



MINUTES

ORDINARY MEETING OF COUNCIL

held on

Thursday, 16 July 2020



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

DISCLAIMER

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Item 1 Opening of Meeting

The President declared the meeting open at 5.32pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders 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 Dean Carslake

Councillor Jane Coaker

Councillor Debbie Collins

Councillor Yvette Harris

Councillor Shirley Katona

Councillor Ken Stokes

Staff

Acting Chief Executive Officer

Robert Paull

Executive Manager Corporate & Community Services

John van der Meer

Executive Manager Works and Assets

Paul Buist

Economic Development Manager

Ellie Cuthbert

Executive Assistant

Rondah Toms

Members of the Public

Nil

3.2 Attendance by Telephone / Instantaneous Communications

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

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosure of Interests

Acting Chief Executive Officer, Robert Paull declared an Impartiality Interest in relation to Item 11.2.4 Chief Executive Officer Authorisations and Reporting to Council. The Item addresses matters concerning the role and function of the Acting Chief Executive Officer.

Councillor Shirley Katona declared a Financial Interest in relation to Item 11.1.3 Planning Application for a Sea Container at Lot 178 and Lot 266 (No.64) White Avenue, Morawa. Cr Katona is part owner of Lot 178 and Lot 266 (No.64) White Avenue, Morawa.

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

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

Nil

6.2 Public Statement Time

Nil

6.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 7 Questions from Members without Notice

Nil

Item 8 Announcements by Presiding Member without Discussion

President's Meetings for the month of June 2020.

Date	Meeting	Details of Meeting
4 th	Shire of Morawa Acting CEO	Inspection
9 th	Minister Templeman & Minister Logan	Round table meeting
10 th	WALGA	CEO Review Committee
11 th	ALGA	Board Meeting
11 th	Shire of Morawa (via teleconference)	Briefing Session
18 st	Shire of Morawa	Ordinary Council Meeting
16 th	Minister McTernan	Round table meeting
16 th	Rural West	Board meeting
17 th	Cr Linda Scott	Meeting
22 nd	Northern Country Zone	Meeting
23 rd	WALGA	Honours Panel meeting
23 rd	Desert Blue Connect	Board Meeting
24 th	WALGA Financial Services	Committee Meeting
26 th	ALGA	Board Forum
26 th	Mid-West Commission Board	Meeting
29 th	Shire of Morawa	Budget Meeting

Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

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

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 18 June 2020 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 24 June 2020.

OFFICER RECOMMENDATION/RESOLUTION

200703 Moved: Cr Stokes Seconded: Cr Collins

That Council confirm that the Minutes of the Ordinary Council Meeting held on 18 June 2020 are a true and correct record.

CARRIED BY SIMPLE MAJORITY 7/0

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.

Item 11 Reports of Officers**11.1 Chief Executive Officer****11.1.1 Integrated Planning and Reporting – June 2020**

Author: Executive Assistant

Authorising Officer: Acting 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

200704 Moved: Cr Stokes Seconded: Cr Collins

That Council receive the Integrated Planning and Reporting (IPR) update for the month of June 2020.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

All local governments are required to produce a plan for the future under S5.56(1) of the *Local Government Act 1995*. To ensure there is a regular and open flow of information between the Shire's administration, the Council and the community, the following monthly update is provided.

DETAIL

The information provided (**Attachment 1**) is generated from the Shire's IPR software Envisio. This informs Council and the community of the current outcomes relating to the objectives of the Shire's Strategic Community Plan 2018-2028 and the Corporate Business Plan 2018-2022.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 S5.56 (1)

Local Government (Administration) Regulations 1996

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

Budgeted in the 2019/2020 financial year.

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

That Council receive the IPR update (*Attachment 1*).

ATTACHMENTS

Attachment 1 – 11.1.1 IPR June 2020

11.1.2 Review of Council Delegation Register and Implementation of Authorisation Register

Author: Acting Chief Executive Officer

Authorising Officer: Acting 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 RECOMMENDATION/RESOLUTION

200705 Moved: Cr Coaker Seconded: Cr Katona

That with respect to the Review of Council Delegation and Authorisation Registers, Council:

- 1. Adopts the Delegation Register as per Attachment 2; and**
- 2. Adopts the Authorisation Register as per Attachment 3.**

CARRIED BY ABSOLUTE MAJORITY 7/0

PURPOSE

A review of the Delegations and Authorisations Registers has been undertaken to address suggested/required changes since June 2019. Amendments and additions have been made in line with legal requirement and/or relevance to the operation of the organisation.

DETAIL

The adopted Delegations Register (2019) has been provided for Council (**Attachment 1**) to review against the revised (draft) Delegation Register (**Attachment 2**). The revision of delegations have been undertaken as a significant measure utilising the assistance and review of a respected consultant in the field.

The revised Register reflects current legislation as well as meeting the specific requirements of the Shire. The delegations to be retained (albeit in a revised form) have been highlighted in yellow to indicate the changes in the 2019 Delegations and the revised 2020 (draft) delegations.

The revised Register also make reference to new (draft) policies required to ensure the direction of Council is achieved in any delegations.

In addition, a Council Authorisations Register has prepared (**Attachment 3**) to align with statutory provisions in relation to power of authorisations.

LEVEL OF SIGNIFICANCE

High significance - Council needs to be assured that it defines the level of delegation to the Chief Executive Officer. Council must ensure that delegations and authorisations are lawfully established.

CONSULTATION

All Councillors
Senior Management Team
Ms Jenni Law (Governance Consultant)

LEGISLATION AND POLICY CONSIDERATIONS

The following section of the *Local Government Act 1995* applies:

S5.18

“A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.”

S5.42:

“Delegation of some powers and duties to CEO

(1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under:*

(a) this Act other than those referred to in section 5.43; or

(b) the Planning and Development Act 2005 section 214(2), (3) or (5)’.

