgeting suggest a project budget of \$175,854 should be adequate for the proposed works, being:

Works	Budget	Notes
Earthworks and Prep	\$80,000	Shire crew to clear, widen, prepare, and cart material
Sealing	\$46,560	6m width for 640m length and 40 by 40 car park.
Landscaping	\$20,000	Plastic white picket fence and general beautification
Kerbing	\$24,000	Kerbing around car park and some of entrance road approx. 600m.
Contingency	\$5,294	Cover various other unexpected project costs

With the cemetery being a key visiting point for many it seems like a positive use of these funds to enhance the area, as it will benefit both the local community and visitors.

Given the necessity to continue to expend the usual capital works expenditure the Shire needs to focus on outsourceable projects or reallocate capital funds elsewhere to make use of in-house resources.

All these three projects seek to enhance existing Shire assets and do not establish new assets, this is a critical part of the Shire's long term financial planning to ensure asset depreciation is manageable and the Shire's asset burden does not continue to increase.

The majority of the spend is focussed on the Recreation Centre roof and if this funding isn't used for this purpose at some stage in the future another source would need to be found or Shire funds would have to be utilised as the roof integrity has been undermined.

As such the administration proposes to submit the below to the Department of Infrastructure, Transport, Regional Development and Communications:

Project	Infrastructure Type	Budget
Recreation Centre Roof Replacement	Community - Improvement to community facility/sporting and recreation facilities	\$422,000
Town Hall Improvements	Community - Improvement to community facility	\$200,000
Cemetery Entrance and Car Park	Combination - Road reconstruction/sealing/off road car parks/landscaping improvements	\$175,854
	Total Grant Allocation	\$797,854

LEVEL OF SIGNIFICANCE

Medium – The Shire still has time to submit its work program under the LRCI Program but the more time elapsed reduces the planning and construction time available in a challenging market.

CONSULTATION

Senior Management Team
Concept Forum
Eastman Poletti Sherwood

LEGISLATION AND POLICY CONSIDERATIONS

Nil

FINANCIAL AND RESOURCES IMPLICATIONS

This funding is untied and does not require any matching contribution, but the Shire must maintain capital expenditure next year to remain eligible.

RISK MANAGEMENT CONSIDERATIONS

The recreation centre roof project seeks to alleviate a risk to community safety and asset life. The other two projects are nice to haves and have minimal risks associated with them other than the benefits realised may not warrant the investment. Given the Cultural Precinct master plan has provisioned for storage in the past and the cemetery is generally well visited and entrance aesthetics make a big difference to people's moods when visiting, it is unlikely investing in these areas would have negative reputational affects.

CONCLUSION

The Shire needs to look to allocate \$797,854 of grant funding to Local Road or Community Infrastructure Projects. The three projects proposed are the improvements to the Recreation Centre Roof, Town Hall Storage and surrounds, and Cemetery entrance and carpark beautification.

ATTACHMENTS

Nil

11.1.4 Application for Exploration Licence – No.70/6038 on Various Lots and Reserves.

Author: Planning Officer

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That with respect to Application for Exploration Licence – No.70/6038 on Various Lots and reserves, Council:

1. Raise no objection in principle to the Application subject to the following conditions:-
 - a. That dust suppression is carried out so that others are not adversely affected;
 - b. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
 - c. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
 - d. All plastic bags used for soil samples are to be removed from the site and disposed of in a suitable manner;
 - e. All rubbish is to be disposed of in the appropriate manner;
 - f. A firefighting unit is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
 - g. No drill holes are to extend under any public roadways or interfere with road drainage;
 - h. All drill holes are to be capped as soon as possible/practical after drilling; and
 - i. No drilling is to occur within any Shire gravel pits.

