



AGENDA

ORDINARY MEETING OF COUNCIL

to be held on

Thursday, 15 September 2022 at 1:30pm

at the

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



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

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

DISCLAIMER

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 at 1.30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elder's past, present and future, in working together for the future of Morawa.

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

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

Staff

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

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

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

3.3 Apologies**3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

Item 4 Applications for Leave of Absence**Item 5 Response to Previous Questions****Item 6 Public Question Time**

Important note:

‘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 2022.

Date	Details of Meeting
4 August 2022	2022 Women's Report Card Launch
8 August 2022	Audit and Risk Committee Meeting
9 August 2022	Discussion re Policy, rates and budget text with the CEO Shire of Morawa
11 August 2022	LGIS Board Meeting
11 August 2022	Shire of Morawa Agenda Settlement
15 August 2022	Shire of Morawa Special Council Meeting, Agenda Settlement and Concept Forum
18 August 2022	Shire of Morawa Ordinary Council Meeting and Concept Forum
19 August 2022	Town Team Conference Port Hedland
19 August 2022	RCAWA Zoom
22 August 2022	DBC August 2022 Board Meeting
23 August 2022	MG Placeholder Council Visit - Metro
24 August 2022	Dowerin comes to City
24 August 2022	MWAC August 2022 Meeting
29 August 2022	Central Eastern Zone at Kellerberrin
31 August 2022	Remote Employment Roundtable

Item 9 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting
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The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 15 August 2022 Special Council Meeting and 18 August 2022 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 17 August 2022 and 19 August 2022 respectively.

OFFICER'S RECOMMENDATION

That Council confirm that:

1. the Minutes of the Special Council Meeting held 15 August 2022 are a true and correct record.
2. the Minutes of the Ordinary Council Meeting held 18 August 2022 are a true and correct record.

SIMPLE MAJORITY VOTE REQUIRED

Disclaimer

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

Item 11 Reports of Officers**11.1 Chief Executive Officer****11.1.1 Actions Performed under Delegated Authority for August 2022**

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

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

OFFICER RECOMMENDATION

That with respect to **Actions Performed under Delegated Authority for August 2022**, Council:

1. **Accept the Report.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

DETAIL

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

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

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

Bushfire

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

Caravan parks and campgrounds

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

Common Seal

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

Dangerous Goods Safety Act 2004

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

Food Act 2008

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

Hawkers, traders, and stall holders

No delegated decisions were undertaken by Shire pursuant to Hawkets, traders, and stall holders during this period.

Liquor Control Act 1988

<i>Date of decision</i>	<i>Decision Ref.</i>	<i>Decision details</i>	<i>Applicant</i>	<i>Other affected person(s)</i>
15/08/2022		Approved	Morawa Football Club	
15/08/2022		Approved	Morawa Football Club	
24/08/2022		Approved	Morawa Speedway Assoc. (Inc)	

Lodging houses

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

Public Buildings

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

Septic Tank Approvals

No delegated decisions were undertaken by Shire pursuant to the Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent Waste) Regulations 1974 during the period.

Planning Approval

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

Building Permits

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
02/08/2022	220676	Farm Shed	1048 Jones Lake Road, Koolanooka	
05/08/2022	220696	Repair Cyclone damage to dwelling	Lot 1535 (No. 62) Arrinooka Road, Canna	
22/08/2022	220727	Repair Cyclone damage to dwelling	Lot 10 (No. 2174) Nanekine Road, Canna	

Other Delegations

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
10/08/2022	Approved	Waiver of community bus hire fees and bond for event	Desert Blue Connect	
24/08/2022	Approved	Application for Public Event	Morawa Speedway Assoc. (Inc)	

LEVEL OF SIGNIFICANCE

Low – report provided to Council for information purposes.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Bushfire Act 1954

Dangerous Goods Safety (Explosives) Regulations 2007

Health Act 1991

Health Act 1911

Health (Public Buildings) Regulations 1992

Liquor Control Act 1988

Local Government Act 1995

Planning & Development Act 2005

Shire of Morawa Local Planning Scheme No. 2

Shire of Morawa Cemeteries 2018 - Local Law

Shire of Morawa Dogs 2018 - Local Law

Shire of Morawa Extractive Industries 2018 - Local Law

Shire of Morawa Fencing 2018 Local Law

Shire of Morawa Health 2004 - Local Law

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

Shire of Morawa Meeting Procedures 2012 - Local Law

Shire of Morawa Waste 2018 - Local Law

Shire of Morawa Delegations Register (2020)

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications relating to this Item.

