



AGENDA

ORDINARY MEETING OF COUNCIL

to be held on

Thursday, 17 September 2020

at 5.30pm



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

No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

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

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

Signature: _____ **Date:** _____

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

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

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

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Item 1 Opening of Meeting

The President to declare the meeting open.

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

Staff

Acting Chief Executive Officer	Robert Paull
Executive Manager Corporate & Community Services	John van der Meer
Acting Executive Manager Works and Assets	Jan Sternick
Economic Development Manager	Ellie Cuthbert
Executive Assistant	Rondah Toms

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**

Cr Ken Stokes

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 August 2020.

Date	Meeting	Details of Meeting
10th	Pre-SAC (State Advisory Committee)	Meeting
12th	WALGA	Meeting
13th	Road funds to local government advisory Committee	Meeting
13th	Shire of Morawa	Briefing Session
14th	David Michael MLA	Webinar
17th	City of Greater Geraldton with Hon Kim Beasley	Meeting
19th	WALGA finance and services committee	Meeting
20th	Shire of Morawa	Ordinary Council Meeting
24th	Northern Country Zone	Meeting
25th	Desert Blue Connect	Meeting
26th	Minister Templeman	Webinar
27th	Midwest Development Commission	Board Meeting
27th	Midwest Development Commission	Board Meeting
31st	WALGA	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.

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 20 August 2020 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 21 August 2020.

The Minutes of the 08 September 2020 Special Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 09 September 2020.

OFFICER'S RECOMMENDATION

1. That Council confirm that the Minutes of the Ordinary Council Meeting held on 20 August 2020 are a true and correct record; and
2. That Council confirm that the Minutes of the Special Council Meeting held on 08 September 2020 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 Integrated Planning and Reporting – August 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

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

SIMPLE MAJORITY VOTE REQUIRED

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 2020/2021 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*).

ATTACHMENT

Attachment 1 – 11.1.1 IPR August 2020

11.1.2 Strategy to Address Unauthorised Works in the Morawa Townsite

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

That with respect to Strategy to Address Unauthorised Works in the Morawa Townsite, Council:

- 1. Authorise the Chief Executive Officer to progress local media campaign to encourage landowners to seek outstanding building and planning approvals; and**
- 2. As an incentive to encourage compliance, waives the penalty fee for building license applications and planning application approval for unauthorised works (as it applies to the Shire's fees) for a period of 6 months, ending Friday 2 March 2021.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

Under the State Government's *Planning and Development Act 2005* and the *Building Act 2011*, development without approval is an offence. Where an approval is required, works must not be carried out without the relevant approvals and permits. Council is requested to support a campaign and waive Shire related fees to achieve building and planning compliance in the Morawa townsite.

DETAIL

In general, a person must not carry out building work without a building permit where one is required. However, the Building Act allows a person to make an application to the relevant permit authority to approve unauthorised building work in relation to a building and/or incidental structure. There is a range of illegal structures, but the majority include patio or gazebo, shed, carport or garage, pool or spa and renovations and alterations.

Unapproved structures can impact your property in many ways including impacting on insurance claims, delay settlement, cause renegotiations on price and jeopardise the sale of the property.

What is unauthorised building work?

Any building or structure that has been constructed, structurally altered or extended without a Building Permit obtained from the permit authority (i.e. the local government) is classed as an unauthorised structure.

Under s.9 of the *Building Act 2011*, it is an offence to commence building work unless a Building Permit is in place, or the proposed building work is exempt from such a requirement.

What to do if a land own has undertaken unauthorised building work?

Where building work has been undertaken without prior approval, the landowner is obliged to lodge an application with the local government to obtain retrospective building approval from the local government. A certificate of building compliance may be required to be submitted to enable a building approval certificate to be issued. There may be instances where a separate retrospective Planning Approval is required.

How does a local government deal with unauthorised building work?

In most cases, a local government is able to grant retrospective approval for unauthorised building work and/or structures. However, where the unauthorised building / structure does not meet the performance requirements of the Building Code of Australia or relevant Australian Standards, it may be necessary to remove the structure.

Even though a person may seek retrospective approval for unauthorised building work, this does not remove the offence and a local government may still need to take legal action under the *Building Act 2011* to ensure that the unauthorised building work is approved or removed.

Penalties

Generally retrospective approval incurs a fee three times greater than the standard fee. Unauthorised works represents a breach of the *Building Act 2011 and the Planning and Development Act 2005*, which state that a person must not commence building work unless a building permit is in effect for the building work.

Under s.9 of the Building Act 2011, penalty start at \$50,000 for a first offence, \$75,000 for a second offence and \$100,000 for a third offence.

Under s.223 of the Planning and Development Act 2005 - Unless otherwise provided, a person who commits an offence under this Act is liable to a fine of \$200 000 and, in the case of a continuing offence, a further fine of \$25 000 for each day during which the offence continues.

LEVEL OF SIGNIFICANCE

Medium – public safety and amenity

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Planning and Development Act 2005

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 direct financial and resource implications with this item as the Shire has not considered 'penalty fees' in the 2020/21 Budget. Should a landowner seek building and compliance, the 'standard' fee would apply but not the penalty fee.

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

Council is requested to consider a local media campaign to encourage landowners to seek outstanding building and planning approvals. In an incentive to encourage compliance, Council is requested to consider waiving the penalty fee for building license applications and planning application approval for unauthorised works (as it applies to the Shire's fees) for a period of approximately 6 months, ending Friday 2 March 2021.

The Shire fees for a retrospective application is:

- 3 x Planning Application - minimum fee \$147.00 (not more than \$50,000)
- 3 x Building Permit – minimum fee \$166.65 (a minimum fee of \$166.65 on all Building Permit applications, consisting of a \$105.00 application fee and a \$61.65 Building Services Levy).

ATTACHMENTS

Nil

11.1.3 Shire of Morawa Town Planning Scheme Review and Local Planning Strategy

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

That with respect to the Shire of Morawa Town Planning Scheme Review and Local Planning Strategy, Council:

- 1. Resolves to proceed to advertise the draft Shire of Morawa Local Planning Strategy in accordance with regulation 13(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (note Attachment 1);**
- 2. Resolves to proceed to advertise the draft Shire of Morawa Local Planning Scheme No. 3 with section 84 of the Planning and Development Act 2005 and regulation 22(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 (note Attachments 2 and 3); and**
- 3. Authorises the Chief Executive Officer to commence public advertising of the draft Shire of Morawa Local Planning Strategy and draft Shire of Morawa Local Planning Scheme No. 3 for a period of ninety (90) days.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Council is requested to adopt the draft Local Planning Scheme No.3 (draft Scheme) text and maps along with adopting the draft Shire of Morawa Local Planning Strategy (Strategy) for the purpose of public advertising.

DETAIL

At the Ordinary Meeting of 23 July 2013, Council resolved to prepare its first comprehensive Strategy, along with a draft Scheme to replace the existing Shire of Morawa Town Planning Scheme No. 2 (TPS2), which was originally gazetted in 2007.

The Shire received funding via the (then) Department of Planning's Northern Planning Projects funding scheme to assist with the preparation of a new Strategy and Scheme. The grant covered the consultancy costs associated with the preparation of the new Strategy and Scheme. The new Scheme was required to comply with the Western Australian Planning Commission's (WAPC) Model Scheme Text as are all new schemes being prepared in Western Australia.