** Absolute majority required.*

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 in this matter.

RISK MANAGEMENT CONSIDERATIONS

The overall level of risk is considered to be ‘High’ but with adequate controls to be managed by specific procedures and subject to monitoring by the Chief Executive Officer.

CONCLUSION

This review is in line with improving the day to day function of the Shire and to comply with the legal requirement to review the registers at least once every financial year. Council is requested to adopt the Delegation and Authorisation Registers as attached.

ATTACHMENTS

Attachment 1 – 11.1.2 Delegation Register (2019)

Attachment 2 – 11.1.2 Delegation Register (2020 draft)

Attachment 3 – 11.1.2 Authorisation Register (2020 draft)

Councillor Shirley Katona had earlier declared a Financial Interest in the Item and 'left the room' by disconnecting from the instantaneous communication (Zoom meeting) at 5.38pm.

11.1.3	Planning Application for a Sea Container at Lot 178 and Lot 266 (No.64) White Avenue, Morawa
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Author: Planning Officer

Authorising Officer: Acting Chief Executive Officer

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

OFFICER'S RECOMMENDATION/RESOLUTION

200706 Moved: Cr Harris Seconded: Cr Coaker

That with respect to Planning Application for a Sea Container at Lot 178 and Lot 266 (No.64) White Avenue, Morawa Council resolve to:

- 1. Grant approval for the proposed Sea Container on at Lot 178 and 266 (No.64) White Avenue, Morawa subject to the following conditions:**
 - 1. Development shall be in accordance with the approved plan(s). The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
 - 2. The sea container shall be in good repair with no visible rust marks and within 30 days of the positioning of the sea container on site, shall be painted a uniform colour to complement the building to which it is ancillary, all to the satisfaction of the local government.**
 - 3. Within 30 days of the positioning of the sea container on site, a screen (shrubs or creepers) shall be planted to reduce the visual impact to the Morawa Caravan Park, all to the satisfaction of the local government.**
 - 4. All stormwater is to be disposed of on-site to the approval of the local government.**
 - 5. The development/land use is to be located entirely within Lot 178 or Lot 266 (No.64) White Avenue, Morawa.**
 - 6. Any lighting device is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to any nearby residents or passing motorists.**

Notes:

- i. If the development/land use, the subject of this approval, is not substantially commenced within a period of 2 years after the date of determination, the approval shall lapse and be of no further effect.**

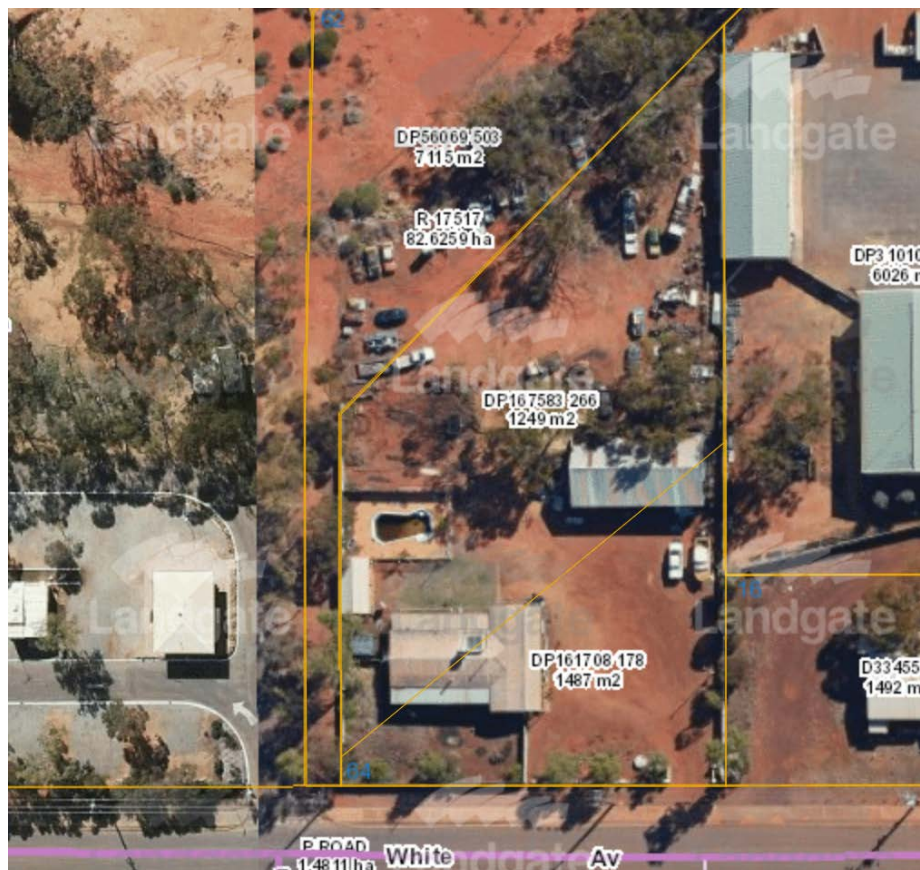
- ii. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- iii. A building permit is to be obtained for the carport prior to construction
- iv. If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
- v. With regards to Condition No.4 on application for a building permit a detailed design of stormwater collection and disposal system of developed areas is to be supplied.
- vi. With regards to Condition No. 5 it is recommended that the services of a licensed surveyor be employed to verify the exact boundary position.

CARRIED BY SIMPLE MAJORITY 5/1

Cr Stokes requested his vote against this motion be recorded.

PURPOSE

The owner of Lot 178 and Lot 266 (No.64) White Avenue, Morawa (the Applicant) is seeking approval to relocate a sea container on the stated property.