RISK MANAGEMENT CONSIDERATIONS

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

ATTACHMENTS

Nil

11.1.2 Construction and Maintenance of Firebreak on Lot 512 (Reserve 49257) and Lot 9000 White Avenue, Morawa

Author: Independent Planning Consultant

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That Council:

1. Direct the Chief Executive Officer to request DevelopmentWA to construct a firebreak of no greater than 15m on Lot 512 (Reserve 49257) and 3m Lot 9000, subject to obtaining the necessary clearing permits from the Department of Water and Environmental Regulation and endeavouring, where plausible, to protect Clerophyll Woodland; York gum (*Eucalyptus loxophleba*)
2. Agree to manage the firebreak once installed in perpetuity, including annual inspections, and clearing of regrowth.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To provide a recommendation to Council in respect to the construction and ongoing maintenance of firebreaks on Lot 512 (Reserve 49257) and Lot 9000 (Attachment 1). The firebreaks are required to reduce the bushfire attack level (BAL) across Lots 10 - 17 White Avenue, Morawa which are designated as bushfire prone.

DETAILBackground

The State Government Royalties for Regions initiative was introduced in 2008 and established the SuperTowns Program, which sought to accelerate planning for imminent population growth in regional communities, including the Shire of Morawa (the Shire). In 2012, the Morawa Supertown Growth and Implementation Plan was prepared in response to the SuperTowns Program and identified land north of White Avenue for future residential land to meet anticipated population growth.

DevelopmentWA (previously LandCorp) through the Regional Development Assistance Program progressed a 22-lot residential subdivision in accordance with the Morawa Supertown Growth and Implementation Plan (Attachment 2). To date, only the seven (7) residential lots with direct frontage to White Avenue have been created, with six (6) lots remaining unsold. The subdivision directly abuts Lot 512 (Reserve 49257) to the west and Lot 9000 to the north (Attachment 1). Lot 512 (Reserve 49257) is Crown land under the management order of the Shire, vested for the

purpose of recreation and reserved for 'Public Open Space' under Local Planning Scheme No. 4 (LPS4). Lot 9000 is owned by the Shire and zoned 'Residential' under LPS4.

In April 2022, Lot 10 (#18) White Avenue, Morawa (Lot 10) was purchased by Judith Milloy and David Milloy (the landowners).

Significant State planning and building legislation and guideline changes were made post subdivision. Subsequently, the entire subdivision site is designated as bushfire prone on the Map of Bush Fire Prone Areas (Attachment 3) and Lot 10 directly abuts Lot 512 (Reserve 49257) which contains unmanaged vegetation.

The landowners of Lot 10 have commenced preliminary design work for the construction of a single residential dwelling on the Lot 10. This included the commissioning of a BAL assessment to determine the bushfire construction requirements under the National Construction Code (NCC) and AS 3959 Construction of buildings in bushfire prone areas (AS 3959).

The initial site assessment indicates that based on the proximity of unmanaged Class D Scrub vegetation on the adjoining Lot 512 (Reserve 49257), most of the Lot 10 will be subject to BAL-FZ ('Flame Zone'). BAL-FZ is the highest level of bushfire attack and assumes direct exposure to flames from the fire front in addition to heat flux and ember attack during a bushfire event.

Based on existing conditions, the landowners would be required to construct the dwelling to comply with the BAL-FZ construction requirements.

The landowners building company contacted the Shire's Executive Manager Works and Assets on the 7 July 2022 – they advised that their BAL assessment had come back as "flame zone" and they wanted to reduce to BAL 29 by requesting a 15m firebreak from the perimeter of the lot. They stated that given the adjoining native bush is managed by the Shire of Morawa, the Shire's assistance in organising the firebreak would be appreciated, at the Shire's cost.

On the 15 July 2022, the CEO responded to the building company stating that the Shire is unsure as to why they would need to implement the firebreak at the Shire's cost, questioned whether they were able to construct to a BAL FZ standard in line with the National Construction Code, and whether the buyer had reviewed the bushfire risk when purchasing the land. After this email the CEO received no further written correspondence from the landowners building company.