The *Morawa SuperTowns Growth and Implementation Plan (Growth Plan)* formed the direction of the Shire's new Strategy, which guides the preparation of the new Scheme.

The objectives of the new Scheme were adopted by Council were developed to be broad enough to deliver the vision and objectives of the *Growth Plan*.

The general aims of the new Scheme are to:

- zone sufficient land for residential purposes to accommodate a population of upwards of 2,500 people and encourage diversity in housing choice;
- provide sufficient zoned land for commercial, retail, industrial and civic uses, suitable to service the long term growth of the District;
- support a robust and innovative economy with a range of local employment opportunities;
- implement strategic planning for the municipality, including the recommendations of the Shire's local planning strategy and relevant State strategies;
- reserve certain portions of land required for public purposes;
- zone the balance of the land within the Scheme Area for purposes described in the Scheme as recommended by the Shire's local planning strategy;
- define the uses and types of development to be permitted on land within the Scheme Area;
- control and regulate the development and use of land throughout the District; and
- the preservation of places and objects of natural beauty, cultural and indigenous heritage significance, or other scientific interest.

At the Ordinary Meeting of 19 December 2016 (Resolution 1612009), Council resolved as follows:

1. *Supports the Draft Local Planning Strategy as presented;*
2. *Forwards the Draft Local Planning Strategy to the Western Australian Planning Commission for endorsement; and*
3. *Advertise the availability of the Draft Local Planning Strategy to members of the public for a period of not less than 90 days from the date of notice upon approval of the strategy by the Western Australian Planning Commission."*

Following the above resolution, the documents were forwarded to the WAPC for consent to advertise.

On 30 March 2020, the Shire received notice from the WAPC stating:

"The WAPC has examined the scheme under regulation 21(4) of the Planning and Development (Local Planning Schemes) Regulations 2015 and advises that it is suitable to be advertised".

Advertising of the draft Scheme is required to members of the public for a period of not less than 90 days and the draft Strategy not less being 21 days. It is not unusual for a local government to advertise both the draft Scheme and draft Strategy together for the same period of 90 days.

The draft Strategy is provided in **Attachment 1** with the Scheme text provided in **Attachment 2**. A review of the maps and text associated with the draft Scheme has revealed some anomalies that will require modification prior to advertising (note **Attachment 3**).

The documents will be publicly advertised for a period of 90 days. A notice will be placed on the Shire's notice board, Shire's website and in the Morawa Scene and Mid West Times advertising the documents for public inspection, in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*.

LEVEL OF SIGNIFICANCE

High - The new Strategy and Scheme represent a major overhaul of the Council's planning instruments as it involves the consolidation and modernisation of existing strategies, schemes, and local planning policies. As part of the wider local planning framework, the Strategy/Scheme will play a significant role in shaping the development of the Shire for the next 15 years.

CONSULTATION

All Councillors (via Briefing Session held on 13 August 2020)
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

The process for the preparation, advertising, modification and approval of a local planning strategy and a local planning scheme is set out in the *Planning and Development Act 2005 (Act)* and *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)*.

With respect to advertising a local a local planning strategy and a local planning scheme, the *Act* and *Regulations* state as follows:

Local Planning Strategy

- *r.12(4) WAPC certifies draft LPS for advertising*
- *r.13(1) Local government advertises draft LPS by publishing a notice in a newspaper, displaying draft LPS in Shire offices, giving a copy to relevant public authorities, publishing draft LPS on Shire website and advertising in other ways considered appropriate. (Note: this is the current stage for Council in relation to the process)*
- *r.13(3) Draft LPS to be advertised for a minimum of 21 days*
- *r.14(1) Local government to review draft LPS with regard to submissions made.*
- *r.14(2) Council determines whether to support LPS with or without modifications.*
- *r.14(3) Local government submits recommendation to WAPC*
- *r.15 WAPC considers whether to endorse LPS*
- *r.16 Publication of endorsed LPS*

Local Planning Scheme

- *s.84 / r.22(1) Local government to prepare notice of scheme advertisement.*
- *r.22(2) Local government advertises draft Scheme 3 by publishing notice in a newspaper, displaying draft Scheme 3 in Shire offices, giving a copy to relevant public authorities, publishing draft Scheme 3 on Shire website and advertising in other ways considered appropriate. (Note: this is the current stage for Council in relation to the process)*
- *r.22(4) Draft Scheme 3 to be advertised for a minimum of 90 days.*
- *r.25(2) Local government to consider submissions made*
- *r.25(3) Council resolves to support or not support draft scheme with or without modification*
- *r.28 Following resolution, local government to provide documentation to WAPC*
- *s.87(1) / r.29 WAPC to consider documentation and make recommendation to Minister*
- *s.87(2) / r.31 Minister to approve with or without conditions or refuse to approve Scheme 3*

- s.87(3) / r.32 Minister to endorse final Scheme 3 and publish in the Local Government Gazette
- s.87(4B) / r.33 Local government to publish notice of approval of Scheme 3 in newspaper and also notify submitters

Policy

The draft Strategy and draft Scheme is required to reflect a broad range of state and local policies and guidelines. The following is a sample of the state and local planning framework documents:

State Policies

- *State Planning Framework*
- *State Planning Strategy*
- *Mid-West Planning Framework*
- *Land Use Planning in Rural Areas*
- *Urban Growth and Settlement*
- *Historic Heritage Conservation*
- *Development Contributions for Infrastructure*
- *Mid-West Planning & Infrastructure Framework*
- *Planning for Bushfire Risk Management*

State Planning Manuals and Guidelines

- *Local Planning Manual*
- *Tourism Planning Guidelines*
- *Rural Planning Guidelines*
- *Planning for Bushfire Protection*

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

Outcome 1.8 Maximise business, industry and investment opportunities.

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

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire's budget for 2020/21 includes an amount of \$30k for the finalisation and advertising of the Strategy/Scheme (not including staffing costs). The drafting of the Strategy and Scheme maps has largely been completed albeit with some suggested modifications. Allocated funds will be spent to support advertising of the documents, principally for newspaper notices, letters and other advertising material.

It is expected that ongoing expenditure on the Strategy/Scheme beyond 2019/20 will be limited, other than staffing costs and some advertising costs such as newspaper notices and letters, etc.

RISK MANAGEMENT CONSIDERATIONS

Medium - The Strategy/ Scheme will be subject to community comment as it progresses through the formal process following adoption. There are no standard appeal rights for the State Administration Tribunal) on proposed local planning schemes.

However, in accordance with Section 76 of the *Act*, an applicant can appeal directly to the Minister to require a local government to adopt or modify a local planning scheme or comply with certain conditions.

CONCLUSION

Council is advised that the first comprehensive (draft) Strategy for the Shire has been prepared, along with a draft Scheme based on the Strategy and which will replace the current Local Planning Scheme No. 2.

Council is requested to consider these important strategic and statutory planning documents and resolve to proceed to advertise them for public comment. This will enable the community to help shape the final documents for subsequent Council and Ministerial approval.