Lot 178 and Lot 266 (No.64) White Avenue, Morawa

DETAIL

The property is zoned 'Commercial' under the Shire of Morawa Local Planning Scheme No.2 (LPS No. 2). However, the property is ostensibly occupied as a residence.

The proposed sea container is 11.0m in length, 3.0m in width and has a maximum wall height of 2.4m. The sea container is proposed to be setback approximately 38m from the primary street (White Avenue) and 27m from the adjoining property to the west (Shire reserve). The proposed sea container has 2 (two) outward swinging doors proposed to open to the southern end of the container. The Applicant proposes to paint the sea container and screen the container (with shrubs or creepers) to reduce the visual impact to the Morawa Caravan Park.

Clause 3.5 of the Council's *"Shipping Containers Local Planning Policy"* states:

"shipping containers is permitted and shall not exceed 6m in length, 2.4m in width and 2.6m in height."

Clause 3.6 states:

"In order for the local government to issue development approval, the applicant must address that the proposed shipping container or other similar relocatable storage unit will (at a minimum):"

- a) not result in a detrimental impact on the amenity of the land or any adjoining land or development;*
- b) not impinge on any boundary setbacks, as required by the Scheme, or be located in front of the building line, or be visually prominent from any public road;*
- c) not compromise any associated approved development or use by:*
 - impinging on any car parking bays required to satisfy the minimum car parking requirement for the associated approved development or use;*
 - being located within an existing service yard or bin storage area;*
 - obstructing any existing access or visual truncation provided to an accessway, pedestrian or traffic;*
- d) be in good repair with no visible rust marks, a uniform colour to complement the building to which it is ancillary or surrounding natural landscape features; and*
- e) be appropriately screened (vegetation or otherwise), where considered necessary by the local government, in order to meet a. above and the objectives of this policy."*

The proposed sea container does not reflect Council Policy in that the length is proposed to be 11.0m and width of 3.0m (whereas the Policy provides that a sea container should not "... exceed 6m in length, 2.4m in width.."). However, a policy cannot 'prohibit' a use or development and Council must consider any application on its respective merit. It is important that policy is not applied inflexibly – it is a tool to assist with decision-making, not a document requiring slavish compliance regardless of other competing planning considerations.

The Western Australian Planning Commission has produced a document for Development Assessment Panel members (*"Making Good Planning Decisions"*) which equally applies to Council considering applications under *LPS No.2*.

From page 38 of *"Making Good Planning Decisions"*, the following is noted:

“In the decision of Clive Elliott Jennings & Co Pty Ltd v Western Australian Planning Commission [2002] 122 LGERA 433 at [24], Justice Barker held: The existence of a policy cannot replace the discretion of the decision-maker in the sense that it is to be inflexibly applied regardless of the merits of the particular case.

However, the relevant consideration in many applications will be why the ‘policy’ should not be applied; why the planning principles that find expression in the ‘policy’ are not relevant to the particular application.

In the decision of Permanent Trustee Australia Ltd v City of Wanneroo (1994) 11 SR(WA) 1, the Tribunal enunciated the test to be applied to determine the weight to be given to any particular policy:

- *whether it is based on sound town planning principles;*
- *whether it is a public, rather than a secret, policy;*
- *whether it is a public policy conceived after considerable public discussion;*
- *the length of time that a policy has been in operation; and*
- *whether it has been continuously applied.*

This is an important test designed to ensure that ad-hoc, reactive policies prepared solely to deal with an application that has been lodged or is shortly to be lodged, do not override other well-founded planning considerations.

LEVEL OF SIGNIFICANCE

Low - should Council resolve to refuse or conditionally approve the proposal the applicant has a right of review through the State Administrative Tribunal which will incur legal costs.

CONSULTATION

No public consultation is required as the proposed sea container achieves the ‘deem to comply’ provisions of the Residential Design Codes.

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Shire of Morawa Local Planning Scheme No. 2

Shire’s shipping containers Local Planning Policy 18.0

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

Under Council's 2019/20 adopted 'Fees and Charges, the following fees apply:

- Planning Application Fee: \$147.00
- Building Permit Application Fee: \$166.65

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management considerations.

CONCLUSION

Whilst the proposed sea-container is longer and wider than that defined in Council's Policy, the Shire considers its impact negligible on the locality. Accordingly, it is recommended to grant development approval for the proposed sea container at Lot 178 and Lot 266 (No.64) White Avenue, Morawa.

ATTACHMENTS

Attachment 1 – 11.1.3 Sea Container Application Plans

Councillor Shirley Katona 'returned to the room' by being invited back into the instantaneous communications (Zoom meeting) at 5.45pm.

11.1.4 Amendment of Restricted and Prohibited Burning Times

Author: Acting Chief Executive Officer

Authorising Officer: Acting 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 RECOMMENDATION/RESOLUTION

200707 Moved: Cr Stokes Seconded: Cr Coaker

That with respect to Amendment of Restricted and Prohibited Burning Times, Council:

- 1. Amend the 2020/21 Restricted and Prohibited Burning times for the Shire of Morawa as follows:**
 - a) Restricted Burning Period: 1 October 2020 – 15 March 2021;**
 - b) Prohibited Burning Period: 15 October 2020 – 28 February 2021;**
 - c) Adopt the draft Bush Fire Notice as provide in Attachment 1; and**
 - d) Authorise the Chief Executive Officer to formally request the alteration of the Shire’s Restricted and Prohibited Burning Periods and seek a declaration from the Department of Fire & Emergency Services and advise any other body as required.**

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

This report recommends amendments to the restricted and prohibited burning times for the Shire of Morawa.

DETAIL

For the 2019/20 bush fire season, Council resolved accept the recommendation of the Morawa Bush Fire Advisory Committee as follows:

- Restricted Burning Time from October to 15 March; and
- Prohibited Burning Time be 15 October to 28 February.