The Shire received communication from a planning consultant employed by the building company of Lot 10 on the 24 August 2022, the planning consultant had visited site, assessed the vegetation as scrub and identified a separation distance of 13m would be needed to achieve BAL 29. The planning consultant subsequently made the below suggestion:

"The landowner will be responsible to install (and maintain in perpetuity if the Shire does not wish to undertake this as part of its ongoing firebreak maintenance schedule) a 9m firebreak along the western boundary of their property, noting that there is already an approximately 3m wide area of cleared land along their boundary so only an addition 6m of clearing is required. It is suggested that rather than completely clearing the land that individual large scrub trees are maintained to soften the visual impact of the break, whilst still maintaining the preferred BAL Rating of BAL-29. If there are a few ground cover species (under 500mm) under each tree that is okay but the land between these 'clumps' should be free of vegetation. This significantly reduces the amount of clearing required and provides for a more appropriate transition between the vegetation and the lot boundary."

Subsequently, the Shire was contacted verbally by DevelopmentWA on the 30 August 2022, this was then followed up with an email on 31 August 2022, in relation to the overall subdivision and their need to have development ready lots and the impost the current bushfire prone area would have on the developability of the land.

Planning Considerations

Part 10A of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) does not require a BAL assessment to be prepared for the construction of a single dwelling on a lot with an area of 1,100m² or less. Given SPP 3.7 does not apply in accordance with the Regulations, the Shire can grant development approval for the dwelling with a BAL-FZ rating.

Furthermore, the subject site is considered a legacy site given the subdivision was approved prior to SPP 3.7 coming into effect in 2015. Under SPP 3.7, all lots shall ensure future development can be sited in areas subject to BAL-29 or below. The current subdivision would be considered non-compliant if it was assessed against the current bushfire planning framework. The *Guidelines for Planning in Bushfire Prone Areas* (the Guidelines) acknowledge the existence of legacy sites and allow a level of discretion to be applied where proposals are unable to achieve BAL-29 or below. However, as outlined above, the Guidelines would not apply in this instance given the exemption under the Regulations.

It should be noted that SPP 3.7 and the Guidelines provide the foundation for land use planning to address bushfire risk management in Western Australia. SPP 3.7 aims to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure. While the Shire can grant development approval for the dwelling with a BAL-FZ rating, it should be acknowledged that BAL-29 or below is considered an acceptable level of risk from a planning perspective and should be applied, where possible.

Building Considerations

Although a BAL Assessment is not required under the planning framework, a BAL Assessment is still required to confirm compliance with the bushfire construction requirements under the NCC. Most builders are unfamiliar with the BAL-FZ construction requirements of AS 3959 due to the complexities, costs and delays associated with sourcing compliant materials and products. In the current market, it is unlikely that a builder competent in BAL-FZ construction would be willing to travel to Morawa for a project of this nature.

Heritage Considerations

The Morawa townsite is located within Aboriginal Heritage Place ID5633 (Merkanooka Station) which is classified as Stored data / not a site. This means the Aboriginal Cultural Material Committee (ACMC) has assessed the place to not be a site under Section 5 of the *Aboriginal Heritage Act* (AHA).

This is reiterated in the desktop Ethnographic Aboriginal Heritage Survey and Archaeological Inspection of DIA Heritage Place 5633 Merkanooka Station prepared on behalf of LandCorp as part of the original subdivision. The desktop study found no historical or other evidence to suggest that it should be defined as an Aboriginal Heritage Place under the AHA.

Environmental Considerations

In 2009, a Flora and Vegetation Assessment was undertaken as part of the Morawa Accommodation Camp development and included the seven (7) existing lots and the northern Lot 9000. The study area did not include the area earmarked for the proposed firebreak on Lot 512 (Reserve 49257).

The assessment indicated that the study area comprised of remnant native vegetation covering approximately 16ha. Based on the extent of native vegetation mapped and without an updated vegetation assessment, it is assumed that native vegetation will require clearing to enable construction of the firebreak. The Department of Water and Environmental Regulation (DWER) have advised that under the *Environmental Protection Act 1986* (EP Act), the clearing of native vegetation is only permitted where:

- It meets the exemption criteria under the EP Act;
- It has been referred to the DWER who determines the clearing is low impact; or
- A clearing permit has been obtained from DWER.