SIMPLE MAJORITY VOTE REQUIRED

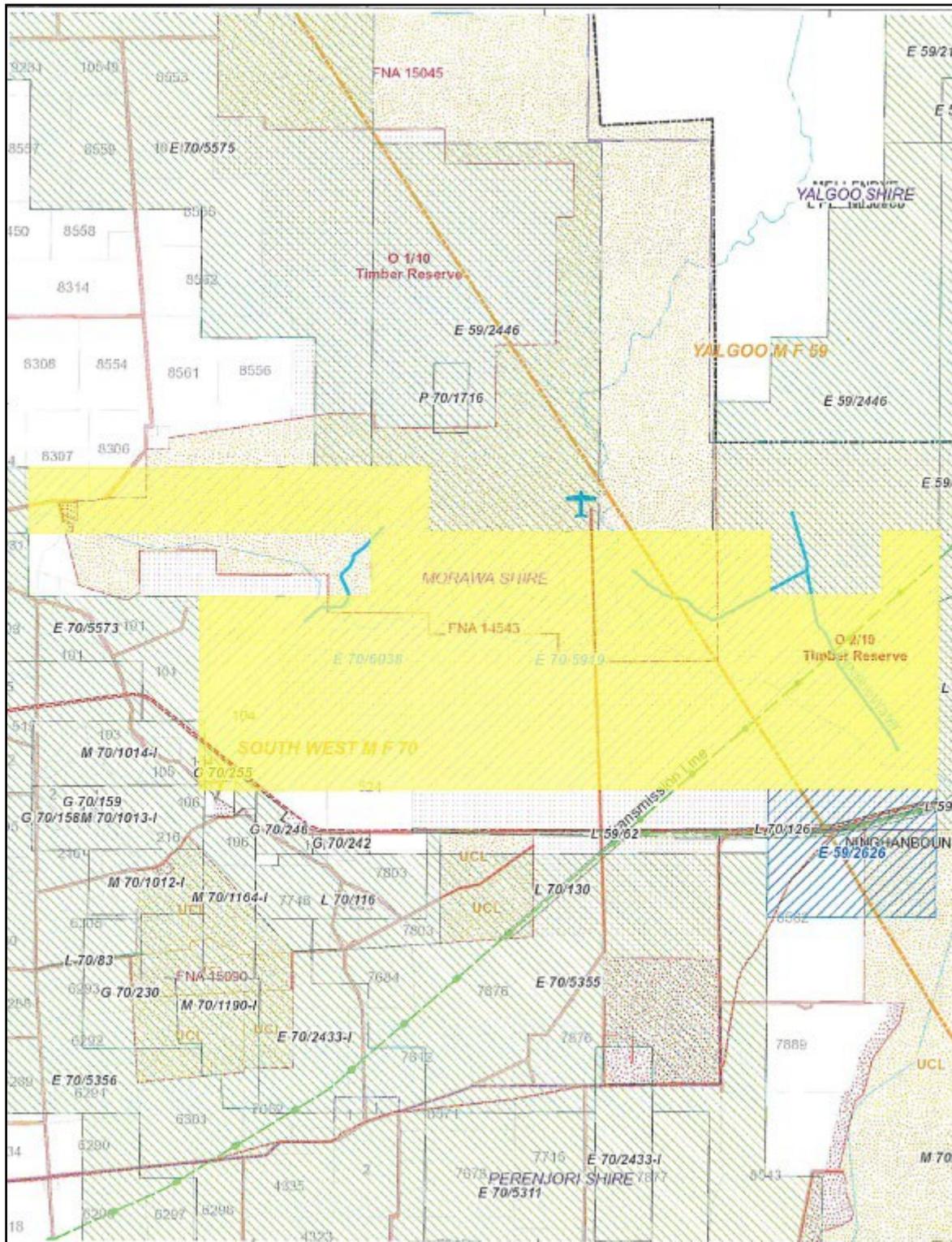
PURPOSE

This report seeks Council's consideration in relation to an exploration license over various lots that has been submitted on behalf of Enterprise Metals Limited, by Mining Titles Solutions.

DETAIL

Council has received notice of an application for an exploration licence from Mining Titles Solutions for a mining exploration licence over various lots in the locality of south Morawa.

The land subject to the application is a combination of privately owned land and State reserves. A copy of the application is included as *Attachment 1*.



Exploration Licence Application No.70/6038

Where Council believes there are good grounds to raise an objection to the application, an objection may be lodged to the application with the Mining Registrar within 21 days of being served the Notice (before 8 March 2022). In relation to the matter before Council, the Shire is not aware of any such grounds to raise an objection to the application.