ATTACHMENTS

Attachment 1 – 11.1.3 draft Shire of Morawa Local Planning Strategy

Attachment 2 – 11.1.3 draft Shire of Morawa Local Planning Scheme text

Attachment 3 – 11.1.3 draft Shire of Morawa Local Planning Scheme maps and modifications

11.1.4 Application for Exploration Licence – No.70/5572 on Various Lots

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

That with respect to Application for Exploration Licence – No.70/5572 on Various Lots, 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

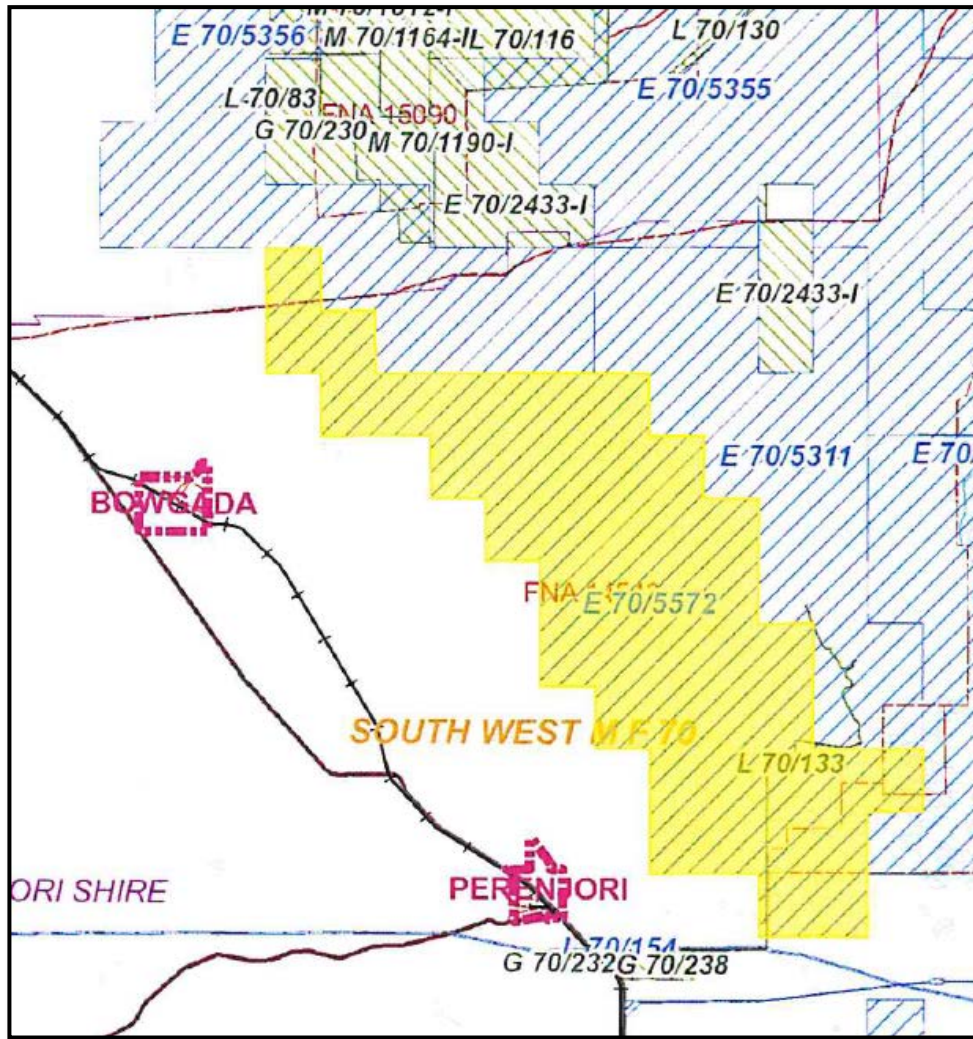
PURPOSE

This report seeks Council's consideration in relation to an application for an exploration license over various lots that has been submitted on behalf of Surefire Resources NL.

DETAIL

Council has received notice of an application for an exploration Tenement Administration Services for a mining exploration licence over various lots located within the locality of east Bowgada. The land subject to the application is understood to consist of privately owned land.

A copy of the application is included as *Attachment 1*. 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 14 September 2020). 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 – a response is required to be lodged at the mining register's office on or before 14 September 2020.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Mining Act 1978

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

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

Outcome 1.8 Maximise business, industry and investment opportunities.

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. 70/5572 by Australian Mining and Exploration Title Services.

ATTACHMENT

Attachment 1 – 11.1.4 – Application for mining tenement

11.1.5 Application for Exploration Licence – No.70/5573 on Various Lots

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

That with respect to Application for Exploration Licence – No.70/5573 on Various Lots, 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

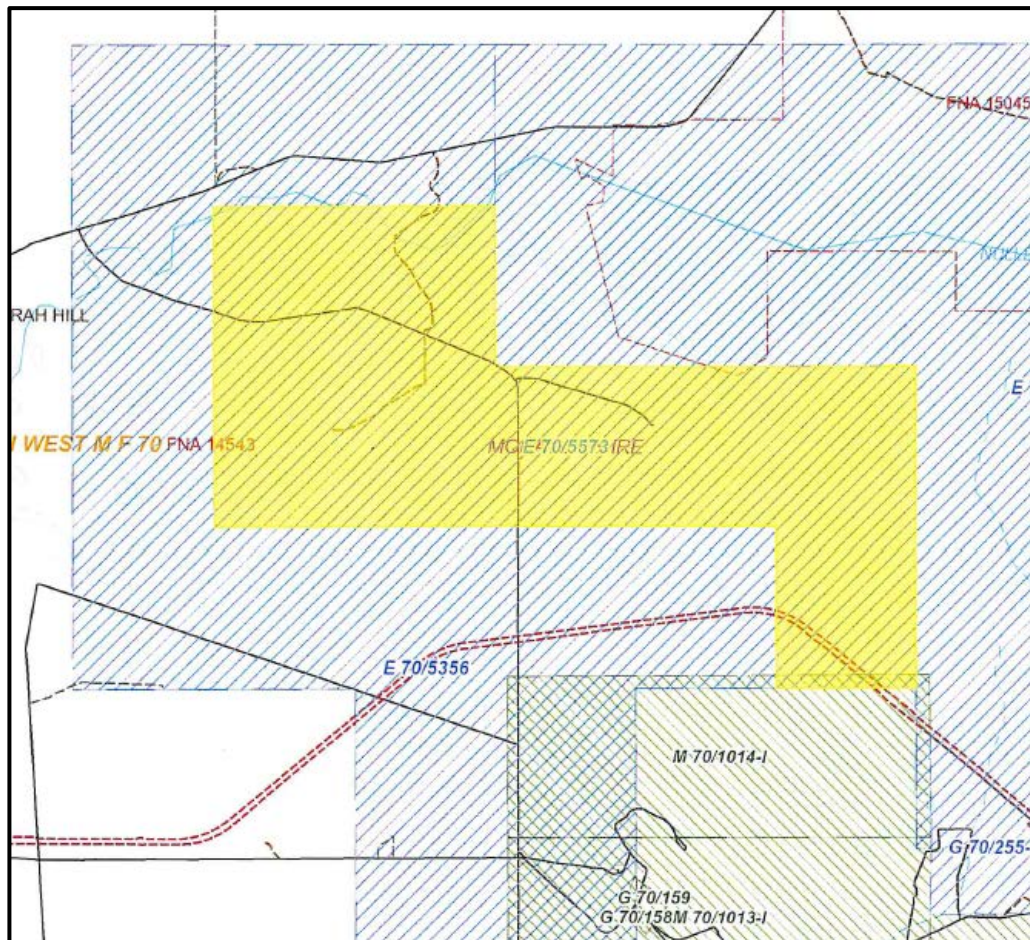
PURPOSE

This report seeks Council's consideration in relation to an application for an exploration license over various lots that has been submitted on behalf of Surefire Resources NL.