Should the Council authorise the construction of the greater than 3m firebreak on Lot 512 (Reserve 49257) and Lot 9000, the agency responsible for implementing the firebreak should be made responsible for undertaking a referral to DWER and obtaining the necessary clearing permits, if required. Given exemptions under the Bushfire Act generally don't apply to Crown Land it is likely a DWER clearing approval would be needed.

The assessment also indicated that no endangered or vulnerable species under the *Environmental Protection and Conservation Act 1999*, declared rare flora species under the *Wildlife Conservation Act 1950*, or priority species were identified in the study area. It did however note that the western third of the study area supports the *Sclerophyll Woodland; York gum (Eucalyptus loxophleba)* community that, while not a threatened or priority ecological community, was at the time surveyed to only be at approximately 15.2% of its pre-European settlement distribution in Western Australia. This is below the 30% recommendation retention set by the Environmental Protection Authority.

Options

Option 1 – Maintain Status Quo

Council may

1. Direct the Chief Executive Officer to advise DevelopmentWA and the current landowner of Lot 10 (No. 18) White Avenue, Morawa that the Shire has no intention of maintaining a firebreak on Lot 512 (Reserve 49257) and Lot 9000 beyond a minimum width of 3m.
2. Acknowledge that the bushfire risk to Lots 10 – 17 White Avenue, Morawa could discourage prospective purchasers of the unsold lots due to increased construction and insurance costs.

This course of action presents no extra financial or resource costs to the Shire.

However, the landowners will need to ensure any constructed dwelling complies with the BAL rating construction requirements. This is likely to make construction on Lot 10 unfeasible. This course of action may also prompt Development WA to reconsider the whole subdivision as the remaining lots are likely to remain unsold if prospective buyers are required to comply with higher BAL ratings.

The option may be available for DevelopmentWA to swap Lot 10 with Lot 11 in their subdivision and then maintain Lot 10 as undeveloped in perpetuity essentially acting as a firebreak between the subdivision and the Crown land. It is the Shire's understanding that the owner of Lot 10 would be against this option due to building contract clauses and new surveying causing cost escalations for their build

Option 2 – Place the responsibility on the landowner

Council may:

1. Require the landowner of Lot 10 (No. 18) White Avenue, Morawa to enter into a perpetual legal agreement with the State of Western Australia to implement an asset protection zone over Lot 512 (Reserve 94257) to enable BAL-29 or below to be achieved.
2. Acknowledge that the perpetual legal agreement will be a condition of the development approval and will need to be endorsed by the State of Western Australia prior to issuance of the building permit.

This course of action presents no financial or resource costs to the Shire, although the Shire is likely to play an active role in ensuring the firebreak remains compliant overtime.

At a planning level the owners planning consultant proposed a 9m firebreak, this would require a dwelling set back that is likely to be subject to further planning assessment as it would be non-compliant with the current standard practice.

These type of in perpetuity agreements pose a risk in that they often become messy to enforce and monitor and can become forgotten until such time as an incident occurs that requires liability to be applied.

It is unclear as to whether the landowner would accept the costs and conditions associated with this requirement or choose to cease development. Cessation would likely result in DevelopmentWA buying back the land on the premise that they sold difficult to develop land under the premise of developable.

Option 3 – Work with DevelopmentWA

In recognising the encumbrance on their ability to sell the subdivided lots Development WA have offered to implement the necessary firebreaks to reduce all lot BAL ratings, if the Shire maintains them moving forward.

As such Council may:

1. Direct the Chief Executive Officer to request DevelopmentWA to construct a firebreak on Lot 512 (Reserve 49257) and Lot 9000, subject to obtaining the necessary clearing permits from the Department of Water and Environmental Regulation and endeavouring, where plausible, to protect *Clerophyll Woodland; York gum (Eucalyptus loxophleba)*
2. Agree to manage the firebreak in perpetuity, including annual inspections and clearing of regrowth.

This course of action would result in the Shire facing ongoing maintenance costs associated with the firebreak. It is estimated that the spraying and break management costs would be manageable, although above previous year expenditure on this reserve.