The month of February is still hot and dry with many of the days being Very High or Above Fire Danger. This will also assist with reducing risks to the Shire and the community of Morawa.

Should the need arise to extend or shorten the restricted or prohibited burning times this can be done (by up to 14 days), due to unseasonal weather conditions.

LEVEL OF SIGNIFICANCE

Amending the restricted and prohibited burning time will bring the Shire in line with other local governments, thereby minimising confusion amongst the community and reducing to the community.

CONSULTATION

Senior Management Team
Department of Fire and Emergency Services

LEGISLATION AND POLICY CONSIDERATIONS

Bush Fires Act 1954

- (8) *Where, under subsection (7), a local government makes a variation to the prohibited burning times in respect of its district or a part of its district the following provisions shall apply —*
- (a) *the local government —*
 - (i) *shall, by the quickest means available to it and not later than 2 days before the first day affected by the variation, give notice of the variation to any local government whose district adjoins that district;*
 - (ii) *shall, by the quickest means available to it, give particulars of the variation to the FES Commissioner and to any Government department or instrumentality which has land in that district under its care, control and management and which has requested the local government to notify it of all variations made from time to time by the local government under this section or section 18;*
 - (iii) *shall, as soon as is practicable publish particulars of the variation in that district;*
 - (b) *the Minister, on the recommendation of the FES Commissioner, may give notice in writing to the local government directing it —*
 - (i) *to rescind the variation; or*
 - (ii) *to modify the variation in such manner as is specified in the notice;*
 - (c) *on receipt of a notice given under paragraph (b) the local government shall forthwith —*
 - (i) *rescind or modify the variation as directed in the notice; and*
 - (ii) *publish in that district notice of the rescission or particulars of the modification, as the case may require.*
- (9) *For the purposes of subsection (8) —*
publish *means to publish in a newspaper circulating in the district of the local government, to broadcast from a radio broadcasting station that gives radio broadcasting coverage to that district, to place notices in prominent positions in that district, or to publish by such other method as the FES Commissioner may specify in writing.”*

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

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

Council Policy 5.1 ‘Fire Burning Periods’ states (in part) as follows:

“The following fire burning periods are to be observed in the District of the Shire of Morawa.

Any appending information regarding camping or cooking fires, burning of garden refuse and rubbish is to be adhered to and enforced by the appropriate Fire Control Officers.

Restricted and Prohibited Burning Times:

Prohibited 1 NOVEMBER TILL 31 JANUARY – Inclusive

*Restricted 15 OCTOBER TILL 15 MARCH – Inclusive Prohibited Burning Period
1 NOVEMBER TILL 31 JANUARY”*

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial and resource implications associated with this item.

RISK MANAGEMENT CONSIDERATIONS

High – due to weather conditions in February and the potential risk to lives and assets.

CONCLUSION

The Restricted and Prohibited Burning Times for the Shire of Morawa as recommended are different to that of Council Policy but reflects the position Council took on the matter in 2019/20.

A draft Bush Fire Notice to be sent with the Rates is included as **Attachment 1**.

ATTACHMENTS

Attachment 1 – Item 11.1.4 Draft Bush Fire Notice

11.2 Executive Manager Corporate & Community Services

11.2.1 Bank Reconciliations – June 2020

Author: Senior Finance 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

With respect to the Bank Reconciliations – June 2020, Council receive the bank reconciliation report for 30 June 2020.

RESOLUTION

200708 Moved: Cr Coaker Seconded: Cr Collins

That items 11.2.1, 11.2.2, 11.2.3 and 11.2.4 are moved en bloc.

CARRIED BY SIMPLE MAJORITY 7/0

Reason for Change

For expediency, Council considered Items 11.2.1, 11.2.2, 11.2.3 and 11.2.4 could be moved en bloc.

PURPOSE

Local Government (Financial Management) Regulation 34 (1) (a) states that a Local Government must prepare financial statements monthly.

DETAIL

The information to be provided is obtained from the bank reconciliations carried out for Municipal, Reserves and Bonds & Deposits Bank accounts to ensure all transactions have been accounted.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Chief Executive officer
Executive Manager Corporate & Community Services

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

- Section 3 – Finance 3.11 Risk Management
- Section 3 – Finance 3.4.3 Investment Policy – Delegated Authority

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

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 to Council (under separate cover).

RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management.

CONCLUSION

The Shire of Morawa's financial position is as follows:

BANK BALANCES AS AT 30 June 2020

Account	2020
Municipal Account	\$1,873,608.77
Bonds & Deposits Account	\$20,013.04
Reserve Account	\$3,144,142.84
Reserve Term Deposit (Community Development)	\$500,000.00
Reserve Term Deposit (Future Funds 1)	\$800,000.00
Reserve Term Deposit (Future Funds 2)	\$800,000.00

BANK RECONCILIATION BALANCES

The Bank Reconciliation Balances for 30 June 2020 with a comparison for 30 June 2019 is as follows:

Account	2019	2020
Municipal Account	\$1,552,832.96	\$1,873,608.77
Bonds & Deposits Account	\$21,070.21	\$20,013.04
Total Reserve Accounts	\$5,540,310.20	\$5,244,142.84

RESERVE ACCOUNTS

The Reserve Funds of \$5,244,142.84 as at 30 June 2020 were invested in:

- Bank of Western Australia \$3,144,142.84 in the Reserve Account
- Term Deposit (Future Funds 1) \$800,000.00
- Term Deposit (Future Funds 2) \$800,000.00
- Term Deposit (Community Development Fund) \$500,000.00

Breakdown for June 2020 with a comparison for June 2019 is as follows:

	June 2019	June 2020
Leave Reserve	\$218,600.39	\$225,004.19
Swimming Pool Reserve	\$40,413.60	\$60,673.14
Plant Reserve	\$833,617.79	\$467,291.28
Building Reserve	\$93,594.50	\$114,195.53
Economic Development Reserve	\$112,812.16	\$3,513.32
Sewerage Reserve	\$246,040.37	\$222,620.40
Unspent Grants and Contributions Reserve	\$0.00	\$0.00
Community Development Reserve	\$1,242,316.76	\$1,255,036.72
Morawa Future Funds Reserve	\$2,079,695.62	\$2,025,597.13
Morawa Community Future Funds Reserve	\$240,224.30	\$274,395.57
Refuse Transfer Station Reserve	\$0.00	\$0.00
Aged Care Units Reserve Units 6 - 9	\$9,424.11	\$9,484.63
Aged Care Units Reserve Units 1 - 4	\$70,142.59	\$70,593.03
Aged Care Units Reserve Unit 5	\$56,307.28	\$56,668.88
Business Units Reserve	\$125,002.98	\$145,805.73
Legal Fees Reserve	\$25,927.02	\$26,093.52
Road Reserve	\$146,190.73	\$147,129.54
Covid-19 Reserve	\$0.00	\$140,040.23
TOTAL	\$5,540,310.20	\$5,244,142.84

Transfer of Funds

- \$20,000.00 to Business Units Reserve as per 2019-2020 Budget.
- \$5,000.00 to Long Service Leave Reserve as per 2019-2020 Budget.
- \$20,000.00 to Swimming Pool Reserve as per 2019-2020 Budget.

- \$20,000.00 to Building Reserve as per 2019-2020 Budget.
- \$50,000.00 to Sewerage Reserve as per 2019-2020 Budget.
- \$250,000.00 to Plant Reserve as per 2019-2020 Budget.
- \$591,673.55 from Plant Reserve to Municipal Account to cover for plants purchased throughout the year as per 2019-2020 Budget.
- \$75,000.00 from Sewerage Reserve to Municipal Account to cover for sewerage upgrade as per 2019-2020 Budget.
- \$50,000.00 from Covid-19 Reserve to Municipal Account to cover for expenditure for the year as endorsed by Council on 2 April 2020.

Investment Transfers

The three Term Deposits matured on 30 June 2020 after a 90-day deposit duration @ 1.25%. The funds have been re-invested in accordance with Policy 3.5 *Investment Policy* by the Acting CEO as follows:

- \$800,000.00 from Future Funds to Term Deposit Future Funds 1 for 90 days @ 0.8% interest – Matures 30 September 2020
- \$800,000.00 from Future Funds to Term Deposit Future Funds 2 for 90 days @ 0.8% interest – Matures 30 September 2020
- \$500,000.00 from Community Development Fund to Term Deposit Community Development Fund for 90 days @ 0.8% interest – Matures 30 September 2020

ATTACHMENTS

Nil

11.2.2 Accounts Due for Payment – June 2020

Author: Senior Finance 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 with respect to Accounts Due for Payment – June 2020, Council endorses the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT13197 to EFT13283, amounting to \$200,893.49**
- **Municipal Cheques Payment Numbers 11995 to 11995 amounting to \$20,159.63**
- **Municipal Direct Debit Payment Numbers DD7088.1 to DD7156.1 amounting to \$45,202.55**
- **Payroll for June 2020**
10/06/2020 - \$49,496.79
24/06/2020 - \$50,636.88
Total payroll for June: \$100,133.67 (excluding the EOFY balance)
- **Credit Card Payment in June 2020**
\$62.77

RESOLUTION – *carried en bloc under Resolution 200708***PURPOSE**

A list of accounts is attached for Council's consideration in relation to all Shire payments made for the month of June 2020.

DETAIL

Local Government (Financial Management) Regulations 1996 – Reg 13.

On 20 June 2019, Council delegated the Chief Executive Officer (CEO) to make payments from the municipal fund or the trust fund as required. A list of all accounts paid by the CEO is to be prepared each month showing all accounts paid since the last list was prepared.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996 – Reg 13

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

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

Outcome 4.5 Long Term Financial Viability

Council Policies

Use of Corporate Credit Cards Policy (3.7)

FINANCIAL AND RESOURCES IMPLICATIONS

As per **Attachment 1** (to be provided under separate cover).

RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management

CONCLUSION

Council is requested to endorse the list of accounts paid by the Chief Executive Officer as provided in *Attachment 1*.

ATTACHMENTS

Attachment 1 - 11.2.2 List of accounts due and submitted

11.2.3 Monthly Financial Statements – June 2020

Author: Senior Finance 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 with respect to Monthly Financial Statements – June 2020, Council receive the Statement of Financial Activity for the period ending 31 May 2020.

RESOLUTION – *carried en bloc under Resolution 200708*

PURPOSE

Regulation 34(1) (a) of the *Local Government (Financial Management) Regulations 1996* requires that a local government must prepare monthly financial statements for Council. The Monthly Financial Activity Report and Schedules are provided for Council's consideration.

DETAIL

As per the *Local Government (Financial Management) Regulations 1996*, a monthly statement of financial activity report on the sources and application of funds, as set out in the annual budget has the following details:

- Annual budget estimates.
- Operating revenue, operating income and all other income and expenses.
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the reporting period.
- Identification of any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provision of likely financial projections for those highlighted significant variations and their effect on the end of year result.
- Inclusion of an operating statement.
- Any other supporting notes as required.

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996

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

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 in **Attachments 1** and **2**.

RISK MANAGEMENT CONSIDERATIONS

There are no known risks associated with the report.

CONCLUSION

This report is based on the 2019/20 Annual Budget adopted by Council on 18 July 2019 and the Budget Review adopted by Council on 19 March 2020.

The report contains the budget amounts, actual amounts of expenditure, revenue and income to the end of the month.

It shows the material differences between the adopted budget, amended budget and actual amounts for the purpose of keeping Council abreast of the current financial position and the variances are explained under Note 2 of the report.