Under Sections 23 to 26 of the *Mining Act 1978*, mining may be carried out on certain classes of land with the written consent of the Minister for Mines and Petroleum. The *Mining Act 1978* and its associated Regulations sets out the process for a variety of licences and lease types, including requirements for mineral exploration. A guideline summary of exploration licences from Department of Mines and Petroleum documentation is provided as follows:

12. Exploration Licence

- *On 28 June 1991 a graticular boundary (or block) system was introduced for Exploration Licences.*
- *The minimum size of an Exploration Licence is one block, and the maximum size is 70 blocks, except in areas not designated as mineralised areas, where the maximum size is 200 blocks.*
- *An Exploration Licence is not marked out.*
- *An application may be made at any Mining Registrar's office (see Appendix A); or lodged electronically via the department's website using MTO.*
- *An application fee and rental is payable.*
- *There is no limit to the number of licences a person or company may hold but a security (\$5,000) is required in respect of each licence.*
- *Term and Compulsory Surrender:*
 - *For licences applied for prior to 10 February 2006, the term is five years plus two possible extensions of two years and further periods of one year thereafter. At the end of both the third and fourth year of its term, the licensee is required to surrender 50 per cent of the licence.*
 - *For licences applied after 10 February 2006, the term is five years plus possible extension of five years and further periods of two years thereafter, 40 per cent of ground to be surrendered at the end of year six.*
- *The holder of an Exploration Licence may in accordance with the licence conditions, extract or disturb up to 1000 tonnes of material from the ground, including overburden, and the Minister may approve extraction of larger tonnages.*

Source: – Exploration Licence Guidelines from DMP Mining Act Guidelines Basic Provisions.

An exploration licence remains in force for a period of 5 years although this can be extended by the Minister for Mines and Petroleum.

LEVEL OF SIGNIFICANCE

Low significance – response required to be lodged at the mining register's office on or before 8 March 2022.

CONSULTATION

Chief Executive Officer

LEGISLATION AND POLICY CONSIDERATIONS

Mining Act 1978

There are no known policy implications in relation to this item.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications in relation to this item.

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

That subject to conditions that address protecting the local amenity and Shire road reserves, it is considered appropriate that Council raise no objection to the Application for Exploration Licence – No. 70/5976 & No.70/5977 by Hetherington Exploration & Mining Title Services.

ATTACHMENTS

Attachment 1 – 11.1.4– Applications for mining tenement

11.1.5 2021 Compliance Audit Return

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/AUDIT AND RISK COMMITTEE RECOMMENDATION

That Council:

- 1. Note and accept the Compliance Audit Return (Attachment 1) for the local government of the Shire of Morawa for the period 1 January 2021 to 31 December 2021; and**
- 2. Request the Chief Executive Officer to submit a certified copy of the Compliance Audit Return to the Director General of the Department of Local Government Sport and Cultural Industries by 31 March 2021.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The Department of Local Government, Sport and Cultural Industries (the Department) has distributed the 2021 Compliance Audit Return for completion by the Shire of Morawa. The Compliance Audit Return is one of the tools that allow the Audit Committee and Council to monitor how the organisation is functioning. The Compliance Audit Return is required to be presented to Council for adoption before its submission to the Department.

Each local government is to carry out a compliance audit for the period 1 January to 31 December each year against the requirements included in the Compliance Audit Return (Return) set out by the Department of Local Government Sport and Cultural Industries (the Department).

DETAIL

The Return places emphasis on the need to bring to Council's attention cases of non-compliance or where full compliance was not achieved. In addition to explaining or qualifying cases of non-compliance. The return also requires Council to endorse any remedial action taken or proposed to be taken in relation to instances of non-compliance.

This year's Return has again been prepared by electronic means and will be submitted electronically to the Department.

The Compliance Audit Report for 2021 for the Shire of Morawa will be presented for review at the ordinary meeting of Council being held on 17 March 2021.

In comparison to 2020 when various areas of non-compliance were identified including in the areas of Annual Returns and various Registers, most areas of the 2021 return have been deemed fully compliant.

The only area of improvement/non-compliance that was evident in 2020 and in 2021 is the Financial Management Review. Whilst this review was not completed prior to December 2021, if challenged the Shire would argue that the impact of Cyclone Seroja meant that a multitude of task were delayed or impacted. The Financial Management Review has now been completed and is presented to the March 2022 meeting for acceptance which will mean next years Return will be compliant in this area.