DevelopmentWA would bear the costs associated with clearing permits, firebreak planning, and implementation.

There is a risk that larger than 3m firebreaks may be requested on other parcels of Crown or Shire land if this course of action sets a precedent, however by working with DevelopmentWA and linking the firebreak to the original subdivision and not an individual landowner will work to overcome this risk.

With this option Council would also need to determine what size firebreak it would be willing to permit and maintain.

In order to achieve BAL-29 in accordance with SPP 3.7, the firebreak shall be maintained to a width of 9m on Lot 512 (Reserve 49257) with the future dwelling setback 4m from the western lot boundary (Attachment 4). Alternatively, the firebreak could be maintained to a width of 13m which is the minimum separation distance required to achieve BAL-29.

Discussions with DevelopmentWA have indicated that their preference is for the firebreak to be increased to 15m in width to allow BAL-19 to be achieved through a 19m setback to the vegetation, further reducing construction costs for the landowners of Lot 10 (Attachment 5) and reducing the BAL rating of all other subdivided lots.

A standard 3m wide firebreak along the southern boundary of Lot 9000 is also recommended to ensure this issue is resolved holistically and does not prevent the sale of the remaining unsold lots.

If this option (3) is chosen by Council, it needs to be formally adopted in a written agreement between the Shire and Development WA. This is to ensure that if future development of the subdivision proceeds and there is any issues with achieving compliance with SPP 3.7, the Shire can demonstrate to DFES (if it triggers a referral) that a formal agreement is in place and the requirements within details are being complied with.

Option 4 – the Shire implement and manage the firebreak

The landowner's builder originally requested that the Shire install the necessary firebreak at the Shire's cost.

Whilst this may achieve a similar outcome as working with DevelopmentWA, it could be viewed as the Shire utilising its resources to the benefit of one property owner and may set a precedent that other requests to assist with achieving national construction code compliance may be supported if received from other landowners.

This type of historical non-compliance of land is quite specific and the Shire could argue that no precedence is set by this decision.

General Precedence

Whilst the landowner's builder appears to claim that this kind of process is common practice, investigation provides limited examples of similar decisions.

DFES advised of an occurrence where an aged care facility relied on a legally binding agreement with the owner of the land (WAPC) to manage neighbouring Crown land to allow developers to maintain the land to low threat status. This did not seem like an easy process.

The landowner's planning consultant suggested in an email to the Shire that the landowner could install and maintain the firebreak through an agreement if needed. On clarification this is what the planner had seen used at Northampton Shire.

It was also noted that Shire of Irwin have taken a stance that the BAL rating is as assessed, and the Shire will only implement firebreaks as legislated.

Something for the council to consider and worthy to note is that it is not general practice nor recommended to rely on a neighbouring property to clear land or increase separation in order to achieve compliance with SPP 3.7. Compliance should be achieved within the proponent's boundaries. An example of this would be: If the Shire was requested to issue a Section 33 Special Works Orders to a private property owner for them to, at their expense, undertake works above and beyond what is normally required within the Fire Break Notice in order for the neighbouring property to achieve an acceptable BAL to build.

Conclusion/Recommendation

Given the Shire played an active role in the original planning and delivery of the DevelopmentWA subdivision, it seems prudent that the Shire would look to maintain a positive working relationship with DevelopmentWA.

Option 3 proposes a partnership arrangement between the Shire and DevelopmentWA where one organisation implements the break and the other manages. This seems acceptable given neither party were aware of this issue at the time of the original subdivision, or it would likely have been designed/developed differently.

DevelopmentWA will be responsible for all costs associated with earthworks and clearing of vegetation. In addition, DevelopmentWA shall, to the degree possible, retain any York gums that are located within the firebreak to ensure the *Sclerophyll Woodland; York gum (Eucalyptus loxophleba)* community is retained at its current level.

the Shire will be required to maintain the firebreak in a low fuel state, in perpetuity. This is likely to involve an annual inspection and removal of any regrowth with the exception of York Gums. This could be undertaken by the Shire's Works Team or the local fire brigade as part of a routine fire mitigation works program.

If the Shire doesn't work with DevelopmentWA on this matter then it is unlikely Lot 10 would be developed as the delays, costs, and impost on the landowner would likely make it too cumbersome of a process. They may choose to purchase an alternate vacant lot in the Morawa townsite or elsewhere.