DETAIL

Council has received notice of an application for an exploration Tenement Administration Services for a mining exploration licence over various lots located within the locality of east Koolanooka. The land subject to the application is understood to consist of privately owned land.

A copy of the application is included as *Attachment 1*. 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 14 September 2020).



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 – a response is required to be lodged at the mining register's office on or before 14 September 2020.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Mining Act 1978

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

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

Outcome 1.8 Maximise business, industry and investment opportunities.

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. 70/5573 by Australian Mining and Exploration Title Services.

ATTACHMENT

Attachment 1 – 11.1.5 – Application for mining tenement

11.1.6 Application for Exploration Licence – No.70/5575 on Various Lots

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

That with respect to Application for Exploration Licence – No.70/5575 on Various Lots, 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

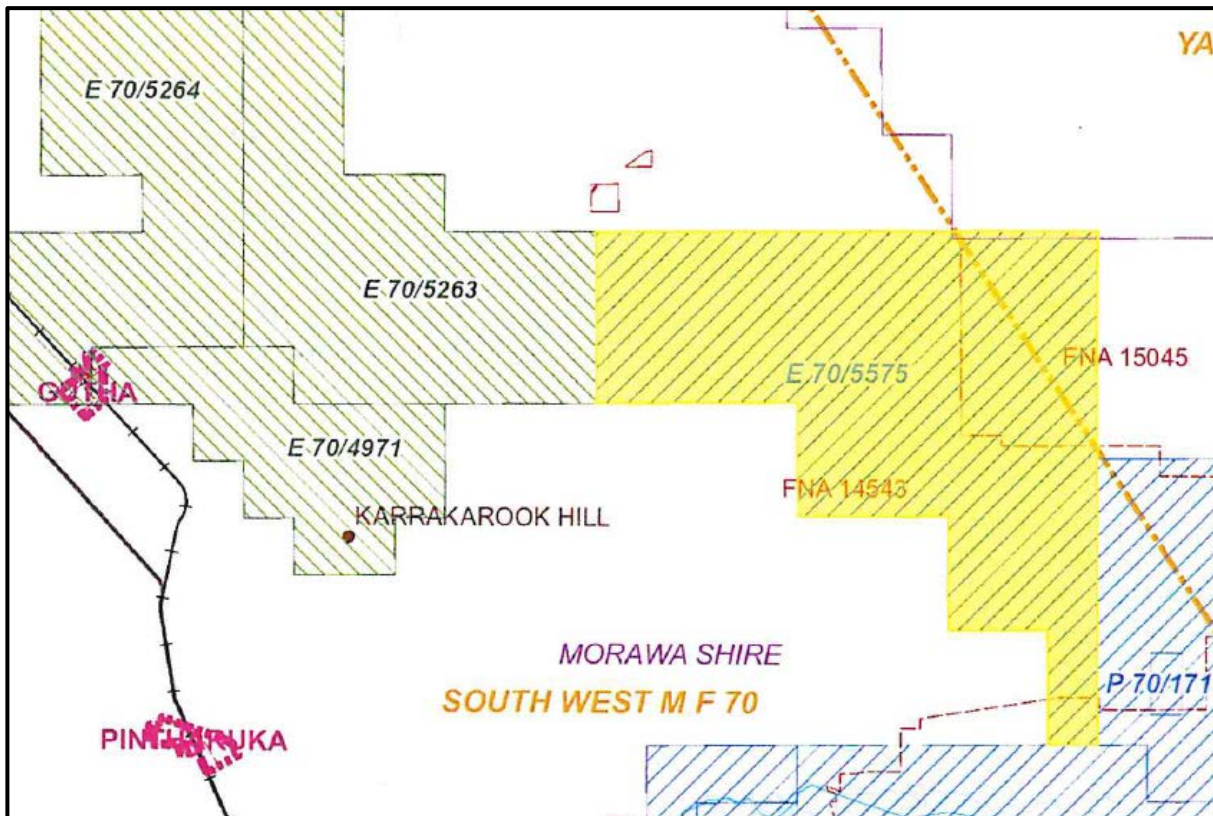
PURPOSE

This report seeks Council's consideration in relation to an application for an exploration license over various lots that has been submitted on behalf of Surefire Resources NL.

DETAIL

Council has received notice of an application for an exploration Tenement Administration Services for a mining exploration licence over various lots located within the locality of east Gutha. The land subject to the application is understood to consist of privately owned land.

A copy of the application is included as *Attachment 1*. 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 18 September 2020).



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 – a response is required to be lodged at the mining register’s office on or before 18 September 2020.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Mining Act 1978

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

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

Outcome 1.8 Maximise business, industry and investment opportunities.

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. 70/5575 by Australian Mining and Exploration Title Services.

ATTACHMENT

Attachment 1 – 11.1.6 – Application for mining tenement

11.1.7 Temporary Closure of Burton Road, Morawa

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

That with regards to the Temporary Closure of Burton Road, Morawa, Council:

1. Endorses the action of the Chief Executive Officer to undertake the statutory consultation process required under Section 3.50 of the *Local Government Act 1995* to enable the temporary closure of Burton Road, Morawa from 17 September 2020 until 31 January 2021 to enable arrangements for unrestricted access to the Co-operative Bulk Handling Ltd (CBH) Morawa Bin for the 2020/21 Grain Harvest.
2. Approves:
 - a) The temporary closure of Burton Road, Morawa from 17 September until 31 January 2021 to enable arrangements for unrestricted access to the Co-operative Bulk Handling Ltd (CBH) Morawa Bin for the 2020/21 Grain Harvest;
 - b) Allowing only vehicles directly involved in accessing the CBH Morawa Bin along with emergency services vehicles and utility service vehicles to access Burton Road for the period of temporary closure as provided in 1. above in accordance with s6.4(a) of the *Shire of Morawa Public Places and Local Government Property Local Law 2018*;
 - c) In addition to 1 (a) and (b) above, allowing CBH to place on Burton Road, a temporary 'Sample Hut' and temporary Weighbridge for the period of closure as provided in 1. above, provided that prior to any placement:
 - i. CBH presents and maintains for the period of closure, public liability insurance policy in which the interests of the Shire of Morawa are formally noted by the insurer, indemnifying CBH and the Shire of Morawa for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the operations on the closed road.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Council is requested to consider Co-operative Bulk Handling Ltd's (CBH) request to temporarily close Burton Road, Morawa from 17 September 2020 until 31 January 2020 to enable arrangements to prepare and establish unrestricted access to the CBH Morawa Bin for the 2020/21 Grain Harvest.