ATTACHMENTS

Attachment 1 – 11.2.3 June 2020 Monthly Financial Activity Report

Attachment 2 – 11.2.3 June 2020 Schedules 2 - 14

11.2.4 Chief Executive Officer Authorisations and Reporting to Council

Author: Senior Finance 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 with respect to the Chief Executive Officer Authorisations and Reporting to Council:

1. Council receive the information presented to this meeting of the time worked by the Chief Executive Officer between 29 May 2020 and 24 June 2020 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment.
2. Council receive the information presented to this meeting that the Chief Executive Officer took no leave since the last Ordinary Council meeting held on 18 June 2020.
3. Council receive the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card for June 2020 and acknowledges that a payment has been incurred in accordance with the Shire's procurement policy and Credit Card Agreement.
4. Council receive the information presented to this meeting of no reimbursement applications made by the Chief Executive Officer in June 2020.

RESOLUTION – *carried en bloc under Resolution 200708***PURPOSE**

The purpose of this agenda item is to report to Council on Acting Chief Executive Officer (CEO) leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

DETAIL

Due to the position held by the CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

These functions can only be approved by Council resolution.

Leave Taken

This report covers leave taken by the CEO for the period between 19 June and 16 July 2020.

No leave was taken for this period and the time worked by the Chief Executive Officer between 28 May and 24 June 2020 is included as **Attachment 1**.

Leave Sought

This report covers the period the period between 16 July 2020 and 20 August 2020 (date of the July Ordinary Council Meeting). The CEO is not seeking to take any leave during this period.

Reimbursement Applications

This report covers June 2020. No reimbursements were claimed during this period.

Corporate Credit Card

This report covers June 2020 credit card statements. Note that there was credit card expenditure in June 2020 (**Attachment 2**).

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

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.”*

Shire of Morawa Policies

CEO Leave Authorisations and Other Approvals Policy
Use of Corporate Credit Cards Policy

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

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

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

That Council receive the information contained in this report addressing the CEO's:

- leave of any type;
- additional hours worked and claimed (none);
- corporate credit card expenses (none); and
- work related expenses/reimbursements (none).

ATTACHMENTS

Attachment 1 – 11.2.4 CEO's Timesheets

Attachment 2 – 11.2.4 CEO Credit Card Statement

11.2.5 Reflect Reconciliation Action Plan (Reflect RAP) – Phase 1

- Author:** Executive Manager Corporate and Community Services
- Authorising Officer:** Acting Chief Executive Officer
- Disclosure of Interest:** The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.
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OFFICER'S RECOMMENDATION/RESOLUTION

200709 Moved: Cr Harris Seconded: Cr Coaker

That with respect to the Reflect Reconciliation Action Plan (Reflect RAP), Council:

- 1. Note that the Reflect RAP is prepared in accordance with the Shire of Morawa's Corporate Business Plan; and**
- 2. Receive the Reflect RAP as provided for in Attachment 1; and**
- 3. Adopt the contents and action list as written; and**
- 4. Request the Chief Executive Officer to refer the Reflect RAP to Reconciliation Australia for review and endorsement.**

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

To inform Council about the progress made on Strategy 3.2.2 *Respect our Cultural, Indigenous, and Heritage Assets* with the delivery of Phase 1 of the Reconciliation Action Plan – the Reflect RAP.

To have the Reflect RAP adopted by Council so it can be sent to Reconciliation Australia for endorsement.

DETAIL

Reconciliation Australia provides a framework for organisations to create and implement their own Reconciliation Action Plan (RAP). There are four types of RAPs which can be developed:

- 1) Reflect;
- 2) Innovate;
- 3) Stretch; and
- 4) Elevate.

A Reflect RAP being the first phase for organisations to begin their reconciliation journey.

Throughout Australia, local governments have adopted their RAPs using Reconciliation Australia’s framework. The Shire of Morawa’s Reflect RAP has been developed through this framework and is about scoping and developing a vision of reconciliation for the Shire of Morawa through four strategic themes: Relationships, Respect, Opportunities and Governance.

The Reflect RAP endorses the Shire of Morawa’s vision to be “a welcoming and inclusive community with diverse regional partnerships to create a vibrant and growing economy” throughout the plan as its central statement.

In the 2016 census a significant cohort of Morawa’s population, 16.6%, identified as Aboriginal and Torres Strait Islander. The Reflect RAP is a guide for Council to look within our organisation and spend time scoping and developing actions to begin a journey of reconciliation with our Aboriginal and Torres Strait Islander residents.

At this point, the draft of the RAP is to be adopted and a *President’s Message* should be added before the Shire’s RAP is sent to be reviewed and endorsed by Reconciliation Australia.

LEVEL OF SIGNIFICANCE

High – the Development of a RAP is a strategic priority under 3.2 and Action item 3.2.2.1 *Develop RAP*.

CONSULTATION

Senior Management Team
Community Development Officer

LEGISLATION AND POLICY CONSIDERATIONS

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

Outcome 3.2 Respect our cultural, indigenous and heritage assets.

Outcome 4.1 A well informed, connected and engaged community that actively participates.

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

The development of a Reflect RAP is part of Strategy 3.2.2 as recommitted by Council in its June 2020 desktop review as follows:

3.2.2 Develop a Reconciliation Action Plan (RAP) through high level community engagement.

FINANCIAL AND RESOURCES IMPLICATIONS

The Reflect RAP required resources from the Shire and will be reflected in the 2020/21 Budget. After 12 months of implementing the Reflect RAP, the Innovate RAP will be developed by the RAP Working Group and resource allocations will be determined.

RISK MANAGEMENT CONSIDERATIONS

As per Risk Management Policy 3.3, the associated risks are low. There is no known operational, financial, or services delivery risk.