The Shire could try and implement the firebreak alone however, the clearing permit process generally runs better if another State government department is involved. As well as this the delivery of this firebreak would require unbudgeted expenditure.

If the Council accepts the recommendation to pursue option 3, it is suggested that the Shire allow DevelopmentWA to pursue their first-choice firebreak which is 15m. Should this not be permitted by DWER they may accept a smaller break. If a larger firebreak increases the chances of land been sold and developed then the 6m difference between a 9m and 15m break should be accepted.

A larger firebreak may encourage traffic flow, but it is suggested that some natural vegetation be maintained to reduce the chance of it been seen as a thoroughfare.

The recommendation does not directly relate to the owner of Lot 10 and given they wish to build in a bushfire prone area they may still require planning approval to cover any crossover or set back issues, alternatively this may be picked up through the building application process.

LEVEL OF SIGNIFICANCE

Medium significance – it is important that the firebreak does not result in the removal of any flora of environmental value while also reducing bushfire risk on established properties.

CONSULTATION

The Planning Consultants advice and recommendation is based on discussions and advice from the following agencies:

- Department of Planning, Lands and Heritage (DPLH)
- Department of Fire and Emergency Services (DFES)
- Department of Water and Environmental Regulation (DWER)
- DevelopmentWA

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Bush Fires Act 1954

Bush Fire Brigades Local Law 2018

Land Administration Act 1997

Land Administration Regulations 1998

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 3.7 Planning in Bushfire Prone Areas

FINANCIAL AND RESOURCES IMPLICATIONS

Costs to Council for managing the firebreak in perpetuity could be met by the annual operational budget or through the Mitigation Activity Fund (MAF) upon completion of the Shire's Bushfire Risk Management Plan.

RISK MANAGEMENT CONSIDERATIONS

The Council agreeing to the maintenance of firebreaks beyond the minimum 3m standard could set an unnecessary precedent. While it is acknowledged that this is a unique scenario, there is still risk that landowners could seek approval for similar arrangement through Council.

The firebreak could promote unauthorised access by vehicles and motorbikes across the Crown reserve. The risk of this occurring is low considering the firebreaks will not provide through access to the public road network.

The installation of the firebreak will reduce bushfire risk on the established residential lots. Without the firebreak, the lots will continue to be constrained by unacceptable bushfire risk which will deter prospective purchasers of the unsold lots.

CONCLUSION

Acknowledging that this circumstance is not ideal for any party involved, Council authorise DevelopmentWA to install the firebreak on Lot 512 (Reserve 49257) and Lot 9000 to enable future dwellings to achieve BAL-29 or below. The Council shall agree to maintain the firebreak in perpetuity.

ATTACHMENTS

- Attachment 1 – Site Overview*
- Attachment 2 – Subdivision Plan*
- Attachment 3 – Map of Bushfire Prone Areas*
- Attachment 4 – BAL-29 Firebreak Plan*
- Attachment 5 – BAL-19 Firebreak Plan*

11.1.3 Christmas Closure Period 2022-2023

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

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

OFFICER RECOMMENDATION

That Council

- 1. Note the proposed closure period for the 2022/2023 Christmas and New Year Period from 4pm on Friday 23 December 2022 to 8:30am Wednesday 4 January 2023.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to be advised of the proposed Christmas and New Year Closure Period.

DETAIL

Council Policy ADM06 – Closure of Certain Facilities – Christmas/New Year Period states that Council may receive a report from the CEO no later than the Ordinary Council Meeting in October each year advising of the details of the forthcoming Christmas and New Year closure period.

The CEO plans to close the Shire of Morawa Office, Library and Depot facility to the public from 4pm on Friday 23 December 2022 to 8:30am on Wednesday 4 January 2023.

With New Year's Day falling on a Sunday in 2023, the Public Holiday has been pushed to the Monday 2 January 2023, as such the second working day after New Year's Day is 4 January 2022.

The proposed opening and closing period is in line with Council Policy and in total the Shire will be closed for seven (7) weekdays of which three (3) are public holidays.

The CEO will ensure the necessary staff continue to be available or performing core functions throughout the period the facilities are closed.