DETAIL

At the 8 September 2020 Special Meeting, Council closure of Burton Road, Morawa and resolved:

“That with regards to the Temporary Closure of Burton Road, Morawa, Council:

1. *Endorses the action of the Chief Executive Officer to undertake the statutory consultation process required under Section 3.50 of the Local Government Act 1995 to enable the temporary closure of Burton Road, Morawa from 1 November 2020 until 31 January 2021 to enable arrangements for unrestricted access to the Co-operative Bulk Handling Ltd (CBH) Morawa Bin for the 2020/21 Grain Harvest.*
2. *Approves:*
 - a) *The temporary closure of Burton Road, Morawa from 1 November 2020 until 31 January 2021 to enable arrangements for unrestricted access to the Co-operative Bulk Handling Ltd (CBH) Morawa Bin for the 2020/21 Grain Harvest;*
 - b) *Allowing only vehicles directly involved in accessing the CBH Morawa Bin along with emergency services vehicles and utility service vehicles to access Burton Road for the period of temporary closure as provided in 1. above in accordance with s6.4(a) of the Shire of Morawa Public Places and Local Government Property Local Law 2018;*
 - c) *In addition to 1 (a) and (b) above, allowing CBH to place on Burton Road, a temporary ‘Sample Hut’ and temporary Weighbridge for the period of closure as provided in 1. above, provided that prior to any placement:*
 - i. *CBH presents and maintains for the period of closure, public liability insurance policy in which the interests of the Shire of Morawa are formally noted by the insurer, indemnifying CBH and the Shire of Morawa for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the operations on the closed road.”*

Due to the necessary establishment time for CBH, closure of the road needed to be earlier than 1 November 2020.

LEVEL OF SIGNIFICANCE

High. It is vital for the Morawa CBH Bin to operate for the 2020/21 season. A revised access arrangement is the only opportunity for this to occur.

CONSULTATION

All Councillors
Morawa Growers
CBH

Main Roads WA Representative

Community consultation was undertaken in accordance with the statutory requirements of the *Local Government Act* (s3.50) as follows:

- Public notice through the Shire Website; Facebook, placement of 2 notices on the Shire’s public notice board and to be published this week in the local ‘Scene’ Newsletter.
- Public notice via 2 signs on Burton Road.
- Public notice to interested parties through Emails/Website referral to:
 - Main Roads WA;
 - Western Power;
 - Water Corporation;
 - Great Southern Fuels; and
 - WA College of Agriculture.

No objections to the road closure proposal were received.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

“3.50. Closing certain thoroughfares to vehicles

- 4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —*
 - a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and*
 - b) *give written notice to each person who —*
 - i. *is prescribed for the purposes of this section; or*
 - ii. *owns land that is prescribed for the purposes of this section; and*
 - c) *allow a reasonable time for submissions to be made and consider any submissions made”.*

“3.50A. Partial closure of thoroughfare for repairs or maintenance

Despite section 3.50, a local government may partially and temporarily close a thoroughfare, without giving local public notice, if the closure —

- (a) *is for the purpose of carrying out repairs or maintenance; and*
- (b) *is unlikely to have a significant adverse effect on users of the thoroughfare”.*

“3.51. Affected owners to be notified of certain proposals

- 1) *In this section —*

person having an interest, in relation to doing anything, means a person who —

 - (a) *is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing; or*
 - (b) *is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or*
 - (c) *is prescribed for the purposes of this section.*
- 2) *This section applies to —*
 - (a) *fixing or altering the level of, or the alignment of, a public thoroughfare; or*
 - (b) *draining water from a public thoroughfare or other public place onto adjoining land.*
- 3) *Before doing anything to which this section applies, a local government is to —*
 - (a) *give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and*

- (b) allow a reasonable time for submissions to be made and consider any submissions made.
- 4) The notice is to be given —
- (a) in writing to each person having an interest; and
 - (b) if any land is likely to be adversely affected by the doing of the thing, by local public notice”.

Local Government (Functions and General) Regulations 1996

‘Part 2 — Thoroughfares

4. Persons prescribed to be notified of road closure (Act s. 3.50)

- 1) The persons prescribed for the purposes of section 3.50 of the Act are —
- a) any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare whose access for purposes connected with the provision of that service would be impeded by the proposed closure; and
 - b) the person having principal responsibility in the locality for ambulance services; and
 - c) the person having principal responsibility in the locality for fire services; and
 - d) the occupier of land that will lose its access.
- 2) The land that is prescribed for the purposes of section 3.50 of the Act is land that will lose its access.
- 3) In this regulation — land that will lose its access means land that abuts the thoroughfare at any point to which access would be precluded as a result of the closure.

5. Persons prescribed to be notified of certain proposals (Act s. 3.51(1) person having an interest)

The persons prescribed for the purposes of section 3.51 of the Act are —

- a) if the land to which that section applies is occupied, the occupier; and
- b) in relation to fixing or altering the level of, or the alignment of, a public thoroughfare, any person providing a service by means of pipes, cables, or anything else under, on, or above the land used for the thoroughfare”.

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

6.4 No driving on closed thoroughfare

A person must not drive or take a vehicle on a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act unless –

- a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
- b) the person has first obtained a licence.

Council Delegation:

Delegation 4.9 Closing Certain Thoroughfares to Vehicles provides the CEO with the authority to temporarily close roads in accordance with S.3.50 (4) of the Local Government Act 1995.

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

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

Outcome 1.2 Maximise business, industry and investment opportunities

1.2.1 Continue to liaise with CBH to upgrade and extend grain handling and storage facilities

FINANCIAL AND RESOURCES IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

Local government road closures are protected from compensation payment for damages under section 3.23 of the *Local Government Act 1995*, although this must be carried out in a manner that is not considered negligent.

Implementation of the road closure in a safe manner will be managed through CBH for the proposal with a requirement for CBH to provide public liability insurance for not less than \$20M. This mitigates the liability from negligence for which a local government can be liable under section 9.57 of the *Local Government Act 1995*. The closure will require that vehicles directly involved in accessing the CBH Morawa Bin along with emergency services vehicles and utility service vehicles for the period of closure be retained.

Importantly, it is anticipated that the arrangements as sought by CBH will be a significantly less risk over the current arrangements in relation to accessing the existing 'Sample Hut' and CBH Bin via Broad Avenue.

CONCLUSION

Issue associated with access to CBH was identified by Council and Growers over several years. The proposal by CBH is considered to be the best access option for the 2020/21 Harvest.

ATTACHMENTS

Nil

11.1.8 Fireworks Events Delegation

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

That with respect to the Fireworks Events Delegation, Council:

1. **Adopts the Delegation as per Attachment 1.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Council is requested to approve delegation for the Chief Executive Officer to consider applications for fireworks events.

DETAIL

At the Ordinary Meeting of 18 July 2020, Council considered a revised Delegations Register and a Council Authorisations Register and resolved as follows:

“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”.*

One area of delegation that was not considered at the time was applications for ‘fireworks’ under the *Dangerous Goods Safety Act 2004* and *Dangerous Goods Safety (Explosives) Regulations 2007*.

The Department of Mines, Industry Regulation and Safety (DMIRS) has a very clear process of considering fireworks events that involve the approval of the Local Government, WA Police and Department of Fire and Emergency Services. The DMIRS approval process specifically refers to the Chief Executive Officer of the local government having delegation to sign on behalf of the local government.

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 (via Briefing Session held on 10 September 2020).
Senior Management Team

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.*

Dangerous Goods Safety Act 2004

Dangerous Goods Safety (Explosives) Regulations 2007

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

Council is requested to adopt the delegation for Fireworks Event as attached.

ATTACHMENTS

Attachment 1 – 11.1.8 Fireworks Event Delegation

11.2 Executive Manager Corporate & Community Services

11.2.1 Bank Reconciliations – August 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 – August 2020, Council receive the bank reconciliation report for 31 August 2020.