CONCLUSION

The Reflect RAP portrays the Shire of Morawa's scoped activities and reflection relating to Reconciliation Australia's RAP framework. With the adoption of the Reflect RAP, Council will pave the way for future actions under the reconciliation action plan.

ATTACHMENTS

Attachment 1 – 11.2.4 draft Shire of Morawa Reflect RAP

11.3 Economic Development Manager

Nil.

11.4 Executive Manager Works & Assets

11.4.1 RAV Permit – Mac’s Bulk Haulage

Author: Executive Manager Works and Assets

Authorising Officer: Chief Executive Officer

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

OFFICER’S RECOMMENDATION/RESOLUTION

200710 Moved: Cr Stokes Seconded: Cr Collins

1. That with respect to RAV Permit – Mac’s Bulk Haulage, as the local road asset owner, Council approve a Restricted Access Vehicle (RAV) 7 Networks Class 2/3 Permit to Mac’s Bulk Haulage to operate combinations up to 36.5 metres to operate in the Shire of Morawa on the following roads, subject to the following conditions (as determined by Main Roads WA):

a. 5110002 - Morawa South Road

Conditions:

- i. All operators must carry current written approval from the road asset owner permitting use of the road.
- ii. 10kmh below posted speed limit.

b. 5110053 - Koolanooka South Road

Conditions:

- i. Max Speed - 40 km/h
- ii. All operators must carry current written approval from the road asset owner permitting use of the road.
- iii. Direct radio contact must be maintained with other restricted access vehicles to establish their position on or near the road (suggested UHF channel 40).
- iv. Headlights to be switched on at all times
- v. No operation on unsealed road segment when visibly wet, without road owner's approval.
- vi. When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover.

c. 5110056 - Malcolm Road

Conditions:

- i. Max Speed - 40 km/h
- ii. All operators must carry current written approval from the road asset owner permitting use of the road.

- iii. Direct radio contact must be maintained with other restricted access vehicles to establish their position on or near the road (suggested UHF channel 40).
 - iv. Headlights to be switched on at all times.
 - v. No operation on unsealed road segment when visibly wet, without road owner's approval.
 - vi. When travelling at night, the RAV must travel at a maximum speed of 40km/h and display an amber flashing warning light on the prime mover.
2. At this point in time, neither Koolanooka South Road nor Malcolm Road are school bus routes. These routes can change without notice to the Shire. Should the roads establish a bus route, the following conditions will apply:
- a. No operation during school bus hours.
 - b. Transport operators are to contact the relevant schools and obtain school bus timetables; or where direct contact can be made with the school bus driver, operation is permitted once the school bus driver confirms all school drop-offs a/pick-ups have been completed on the road.
3. The approval will be for the period 1 July 2020 to 31 June 2021:
- a. with Shire of Morawa staff reviewing operations and road conditions on a regular basis (minimum of 6 monthly review); and
 - b. subject to the review of operations and road conditions, this approval may be withdrawn by the Shire of Morawa at any time; and
 - d. That should the applicant seek to continue operations beyond 31 June, 2021 is recommended to reapply for new approval/s prior to the expiry of this permit; and
 - e. The applicant must seek Main Roads approval for all RAV network permits.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

Mac's Bulk Haulage is seeking approval for a Road Access Vehicle (RAV) Permit for the period 1 July 2020 to 31 June 2021 to operate heavy vehicle combinations of up to 36.5 metres on the Morawa South Road, Koolanooka South Road and Malcolm Road. Under Main Roads Western Australia (WA) RAV networks conditions, there is a need to seek approval by users to travel on roads controlled by the Shire of Morawa.

DETAIL

The Morawa South Road, Koolanooka South Road and Malcolm Roads have been designated conditional RAV 7, requiring Council consent to operate heavy vehicle combinations on the section of road.

Mac's Bulk Haulage have requested to operate a number of heavy vehicles on the Morawa South Road, Koolanooka South Road and Malcolm Road, operating with towing semitrailers between 27.5 and 36.5 metres in length.

Main Roads WA conditions established for are as follows for Morawa South Road, Koolanooka South Road and Malcolm Road:

- A current written approval from Local Government, permitting use of the road must be carried and produced on demand.
- Speed conditions – 10km below posted speed limit.
- Not to operate during school bus run times.

The Shire has viewed the Review of the condition of the Morawa South Road, Koolanooka South Road and Malcolm Road (**Attachment 1 – Road inspection Report**)

LEVEL OF SIGNIFICANCE

Low

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Road Traffic Act 1972

Road Traffic (Vehicles) Act 2012

Road Traffic (Vehicle Standards) Regulations 2002

Main Roads Act 1930

FINANCIAL AND RESOURCES IMPLICATIONS

The are no known financial and resource implications associated with this Report.

RISK MANAGEMENT CONSIDERATIONS

Low to Medium. The main risk relates to increased road maintenance costs.

CONCLUSION

As with previous Council approvals, subject to travel being restricted on the Morawa South Road, Koolanooka South Road and Malcolm Road between the hours of 7:00am to 8:30am and 3:00pm to 5:00pm Monday to Friday during school bus route runs, further approval is considered acceptable.

ATTACHMENTS

Attachment 1 – 11.3.2 Road inspection Report

Item 12 Reports of Committees**12.1 Meeting of the Northern Country Zone on Monday 22 June 2020.**

Author: Acting Chief Executive Officer

Authorising Officer: Acting 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/RESOLUTION

200711 Moved: Cr Stokes Seconded: Cr Coaker

That Council receive the Unconfirmed Minutes of the Northern Country Zone held Monday 22 June 2020. (Attachment 1 - 12.1).

CARRIED BY SIMPLE MAJORITY 7/0

12.2 Unconfirmed Minutes of the Audit and Risk Committee Meeting held 16 July 2020

Author: Acting Chief Executive Officer

Authorising Officer: Acting 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.