Whilst the Shire has fixed the issue in terms of reporting Councillor Training on the website, it should be noted that a number of Councillor's training requirement have not been met in terms of mandatory requirements and once reforms are implemented this may lead to Councillors being stood down.

The only other areas of non-compliance in 2021 are:

Adoption of Model Code of Conduct for Council – was 17 days late due to Council meeting timing, although the regulations essentially implement the model code if no Shire specific code was adopted within 3 months. Had zero operational impact.

Corporate Business Plan – the Local Government (Administration) Regulations 1996 require the Corporate Business Plan to be reviewed annually. The Shire hasn't reviewed its Corporate Business Plan since November 2019. Given the corporate business plan represents how the Shire will utilise its resources to work towards achieving the Strategic Community Plan, it makes sense to hold off on reviewing this document until after the major review of the Strategic Community Plan. The CEO's plan moving forward is to incorporate the capital works plan and more financial information within the Corporate Business Plan to make the annual review process more valuable and relevant to the organisation. Given Covid and a Cyclone over the last two years the Shire has been operating more in a flexible response state with more response and recovery focus than aligned to the strategic framework, this seems completely valid given these unpredictable times.

In terms of the Tender section, the Shire actually undertook zero tenders under the formal tender process and utilised the WALGA Preferred Supplier Program for all large purchase transactions, these purchases are thus tender exempt but the Shire did report them in the Tender register for transparency purposes.

LEVEL OF SIGNIFICANCE

Medium – requirement under *Local Government Act 1995* administered by the Department.

CONSULTATION

- Chief Executive Officer
- Executive Managers
- Senior Staff
- Audit and Risk Committee

LEGISLATION AND POLICY CONSIDERATIONS

- *Local Government Act 1995*

- *Local Government (Administration) Regulations 1996*
- *Local Government (Rules of Conduct) Regulations 2007*
- *Local Government (Audit) Regulations 1996*

14. *Compliance audits by local governments*

- (1) *A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) *After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (3A) *The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.*
- (3) *After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —*
 - (a) *presented to the council at a meeting of the council; and*
 - (b) *adopted by the council; and*
 - (c) *recorded in the minutes of the meeting at which it is adopted.*

[Regulation 14 inserted in Gazette 23 Apr 1999 p. 1724-5; amended in Gazette 30 Dec 2011 p. 5580-1.]

15. *Compliance audit return, certified copy of etc. to be given to Executive Director*

- (1) *After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —*
 - (a) *a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and*
 - (b) *any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.*
- (2) *In this regulation —*

certified *in relation to a compliance audit return means signed by —*

 - (a) *the mayor or president; and*
 - (b) *the CEO.*

[Regulation 15 inserted in Gazette 23 Apr 1999 p. 1725.]

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Shire of Morawa Community Strategic Plan 2018-2028

A local government that is respected, professional and accountable.

Long term financial viability.

RISK MANAGEMENT CONSIDERATIONS

Shire of Morawa Risk Management Governance Framework

Appropriate governance of risk management within the Shire of Morawa provides:

- Transparency of decision making
- Clear identification of the roles and responsibilities of the risk management functions
- An effective Governance Structure to support the risk framework

CONCLUSION

The 2021 return has seen an improvement in the Shire's compliance practises and it is hoped this continuous improvement will continue. No remediation action above what is already planned, is required.

ATTACHMENTS

Attachment 1 – 10.2 Compliance Audit Return 2021

11.1.6 Placement of Purple Bench on Winfield Street

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. Approve the donation of an old park bench to the Morawa CRC
2. Support the Morawa CRC's grant application to LinkWest for the Purple Bench Program
3. Approve the Shire to install the Purple Bench at the front of the Morawa CRC (Winfield street footpath) once it has been prepared by the CRC for installation.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To consider and approve the Morawa CRC's request to install a purple bench at the front of their centre.

DETAIL

The Morawa CRC wish to apply for a grant through LinkWest to implement a purple bench at the front of their centre.

The grant is designed to allow CRC centres to provide permanent reminders that their centres are safe and confidential spaces for women to visit with their children.