SIMPLE MAJORITY VOTE REQUIRED

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

Acting 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.

RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management Controls

CONCLUSION

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

CONCLUSION

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

BANK BALANCES AS AT 31 August 2020

Account	2020
Municipal Account	\$2,032,045.68
Bonds & Deposits Account	\$22,281.04
Reserve Account	\$3,145,112.76
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 31 August 2020 with a comparison for 31 August 2019 is as follows:

Account	2019	2020
Municipal Account	\$1,679,942.83	\$2,032,045.68
Bonds & Deposits Account	\$21,070.21	\$22,281.04
Total Reserve Accounts	\$5,546,203.67	\$5,245,112.76

RESERVE ACCOUNTS

The Reserve Funds of \$5,245,112.76 as at 31 August 2020 were invested in:

- Bank of Western Australia \$3,145,112.76 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 August 2020 with a comparison for August 2019 is as follows:

	August 2019	August 2020
Leave Reserve	\$218,974.16	\$225,073.60
Swimming Pool (Sportsground) Reserve	\$40,482.70	\$60,691.86
Plant Reserve	\$835,043.16	\$467,435.45
Building Reserve	\$93,754.53	\$114,230.76
Economic Development Reserve	\$113,005.05	\$3,514.40
Sewerage Reserve	\$246,461.07	\$222,689.08
Unspent Grants and Contributions Reserve	\$0.00	\$0.00
Community Development Reserve	\$1,243,586.07	\$1,255,269.63
Morawa Future Funds Reserve	\$2,080,516.01	\$2,025,728.42
Morawa Future Funds Interest Reserve	\$240,645.86	\$274,480.22
Refuse Transfer Station Reserve	\$0.00	\$0.00
Aged Care Units Reserve Units 6 - 9	\$9,440.22	\$9,487.56
Aged Care Units Reserve Units 1 - 4	\$70,262.52	\$70,614.80
Aged Care Units Reserve Unit 5	\$56,403.56	\$56,686.36
Business Units Reserve	\$125,216.72	\$145,850.71
Legal Fees Reserve	\$25,971.35	\$26,101.56
Road Reserve	\$146,440.69	\$147,174.92
Covid-19 Reserve	\$0.00	\$140,083.43
TOTAL	\$5,546,203.67	\$5,245,112.76

TRANSFER OF FUNDS

Nil

Investment Transfers

Nil

ATTACHMENTS

Nil

11.2.2 Accounts Due for Payment – August 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 – August 2020, Council endorses the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT13379 to EFT13462 amounting to \$303,890.59**
- **Municipal Direct Debit Payment Numbers DD7226.1 to DD7287.1 amounting to \$39,270.25**
- **Payroll for August 2020**
06/08/2020 - \$53,033.75
20/08/2020 - \$52,614.28
Total payroll for August 2020: \$105,648.03
- **Credit Cards payment in August 2020**
\$132.77

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

CONSULTATION

Acting Chief Executive Officer
Executive Manager Corporate & Community Services

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**.

RISK MANAGEMENT CONSIDERATIONS

As per Policy Section 3 – Finance 3.3 Risk Management Controls

CONCLUSION

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

ATTACHMENT

Attachment 1 - 11.2.2 List of accounts due and submitted

11.2.3 Monthly Financial Statements – August 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 – August 2020, Council receive the Statement of Financial Activity for the period ending 31 August 2020.

SIMPLE MAJORITY VOTE REQUIRED

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.

The actual amounts contained in the report are subject to end of year 2019/2020 adjustments and final audit and could possibly change following the final audit for 2019/2020 which will take place during September/October 2020. The final accounts will be confirmed by the auditor and presented to council as part of the annual financial report for 2019/2020.

LEVEL OF SIGNIFICANCE

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

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 2020/21 Annual Budget adopted by Council on 30 July 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 August 2020 Monthly Financial Activity Report

Attachment 2 – 11.2.3 August 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 6 August 2020 and 2 September 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 20 August 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 August 2020 and acknowledges that no 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 August 2020.**

SIMPLE MAJORITY VOTE REQUIRED

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 11 August and 9 September 2020. No leave was taken for this period as **Attachment 1**.

Leave Sought

This report covers the period the period between 17 September 2020 and 15 October 2020 (date of the September Ordinary Council Meeting). The CEO is not seeking to take any leave during this period.

Reimbursement Applications

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

Corporate Credit Card

This report covers August 2020 credit card statements. Note that there was no credit card expenditure in August 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 Netball Courts Redevelopment Project – Location of courts

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.

OFFICER'S RECOMMENDATION

That with respect to the Netball Courts Redevelopment Project – Location of courts Council:

- 1. Notes the Report;**
- 2. Support the redevelopment of the current netball courts ('Option 3') as the preferred option for the reasons outlined in the Report.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is to inform Council about the different options regarding the Netball Courts Redevelopment Project (Project) and to endorse a preferred option.

DETAIL

The proposed location of the new courts has been subject of much debate. The drawings, designs and grant application documents indicate that the new courts are to be located nearer to the change rooms. The earlier advice has been that the old courts should be demolished due to root and drainage issues and power should be fed from the current old poles to the new courts. Inspection by the Shire appointed Project Manager found that root damage is very unlikely to exist and that the draining issues can be addressed by allowing for a different watering set up on the hockey pitch.

The Project Manager has undertaken extensive research and consulted with sport surface experts to determine whether or not the current courts can be redeveloped to an equal level of quality whilst also allowing for other improvements to the current courts.

Currently, the list of options is as follows:

Option	Description	Estimated costs
1	New courts as per the design including underground power.	\$454,000
2	Refurbishing the current courts including new lights, underground power and new fencing.	\$338,000
3	A complete reconstruction of the current courts including new lights, fencing, new pavement, and underground power.	\$425,000

A detailed explanation of the Options is included as **Attachment 1**.

On Wednesday 9 September, Shire staff spoke to the Netball Club president and the Project Manager and agreed that Option 3 would provide the best value for money. The Netball Club committee later confirmed their preference for Option 3.

Option 3 means that the current courts will be reconstructed and essentially will be of the same standard as new courts. Additionally, the current courts will be upgraded with new features such as underground power (instead of overhead cables to improve safety and decrease exposure to weather conditions and potential vandalism), new fencing and pavement. The reconstruction will also allow for improvements to the courts and eliminate any drainage issues moving forward.

Based on the most recent information available, the costs for Option 3 will be around \$425,000. This is in scope of the funding agreement which accumulates to 3x \$121,000 = \$363,000 and the additional costs be funded by the Shire.

It is anticipated that the Department (DLGSCI) will not require a variation as the design and construction is similar and the location is not considered a material variance.

LEVEL OF SIGNIFICANCE

High – the Project has many stakeholders and the financial exposure is very high. Any option preferred will be presented to the stakeholders to ensure endorsement and cooperation.

CONSULTATION

All Councillors (via Briefing Session held on 10 September 2020).
Department of Local Government
Netball Club Committee
Senior Management Team
Project Manager

The Department of Local Governments, Sports and Cultural Industries (DLGSCI) has also been consulted to determine their willingness to cooperate with the Shire to redevelop the old courts and not build the new courts. DLGSCI have indicated that they are willing work with the Shire and explore the best value for money.