COMMITTEE RECOMMENDATION/RESOLUTION

200712 Moved: Cr Stokes Seconded: Cr Coaker

That Council receive the Unconfirmed Minutes of the Audit and Risk Management Committee Meeting held on 16 July 2020 (Attachment 1 - 12.1.2 provided under separate cover).

CARRIED BY SIMPLE MAJORITY 7/0

12.2.1 Reserve Accounts – Transfers ‘In and ‘Out’

COMMITTEE RECOMMENDATION/RESOLUTION

200713 Moved: Cr Stokes Seconded: Cr Coaker

That with respect to Reserve Accounts – Transfers ‘In and ‘Out’, the Audit and Risk Management Committee recommends to Council as follows:

- 1. That Council notes the Report.**

CARRIED BY SIMPLE MAJORITY 7/0

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Notice

Nil

Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)**15.1 Closure of the Meeting to the Public**

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

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

OFFICER'S RECOMMENDATION/RESOLUTION

200714 Moved: Cr Stokes Seconded: Cr Coaker

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider addressing:

- Derelict houses and untidy blocks in Morawa;
- Review of current waste management practices and proposed new Waste Disposal Facility; and
- Residential Land Tender - Various Lots in Morawa.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

This item seeks Council's approval under s5.23 (2) of the *Local Government Act 1995* and *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* to move into camera or closed session to consider the following confidential matters addressing:

- Derelict houses and untidy blocks in Morawa;
- Review of current waste management practices and proposed new Waste Disposal Facility; and
- Residential Land Tender - Various Lots in Morawa.

DETAIL

Items 15.2, 15.3 and 15.4 are presented as 'confidential' due to matters as follows:

- Derelict houses and untidy blocks in Morawa (s.5.23 (2)(b) and (d) of the *Local Government Act 1995*);
- Review of current waste management practices and proposed new Waste Disposal Facility (s.5.23 (2)(c),(d) and (e) of the *Local Government Act 1995*); and
- Residential Land Tender - Various Lots in Morawa (s.5.23 (2)(c),(d) and (e) of the *Local Government Act 1995*).

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

President, Cr Chappel
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS***Local Government Act 1995***

Under s.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 Standing Orders Local Law 2011

The key parts include:

- 6.2 (1) The CEO may recommend that part of the meeting is closed.*
- 6.2 (2) The Council may decide to close a meeting or part of a meeting.*
- 6.2 (3) The presiding member is to direct everyone to leave the meeting except, members, the CEO and any officer specified.*
- 6.2 (5) Clause 8.9 (re speaking twice)*
- 6.2 (7) The presiding member is to ensure any resolution of the Council made while the meeting was closed is to read out including a vote of a member.*

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 Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider the reports as defined in this Report.

ATTACHMENTS

Nil

15.2 Addressing Derelict Houses and Untidy Blocks in Morawa

Author: Environmental Health Officer

Authorising Officer: Acting Chief Executive Officer

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

OFFICER'S RECOMMENDATION/RESOLUTION

200715 Moved: Cr Collins Seconded: Cr Stokes

That with regards to the addressing derelict houses and untidy blocks in Morawa, Council resolve to:

1. Note the Report;
2. Request to Chief Executive Officer undertake action as outlined in the Report in relation to progressing the clean-up and demolition of houses identified; and
3. Consider adequate allocation of funds in the 202/21 Budget to address the matters raised in the Report.

CARRIED BY SIMPLE MAJORITY 7/0

15.3	Review of current waste management practices and proposed new Waste Disposal Facility
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Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

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

OFFICER’S RECOMMENDATION/RESOLUTION

200716 Moved: Cr Stokes Seconded: Cr Katona

That with regards to the review of current waste management practices and proposed new Waste Disposal Facility, Council resolve to:

- 1. Note the Report;**
- 2. Note the information and ‘Action Plan’ as provided in the *Waste Management Review and Options Report*;**
- 3. Request to Chief Executive Officer undertake action as outlined in the Report in relation to progressing a new Waste Disposal Facility; and**
- 4. Consider establishing a Reserve in the 2020/21 Budget to commence funding arrangements required to close and rehabilitate the current landfill.**

CARRIED BY SIMPLE MAJORITY 7/0

15.4 Residential Land Tender – Various Residential Lots in Morawa

Author: Economic Development Manager

Authorising Officer: Acting Chief Executive Officer

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

OFFICER'S RECOMMENDATION/RESOLUTION

200717 Moved: Cr Katona Seconded: Cr Stokes

That with regards to the Residential Land Tender - Various Residential Lots in Morawa, Council:

- 1. Notes the Report;**
- 2. Authorises the Chief Executive Officer to offer for sale by Public Tender, residential lots referred to in Attachment 1 as required by Section 3.58 of the *Local Government Act 1995*;**
- 3. Supports the information promoting Morawa and Tender documentation prepared as Attachment 3; and**
- 4. Requests the Chief Executive Officer to refer the matter back to Council at the conclusion of the Public Tender.**

CARRIED BY ABSOLUTE MAJORITY 7/0

15.5	Reopening of the Meeting to the Public
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OFFICER’S/COMMITTEE RECOMMENDATION/RESOLUTION

200718 **Moved: Cr Harris** **Seconded: Cr Collins**

That Council reopens the meeting to the public.

CARRIED BY SIMPLE MAJORITY 7/0

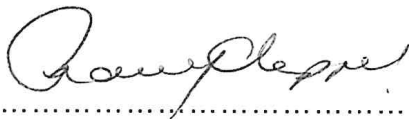
Item 16 Closure

16.1 Date of Next Meeting

The next ordinary meeting of Council will be held on Thursday, 20 August 2020 commencing at 5.30pm.

16.2 Closure

There being no further business, the President declared the meeting closed at 5.55pm



..... Presiding Member