The purple bench movement aims to honour the memory of women murdered by their partners and provide help numbers for people experiencing Domestic Violence.

The purple bench would have a stainless-steel plaque with the wording *"In honour of all victims of domestic homicide in WA. If you need advice and support, please phone: Women's DV helpline: 9223 1188 or 1800 007 339"*.

The CRC wish to have the bench located at the front of their centre in the area as per the below picture.



The Shire has identified that it has an old bench located at the depot that could be donated to the CRC for them to sand and paint. The Shire team would then install the bench to ensure it is safe for use.



An alternate option is to allow the CRC to paint an existing bench with the most appropriate being the one between the CRC and IGA entrance. This option is simpler and achievable but is slightly further from the CRC entrance. Also adding extra seating on the main street may not be a bad thing as the current seating is well utilised at times.

The Shire would make it clear to the CRC that the maintenance of the bench is their responsibility and if it starts to look heavily worn or damaged then the Shire would reserve the right to remove.

In general it seems to be a positive idea for the Shire to support a message of this kind and a purple bench on the main street is likely to add to the aesthetics of the main street adding a sense of uniqueness/quirkiness.

LEVEL OF SIGNIFICANCE

Low significance – If the Council does not support the proposed location of a bench on the main street an alternative location can be used, the CRC have indicated they could put a bench in the courtyard or foyer area but this is not spreading the same welcoming message.

CONSULTATION

Morawa CRC

LEGISLATION AND POLICY CONSIDERATIONS

Nil

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire would look to donate an old bench that is not currently in use and would likely just fall into a state of disrepair if not used – no financial impact.

It would likely take two staff members an hour to install the bench – approximate cost to the Shire \$100.

The CRC would utilise the grant and seek local support to sand, paint, and order a plaque for the bench.

RISK MANAGEMENT CONSIDERATIONS

There is always a risk with something different on a main street that people don't like it but given the existing facade of the CRC building, a purple bench is unlikely to diminish the aesthetics of the area.

CONCLUSION

It is recommended that the Shire support the CRC in this purple bench initiative, provide an old bench to be used and install it at the front of their building once painted.

ATTACHMENTS

Attachment 1 – Letter of request from the Morawa CRC

11.2 Executive Manager Corporate & Community Services

11.2.1 Statement of Financial Activity – January 2022

Author: Corporate & Community Services Officer

Authorising Officer: Executive Manager Corporate & Community Services

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

OFFICER'S RECOMMENDATION

That Council receive;

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

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

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

DETAIL

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

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,
- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual

- Net current assets
- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

As part of the monthly report a bank reconciliation report will be completed and included as **Attachment 2**. The summary of the report for 28 January is as follows:

Account	Balance
Municipal Account	1,480,813.47
Municipal Online Account	1,027,280.71
Trust Account	3,342.41
Reserve Account	3,440,584.50
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$8,052,021.09

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 January 2022 to 31 January 2022 is presented as an attachment to this report (**Attachment 3**) and is summarised in the table below.

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	104,429.11
Municipal	Cheques No: 12026	26,738.11
Municipal	Direct Debit Transactions	42,323.03
Municipal	Bank Transfers / Payroll / Other Payments	110,825.25
Municipal	Corporate Credit Cards	672.56
Trust	Electronic Funds Transfers (EFT)	0
	TOTAL	\$284,988.06

Reimbursement Applications

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

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

Operating expenses are currently running lower than budgeted. This is mainly due to timing differences and as we mature our budget phasing this difference should be reduced significantly.

LEGISLATION AND POLICY CONSIDERATIONS

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

Section 2.7 of the *Local Government Act 1995* states:

Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Local Government (Financial Management) Regulations 1996

Regulations 34(1)

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

Regulation 13

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

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

- Strategic Community Plan 2018-2028

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

FINANCIAL AND RESOURCES IMPLICATIONS

As presented.

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

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

ATTACHMENTS

Attachment 1 – 11.2.1a Monthly Financial Report for the period ending 31 January 2022.