LEGISLATION AND POLICY CONSIDERATIONS

There are no perceived implications from a legislative or policy perspective associated with the Project other than the application of an external loan with the WA Treasure Corporation (WATC) which has been completed in accordance with the policies and legislation.

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

Outcome 3.6 Promote and support a Healthy Community.

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

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire has applied for a loan of \$200,000 with WATC and has received the money. The Netball Club has allocated \$121,000 and has been asked to provide the funds to the Shire for use in the Project. This will be paid in September 2020, as confirmed by the Club. The use of a Project means that the Shire's use of own resources will be limited.

RISK MANAGEMENT CONSIDERATIONS

The level of perceived risk is considered Medium. The appointment of a Project will ensure adequate use of resources and compliance with the rules on tenders and contract management. The loan has been secured with WATC and has been received. The reporting requirements have been set up in accordance with the Australian Accounting Standards (AAS) to ensure correct reporting of proceeds and expenditure.

Stakeholders have been informed and have indicated they are comfortable for us to proceed on the current path.

CONCLUSION

The redevelopment of the current courts is the preferred option because it will allow for more features, improved and safer use, less maintenance and lower costs.

ATTACHMENTS

Attachment 1 – 11.2.5 Morawa Netball Courts Options

11.2.6 Morawa District High School Partnership Endorsement

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.

OFFICER'S RECOMMENDATION

That with respect to the Morawa District High School Partnership Endorsement, Council:

1. Receives the memo written in collaboration with the Morawa District High School (MDHS) as provided as Attachment 1;
2. Endorses the Shire providing working-learning pathway to and for students at the MDHS in Years 10, 11 and 12;
3. Authorises the Chief Executive Officer to liaise with the MDHS to set up an appropriate program for a trial period of up to 12 months; and
4. Request the Chief Executive Officer to provide Council with progress and experiences in due course.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Council is requested to support the Shire's involvement in a workplace and training program in partnership with the Morawa District High school (MDHS) for a trial period of up to 12 months.

DETAIL

Representatives of the Shire and MDHS expressed a desire to provide students with a workplace experience that would also enable them to achieve their curriculum learning requirements. As a large local employer with many areas of interest, the Shire can reasonably provide students with the opportunity to gain the workplace learning experiences and fulfill their requirements to finalise their electives and high school.

MDHS operates with external organisations to provide workplace-based traineeships and curriculum opportunities. MDHS and the Shire identified 4 areas of potential mutual interest:

- Infrastructure / horticulture;
- Administration and finance;
- Community development and youth; and
- Information technology.

MDHS has been working to match year 10, 11 and 12 students with these areas and projects.

LEVEL OF SIGNIFICANCE

Medium – this report has been written to inform Council about the opportunity and formally seek endorsement for the trial period.

CONSULTATION

Principal and Deputy Principle of the MDHS
Acting Chief Executive Officer
All Councillors (Council briefing session 13 August 2020)
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

There are no known legislative or policy considerations in relation to the Item.

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

Outcome 1.8 Maximise business, industry and investment opportunities.

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

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial and resources implications in relation to the Item.

RISK MANAGEMENT CONSIDERATIONS

The students will be mentored by their respective coaches. Feedback sessions with MDHS will be planned on a regular basis and as required. LGIS has provided confirmation that the students in their traineeship are covered under the current certificates.

CONCLUSION

Providing a pathway for MDHS students to gain workplace experience is a very good way for the Shire to contribute to the development of local talent. It helps the Shire with its work force planning, too. Subject to the support of Council, a trial period of a maximum of 12 months would commence in early 2021.

ATTACHMENT

Attachment 1 – 11.2.5 Memo – Workplace Learning with MDHS 2020

11.3 Economic Development Manager

11.3.1 Small Business Friendly Local Government

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

That with regards to the Small Business Friendly Local Government, Council:

1. Approves the Shire of Morawa joining the Small Business Friendly Local Government Program.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

This report addresses the Shire of Morawa becoming a Small Business Friendly Local Government.

DETAIL

The Small Business Development Corporation (SBDC) has developed the Small Business Friendly Local Government Program ('Program') initiative to recognise those local government authorities (LGA's) in Western Australia that are actively committed to supporting small businesses in their local areas.

Participating LGA's are required to sign the Small Business Friendly Local Government Charter to demonstrate they are committed to work with, and actively support local small business. A copy of this charter is attached as **Attachment 1**.

Participating local governments are required to adopt three 'standard' activities and three 'flexible' activities that support and help develop local small business. Additional information is outlined in the *Small Business Friendly Brochure* included as **Attachment 2**.

Local governments who engage with this program are required to report every six months to the SBDC on their progress towards achieving the commitment made.

Should Council resolve to have the Shire join the Program, some of the activities that could be delivered to assist in the growth and development of local small business include:

- Facilitating workshops to deliver training and staff development programs.
- Facilitating business networking and knowledge-based learning opportunities for local small business.

- Co-hosting regular business networking events in collaboration with local business support groups.
- Requesting small business input into the Shires economic and tourism development initiatives.
- Updating the Shire’s website with respect to economic development and tourism.
- Improving the tendering capacity and awareness of Shire procurement opportunities for local small business through workshops and training.
- Also distributing early information to local small business on open quotation requests and Shire tenders.
- Promoting economic and tourism development investment that will support local small business throughout the Shire.

The Shire is already undertaking many of these activities. Any additional activities will be considered as part of the budget process.

It is understood that the following advantages are available to local small businesses as a result of their LGA being a part of this program:

- Enhanced levels of customer service and engagement.
- Red tape reduction.
- Creation of a business-friendly environment.
- Building vibrancy within the small business community.
- Collaborating and sharing with other small business friendly local governments.

The following lists local governments currently joined to the program:

- City of Armadale
- Shire of Ashburton
- Shire of Augusta-Margaret River
- Town of Bassendean
- City of Bayswater
- Shire of Brookton
- Shire of Broome
- City of Bunbury
- City of Busselton
- Town of Cambridge
- City of Canning
- Shire of Carnarvon
- Shire of Chittering
- Town of Claremont
- City of Cockburn
- Shire of Collie
- Shire of Dandaragan
- Town of East Fremantle
- Shire of Esperance
- Shire of Exmouth
- City of Fremantle
- City of Gosnells
- City of Joondalup
- City of Kalgoorlie-Boulder
- City of Karratha
- City of Kwinana
- City of Melville
- Shire of Mt Marshall
- Shire of Nannup
- Shire of Narrogin
- Shire of Northam
- Shire of Quairading
- City of Stirling
- City of Subiaco
- Shire of Toodyay
- Town of Victoria Park
- City of Vincent
- City of Wanneroo
- Shire of Waroona

LEVEL OF SIGNIFICANCE

Low to Medium: Properly rolled out, there do not appear to be any known specific negatives.

The positives benefits include:

- Creating a desirable location to live and establish a new business;
- Supporting our local economy and providing new employment opportunities;
- Building vibrancy within our community;
- Meeting the needs of ratepayers for local goods and services; and
- Collaborating and sharing with other Small Business Friendly Local Governments.

CONSULTATION

All Councillors (Council briefing session 13 August 2020)
Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

There are no known legislation and policy considerations for this Report.

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

Outcome 1.8 Maximise business, industry and investment opportunities.