LEVEL OF SIGNIFICANCE

Low – The CEO's course of action aligns with Council Policy and the Christmas/New Year closure is an annual occurrence.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Council Policy ADM06 – Closure of Certain Facilities – Christmas/New Year Period

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

The CEO will ensure the necessary staff are available in case of an emergency or serious maintenance issue arising.

CONCLUSION

The CEO is implementing Council Policy and advising of the planned closure of the Administration Offices, Libraries and Works Depot during the Christmas Period.

ATTACHMENTS

Nil

11.1.4 Review of 2022 Morawa Art Awards and Exhibition

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That Council:

- 3. Note the report and acknowledge Left of Centre Concepts and Events for their excellent management of the 2022 Morawa Art Awards and Exhibition**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to review the post event report for the 2022 Morawa Art Awards and Exhibition ("the Event").

DETAIL

After a four-year break due to a Covid interrupted 2020 event, the Morawa Art Show and Exhibition was set to return in August 2022.

At the 16 November 2021 Council meeting the CEO informed Council that Karara Mining Ltd. Had withdrawn their sponsorship for the event.

As such Council adopted:

That Council

- 1. Resolve to underwrite the 2022 Morawa Art show to cover the increased costs and loss of major sponsor up to a total expenditure of \$75,000.**
- 2. Direct the Chief Executive Officer to actively pursue funding/sponsorship opportunities that reduce the Shire's financial contribution to the event and contribute towards its ongoing sustainability.**

At this stage the budgeted event expenditure was \$70,000.

Given the significant nature of this event it has been deemed prudent to provide a post event report to Council for records and community awareness.

The 2022 Event was held at the Morawa Town Hall Friday 5th – Sunday 14th August 2022.

The exhibition featured 303 artworks (254 adult works and 49 children's works) from 179 West Australian artists. Prizes for the Art Awards totalled \$20,000.

407 people visited the exhibition during the 10 days it was open and 120 guests attended the opening awards on the evening of Friday 5 August 2022.

The main objectives of the 2022 Morawa Art Awards & Exhibition were to:

- ✓ Support the creative industries and foster local artistic talent in Morawa;
- ✓ Attract visitors to Morawa;
- ✓ Provide a diverse, inclusive and accessible cultural and artistic event for Morawa residents to attend and enjoy;
- ✓ encouraging interest in, raising awareness of, and fostering the development of local indigenous artists.

Given the significant number of entries and quality of work on display the main objectives have been assessed as being achieved.

The Shire was successful in obtaining co-funding by the State Government Royalties for Regions and Tourism WA through the Regional Event Scheme, to deliver the Event and two supporting workshops.

Two photography workshops and tours were held in conjunction with the Art Exhibition. The funding enabled the workshops to be free to attend. Tony Tropiano facilitated these workshops which included participants being driven by bus to wildflower hotspots across the Morawa region. The event was catered by the Morawa DHS P&C. 38 participants attended the workshops, the group included locals and those who travelled to Morawa specifically to attend the workshop.

Unfortunately, around 15 registered participants made late cancellations due to bad weather or unforeseen circumstances. The fact that the workshops were free to attend may have made people less committed to attend after registering.

Reports from participants indicate that they were impressed with the tour and the offerings of Morawa. The workshops worked well being held during the exhibition period as it enabled visitors the opportunity to view the artwork as well as attend the workshops.

An evening art workshop was held in Morawa on the Friday before the Art Exhibition opening (29 July 2022). The workshop was led by Loretta Egan with 14 participants enjoying a social evening and learning some new techniques for creating dot art. All participants enjoyed the evening each taking home their artwork. It was disappointing that of the 25 registrations received for the workshop only 14 attended. The fact that the workshop was free to attend may have meant that registered persons had less of a motivator to turn up or cancel their spots with the organizer.

Overall, both value-add workshops were well received, and the Shire should consider planning similar workshop type activities to support future Art Shows.

The Morawa Shire President, Deputy President, CEO, and Executive Managers met with the CEO and Senior Managers from Karara Mining Ltd. In May 2022. After discussing the matter of the Art Show the Karara Mining Ltd. CEO decided to re-commit their \$20,000 sponsorship. This sponsorship was gratefully received by the Shire and the Shire hopes this commitment will extend to the 2024 Art Show.