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

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

11.2.2 Statement of Financial Activity – February 2022

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

OFFICER'S RECOMMENDATION

That Council receive;

- 1) the Statement of Financial Activity for the period ending 28 February 2022.
- 2) the Bank Reconciliation Report for period ending 28 February 2022.
- 3) the attached List of Payments for the period ending 28 February 2022.
- 4) with respect to the Chief Executive Officer authorisations and reporting to Council;
4.1) information presented to this meeting in regard to reimbursement Applications made by the Chief Executive Officer for the period ending 28 February 2022

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

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

DETAIL

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

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,
- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual
- Net current assets

- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

As part of the monthly report a bank reconciliation report will be completed and included as **Attachment 2**. The summary of the report for 28 February is as follows:

Account	Balance
Municipal Account	1,821,216.95
Municipal Online Account	1,027,359.52
Trust Account	3,342.41
Reserve Account	3,440,848.36
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$8,392,767.24

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 February 2022 to 28 February 2022 is presented as an attachment to this report (**Attachment 3**) and is summarised in the table below.

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	234,175.69
Municipal	Cheques No: 12026	10,658.79
Municipal	Direct Debit Transactions	32,448.87
Municipal	Bank Transfers / Payroll / Other Payments	118,481.34
Municipal	Corporate Credit Cards	662.60
Trust	Electronic Funds Transfers (EFT)	0
	TOTAL	\$396,427.29

Reimbursement Applications

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

OFFICER'S COMMENTS

The month of February continues to show income being lower than budgeted. This is due mainly to DRFWA funding not yet being received. Expenditure is continuing to track under the current budget allocations which is due to immature budget phasing. As the maturity improves the variances between budget and actuals should reduce.

LEGISLATION AND POLICY CONSIDERATIONS

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

Section 2.7 of the *Local Government Act 1995* states:

Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Local Government (Financial Management) Regulations 1996

Regulations 34(1)

- (2) 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

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

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

- Strategic Community Plan 2018-2028

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

FINANCIAL AND RESOURCES IMPLICATIONS

As presented.

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

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

ATTACHMENTS

Attachment 1 – 11.2.1a Monthly Financial Report for the period ending 28 February 2022.

Attachment 2 – 11.2.1b Bank Reconciliation for the period ending 28 February 2022.

Attachment 3 – 11.2.1c List of Accounts Paid for the period ending 28 February 2022.

11.2.3 Financial Management Review 2022

Author:	Executive Manager Corporate and 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/AUDIT AND RISK COMMITTEE RECOMMENDATION

That Council:

- 1. Adopt the Financial Management Review 2022.**
- 2. Endorse the actions taken or proposed to be taken by staff to resolve items identified in the report; and**
- 3. Note that the Audit and Risk Committee will meet on Thursday 9 June 2022, at 5:30pm to receive an update on actions taken in response to the findings in the Financial Management review.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to present to the Audit & Risk Management Committee (ARMC) the Financial Management Review 2022 (FMR).

DETAIL

In accordance with Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996, local government CEOs are to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government not less than once in every three financial years and report to the local government the results of the reviews.

RSM Australia were engaged to undertake the review in January 2022. Their report is attached. (***Attachment 1***)

The previous FMR was conducted in 2016 and the findings reported to Council in July 2016 and the current review is 2 years overdue.

The CEO on reviewing the local governments financial management systems and the report submitted by RSM has deemed the Shire's financial management as adequate and effective for an organisation of this size.

From the FMR report provided management have produced a Status Report (***Attachment 2***) that lists all the functions reviewed and where reported the issues identified and the planned actions to remedy the issues. This report will be updated regularly and presented to the ARMC for review.

The details of the report have been through the Audit and Risk Committee which met on the 10 March 2022.

LEVEL OF SIGNIFICANCE

Moderate– provides a representation of how effective the current controls that have been implemented at the Shire of Morawa are.

CONSULTATION

Internal

Chief Executive Officer

Finance team

External

RSM

Audit Risk Committee

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Local Government (Audit) Regulations 1996

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Shire of Morawa Community Strategic Plan 2018-2028

Outcome 4.3 A local government that is respected, professional and accountable.

RISK MANAGEMENT CONSIDERATIONS

Findings outlines in the FMR report are assigned a risk rating. These ratings are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. Preparation of a schedule of management actions and reporting progress to the ARMC ensures findings are appropriately addressed.