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

FINANCIAL AND RESOURCES IMPLICATIONS

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

It is not envisaged that there will be any additional budgetary impacts from the Shire being engaged with this program, as all the initiatives listed are a part of current or planned small business development activities. It is not envisaged that there will be any additional financial costs to roll out this program other than officer time at this stage

RISK MANAGEMENT CONSIDERATIONS

There are no known significant risk management issues associated with this Report.

CONCLUSION

Many local governments are now active supporters of the Program. This is a free service of the SBDC that will enable the Shire to further assist in the development of businesses within the Shire.

ATTACHMENTS

Attachment 1 –11.3.1 Small Business Friendly Brochure - Charter
Attachment 2 –11.3.1 Small Business Friendly Brochure

11.4 Executive Manager Works & Assets

11.4.1 Sale by Tender – Toyota RAV 4

Author: Acting Executive Manager Works and Assets

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

That with respect to the Sale by Tender – Toyota RAV 4, Council:

1. Authorises the Chief Executive Officer to dispose of the vehicle (currently registered: 0MO) and to carry out the process of sale as required by Section 3.58 (3) of the Local Government Act 1995.
2. Requests the Chief Executive Officer to refer any bids received to the next available Council meeting for consideration.

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

Council is requested to dispose of Toyota RAV 4 (currently registered: 0MO) by tender and to carry out the process of sale as required by s.3.58 (3) of the *Local Government Act 1995*.

DETAIL

The RAV4 is surplus to the requirements of the Shire. The sale would be subject to the provisions relating to giving public notification of the proposed disposition under S3.58 (3) of the *Local Government Act 1995*. Local advertising for the vehicle would be via the Shire's Website, Scene publication, public notice, and Facebook page. The Shire will determine a date and time for inspection of the items and the car for interested bidders.

LEVEL OF SIGNIFICANCE

Low – Disposal will be carried out in accordance with legislative requirements.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

The statutory implications associated with disposing of property are contained within S3.58 Disposing of Property:

3.58. Disposing of property

- (1) *In this section —*
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; **property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) *Except as stated in this section, a local government can only dispose of property to —*
- (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.”*

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 implications in relation to this item. It is intended that income from sales would be placed in the appropriate reserve.

RISK MANAGEMENT CONSIDERATIONS

There are no known significant risk management issues associated with this Report.

CONCLUSION

The sale would be subject to the provisions relating to giving public notification of the proposed disposition under S3.58 (3) of the *Local Government Act 1995*. Local advertising for the vehicle would be via the Shire’s Website, Windmill publication, public notice, and Facebook page. The Shire will determine a date and time for inspection of the vehicle for interested bidders.

ATTACHMENTS

Nil

11.4.2 Sale by Tender - Surplus Plant, Vehicle and Equipment

Author: Acting Executive Manager Works and Assets

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

That with respect to the Sale by Tender - Surplus Plant, Vehicle and Equipment, Council:

- 1. Authorises the Chief Executive Officer to dispose of surplus plant, vehicle and equipment as listed and to carry out the process of sale as required by Section 3.58 (3) of the Local Government Act 1995.**
- 2. Requests the Chief Executive Officer to refer any bids received to the next available Council meeting for consideration.**

ABSOLUTE MAJORITY VOTE REQUIRED

PURPOSE

Council is requested to agree to sell by tender an assortment of plant and equipment along with a 1999 Toyota Hilux utility (unregistered) that are all surplus to the Shire's needs. The tender would be subject to S3.58 (3) of the *Local Government Act 1995*.

DETAIL

Over a over period of time, the Shire had accumulated an assortment of surplus plant, vehicle and equipment as follows:

- 1999 Toyota Hi Lux ute
- 2 x Metal Spreaders
- 2 x Sand Spreaders. Scrap purposes only
- Trailer with Davey Pump Bolted on. Scrap purposes only
- 1 x Lightburn Cement Mixer. Scrap purposes only
- 1 x Tankwest 10,000 Litre Fibreglass Water Tank, Truck mounted
- 1 x 9000 Litre Fibreglass Water Tank, Truck mounted
- 2003 John Deere Tractor with Mower deck & Front End Loader Attachment
- 2 x Southern Cross Travelling Irrigators (Tractor Sprinklers)
- Up to 60 Pallets of Pavers.
- 1 x Pedestrian Roller. Scrap purposes only
- 1 x Compair Portable Air Compressor. Still useable, Air tank out of compliance

LEVEL OF SIGNIFICANCE

Low – Disposal will be carried out in accordance with legislative requirements.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

The statutory implications associated with disposing of property are contained within S3.58 Disposing of Property:

58.. *Disposing of property*

(4) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; **property** includes the whole or any part of the interest of a local government in property, but does not include money.

(5) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(6) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.”*

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 implications in relation to this item. It is intended that income from sales would be placed in the appropriate reserve.

RISK MANAGEMENT CONSIDERATIONS

There are no known significant risk management issues associated with this Report.

CONCLUSION

The sale would be subject to the provisions relating to giving public notification of the proposed disposition under S3.58 (3) of the *Local Government Act 1995*.

Local advertising for the vehicle would be via the Shire's Website, Scene publication, public notice, and Facebook page. The Shire will determine a date and time for inspection of the items for interested bidders.

ATTACHMENTS

Nil

Item 12 Reports of Committees**12.1 Meeting of the Northern Country Zone on Monday 24 August 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

That Council receive the Unconfirmed Minutes of the Northern Country Zone held Monday 24 August 2020. (Attachment 1 - 12.1).

SIMPLE MAJORITY REQUIRED

12.2 Unconfirmed Minutes of the Audit Committee Meeting held 17 September 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

That Council receive the Unconfirmed Minutes of the Audit Committee Meeting held 17 September 2020 (Attachment 1 - 12.1.1 – to be provided under separate cover).

**RECOMMENDATION/S OF COMMITTEE
(To be advised)**

Item 13 Motions of Which Previous Notice Has Been Given**Item 14 New Business of an Urgent Notice**

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 declares that he does not have any conflicts of interest in relation to this item as he won't be seeking to apply for the role.

OFFICER'S RECOMMENDATION

That Council closes the meeting to the public under section 5.23 (2) c) and e (ii) 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 adoption of the Chief Executive Officer remuneration package.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

- Chief Executive Officer Remuneration Package and Position Description

DETAIL

Item 15.2 is presented with a recommendation to adopt the Chief Executive Officer remuneration package.

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

All Councillors (via Briefing Session held on 10 September 2020)
Chief Executive Officer Recruitment Consultant

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 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.*

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) (e) 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 a report addressing the Chief Executive Officer Remuneration Package and Position Description.

ATTACHMENT

Nil

15.2 Chief Executive Officer Remuneration Package and Position Description

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 as he won't be seeking to apply for the role.

OFFICER'S RECOMMENDATION

That with regards to the Chief Executive Officer Remuneration Package and Position Description, Council:

1. Acknowledges that a Chief Executive Officer (CEO) remuneration package must be in accordance with the *“Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and elected members pursuant to Section 7a and 7b of the Salaries and Allowances Act 1975 (8 April 2020)”*;
2. Adopts the Chief Executive Officer Remuneration Package and Position Description as recommended by the CEO Recruitment consultant.

ABSOLUTE MAJORITY VOTE REQUIRED

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, 15 October 2020 commencing at 5.30pm.

16.2 Closure

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