CONCLUSION

Whilst there are several areas where Council's systems and procedures can be improved, there are many areas where the controls in place are of a good standard.

ATTACHMENTS

Attachment 1 – Financial Management Review 2022

Attachment 2 – Financial Management Review Status Report

11.2.4 Report on Significant Matter raised in Annual Financial Report Audit Opinion

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/AUDIT AND RISK COMMITTEE RECOMMENDATION**That Council:**

- 1. Endorses the report (as attached) addressing the matter identified as significant by the auditor in the audit report relating to the Shire's Annual Financial Report 2020-2021**
- 2. Endorses the CEO to distribute the report on the Shire website and to the Minister for Local Government in compliance with the Local Government Act.**
- 3. Require progress updates on implementation of the proposed management actions at the next Audit & Risk Management Committee meeting.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To ensure compliance with Section 7.12A of the Local Government Act 1995 the Shire of Morawa is required to prepare a report addressing the matters identified as significant by the Office of the Auditor General when auditing the Shire Annual Financial Report 2020-2021.

DETAIL

The Audit Committee held the Audit Close meeting for the 2020-2021 Financial Report on the 21 December 2021 where representatives from the OAG and the OAG contract auditors Nexia were in attendance online.

To maintain compliance with the Local Government Act the Shire is required to prepare a report addressing any significant matters raised by auditors. This report is to be sent to the minister within 3 months of the audit opinion being received. As such the attached report has been prepared addressing the significant matter raised by the OAG being the adverse trend in the Operating Surplus Ratio.

The report essentially suggests three action areas in response to the findings:

1. Undertake a review of the Shire's Long Term Financial Plan/Strategic Resource Plan including Asset Management Plans
2. Review operational expenditure
3. Review operating income

Undertake a review of the Shire’s Long Term Financial Plan/Strategic Resource Plan including Asset Management Plans

The Shire has already established that it needs a review of its long term financial planning and Moore Australia have been contracted to develop a revised long term financial plan taking into account asset management and other resource requirements. Moore will also look at compliance with ratios as part of long term planning.

By undertaking a long term financial plan review the Shire is able to see what impacts current spending, rates and asset deterioration is likely to have on the financial position of the Shire 10 years into the future. If the Shire is suffering from an adverse trend or declining financial position it is expected that this round of long term planning will identify modifications to alleviate this decline.

Review Operating Expenditure and Income

Whilst these are two separate action areas, they represent two sides of the same process.

Income from Fees and Charges is reviewed annually as part of the budget process, but whilst the Shire could consider implementing a significant increase it must consider the impact on the community when undertaking this course of action. Many of Shire’s fees are legislated or have been set based on expenditure. Other areas are deemed to be a community service such as the swimming pool, so the charge does not cover costs.

The Shire as part of its normal annual budget deliberations will review its operational practices and to try and identify any efficiency gains. One of the major stumbling blocks with trying to reduce expenditure is the ever increasing costs to insurance and electricity which Council has no control over.

LEVEL OF SIGNIFICANCE

Medium – the non-completion of the attached report would represent non-compliance with the Act.

CONSULTATION

Senior Management Team
Office of the Auditor General
Audit and Risk Committee

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995
Local Government (Audit) Regulations 1996

FINANCIAL AND RESOURCES IMPLICATIONS

The review of the long term financial plan has already commenced, and staff are hoping to have it completed to bring to Council by May 2022.

STRATEGIC AND SUSTAINABILITY IMPLICATIONS

Shire of Morawa Community Strategic Plan 2018-2028 (Desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

RISK MANAGEMENT CONSIDERATIONS

Medium – the attached report represents a compliance matter. The significant matter raised being the adverse trend, does not appear to raise a high risk to the Shire at this stage but needs to be monitored moving forward.

CONCLUSION

The attached report will ensure compliance with the Local Government Act and the actions proposed are in line with the Shire’s commitment to its financial sustainability.

ATTACHMENTS

Attachment 1 – 11.2.4 Report on Significant Matter (Section 7.12A(4a) of the Local Government Act 1995)

11.2.5 Approval to Display Public Art for Morawa Drug Aware Youth Week.

Author: Community Development Officer

Authorising Officer: Executive Manager Corporate and Community Services

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

OFFICER'S RECOMMENDATION

That Council:

- 1. Approve the display of public art created for 'Art on Wheels – Morawa Drug Aware Youth Week Event,' at the town entrances (as per maps).**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To consider and approve for the display location of public art created as a Youth Week project.

DETAIL

The Shire has applied for a Culture Drug Aware Youth Week Grant with Regional Arts WA, for \$4215.24. The project has been developed in collaboration with Morawa's Young Citizen of the Year, Chayce Denham, and the Community Development Officer. The grant supports young people as the project coordinators.

The project draws on the large interest in cars across the Morawa community to spread a drug and alcohol awareness message. The proposal is to acquire two old cars as a surface for creating a piece of public art with drug and alcohol aware messaging.

The project is due to take place from Monday 11 April to Wednesday 13 April. Youth Week is between Friday 8 – Monday 18 April. Showcasing the finished product during Youth Week ties this project completion together. To allow more residents and community to see it, permission is being sought to have the cars on display in a prominent public location for the school holiday period and into the future. See maps for proposed locations on Shire roads.

Drug Aware is the underlying message, and the engagement of the Morawa youth to spread this message is supported by the Morawa Police and the Speedway.

The Shire has sought a quote from Geraldton urban artist Shahran Jackey (artist used for the work at the Morawa Skate Park) to facilitate the project, design, and completion. The intended artwork will be colourful, abstract and eye catching. The words and lettering will be cut from stencils so they will be neat (not graffiti styled font.)

Utilising cars as the canvas, draws on an existing youth interest group through the Morawa Burnout Group. The process of preparing the car to paint, and the medium of art will target not just older young people who drive, but younger ones through art. There will be informal mentoring that will occur

through this project as well as spreading positive messaging. The cars also promote road safety by virtue of the canvas used.

Having these vehicles on the opposite side of the road to the painted satellite dishes will provide an eye-catching entrance to Morawa that may create a talking point for visitors.

LEVEL OF SIGNIFICANCE

Low significance – If the Council does not support the proposed location an alternative location can be used.

CONSULTATION

Chayce Denham
Morawa Speedway
Morawa District High School
Morawa Police

LEGISLATION AND POLICY CONSIDERATIONS

Nil

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire is applying for a grant to cover 50% of the cost of this project and even if the grant is unsuccessful the Shire has existing Youth Services budget to cover the project. The overall project cost including in-kind contributions is likely to be around \$9,500.

RISK MANAGEMENT CONSIDERATIONS

A covid and risk management plan has been developed to cover this project as a youth holiday urban art project.

If Council isn't supportive of this project it may discourage youth driven projects in the future.

CONCLUSION

That Council approved the two locations for the public art youth week project.

ATTACHMENTS

Attachment 1 – 11.2.6 Public Art Location 1 towards Mingenew-Morawa Road

Attachment 2 – 11.2.6 Public Art Location 2 towards Perenjori

Item 12 Reports of Committees

12.1 Minutes of WALGA State Council Meeting held 23 February 2022

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 receive the Minutes of the WALGA State Council Meeting held 23 February 2022.
(Attachment 1 - 12.1)**

SIMPLE MAJORITY VOTE REQUIRED

Attachment 1 – 12.1 Minutes of WALGA State Council Meeting 23 February 2022.

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: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The author has disclosed an interest relating to item 15.2 proposed to be a confidential item.

OFFICER'S RECOMMENDATION

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

- 15.2 Appointment of new Executive Manager of Works and Assets

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 Appointment of new Executive Manager of Works & Assets

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person;*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government’s property;*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

Shire of Morawa Meeting Procedures Local Law 2012

The key parts include:

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried— (a) the presiding member is to direct everyone to leave the meeting except— (i) the members; (ii) the CEO; and (iii) any officer specified by the presiding member; and (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.

- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

Any known financial implications are addressed in the respective reports.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management considerations.

CONCLUSION

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012* s 6.2 so that it can consider the reports as addressed.

ATTACHMENT

Nil

15.2 Confidential Item- Appointment of new Executive Manager of Works & Assets

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 next ordinary meeting of Council will be held on Thursday, 21 April 2022 commencing at 5.30pm.

16.2 Closure

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