The Shire was also successful in receiving event sponsorship from Qube Logistics, Melissa Price MP, and Steve Martin MLC.

With the inclusion of the two workshops the event has come \$5,000 over the original \$70,000 budget in terms of actual costs, however if in kind contributions are included for volunteer time and Shire facilities, the overall event and workshop costs would be close to \$85,000.

With the Sponsorship, Grant Funding, Artwork Commission and ticket sales the Shire has received \$56,000 in income from the event – as such the Shire’s financial contribution was \$19,000 plus in-kind contributions.

This represents a positive outcome for the Shire with the November 2022 resolution committing the Shire to underwrite expenditure up to \$75,000 if no sponsorship was received.

Overall, \$31,525 worth of Artwork was sold throughout the exhibition, this represents a three-fold increase from 2018, and will provide a future incentive to enter for those who were able to sell artwork.

Moving Forward

A post event feedback survey was sent to entrants, event manager, and contractors involved in the event. Below is a summary of some of the suggested event improvement areas:

- Provide an earlier event, curation, and judging date to improve the notice given to award winners to encourage in person attendance for awards.
 - Alternatively, announce winners in a shorter ceremony
- Utilise lesser hall area pre-opening to avoid outside queuing
- Improve indexing of artwork – consider if catalogue needed if fully labelling artwork on plinths
- Improve Morawa Delivery process for hand delivered artwork
- Consider “Best Local” category to encourage more Morawa entrants
- Consider a mixed media category to better cater for otherwise uncategorised work
- Review eligibility for category award if chosen as Acquisitive Award to provide a more equal spread of prize money
- Review Indigenous categories and entry conditions/guidelines as to what meets criteria – Artwork or Artist etc.
- Increase Shire budget and staffing allocation for staffing opening, unpacking and packing, set up, and entry processing – utilised a significant number of volunteer hours

Overall

The Event attendees seemed to enjoy the Event and it showcased Morawa in a positive light. 98% of artists were satisfied with the prize amounts on offer and the simplicity of the entry process.

80% of artists indicated that they would consider entering the awards in 2024.

It is proposed that planning for the 2024 event begin in early 2023 with a review of categories etc. to ensure grant applications and sponsorship requests can be submitted early.

Finally, the CEO would like it on record that the Event Management provided by Emily Sutherland of Left of Centre Concepts and Events was of an excellent quality and she was always willing to

go above and beyond to ensure a positive outcome for the event. The desired outcome from outsourcing the event management was to ensure a low impact on the Shire's administrative operations, reduce disjointed processes by having a clear line of reporting, and ensuring the best possible outcome for the community. Left of Centre Concepts and Events definitely met all expectations and provided high quality to the Shire, which is greatly appreciated.

LEVEL OF SIGNIFICANCE

Low significance – this report is for information purposes.

CONSULTATION

Event Manager
Artists
Supporting contractors for the event
Attendees

LEGISLATION AND POLICY CONSIDERATIONS

N/A

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications associated with this report. The financial contribution associated with the Event was below budget expectations due to Karara re-engaging as a sponsor.

RISK MANAGEMENT CONSIDERATIONS

N/A

CONCLUSION

The Author request Council note the summary report and acknowledge the Event Management.

ATTACHMENTS

Nil

11.1.5 Adoption of the Arts and Culture Plan

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopt the Shire of Morawa Arts and Culture Plan (as attached)**
- 2. Acknowledge Element Advisory Pty Ltd. For their community engagement, document drafting and support with this plan.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to review changes made to the Arts and Culture Plan after the conclusion of the public comment period and adopt the Arts and Culture Plan 2022-2032 as presented.

DETAIL

Since January 2022 the Shire CEO has been undertaking community consultation, and strategic planning in partnership with Element Advisory Pty Ltd (element), to revise the Shire's Strategic Community Plan and supporting Strategic Plans being:

1. Shire of Morawa Tourism Plan
2. Shire of Morawa Arts and Culture Plan
3. Workforce Plan 2022 - 2032

Council adopted the Strategic Community Plan 2022-2032 at its Ordinary Council Meeting on the 18 August 2022.

The draft Arts and Culture Plan was developed with community and key stakeholder engagement with workshops held in March and April 2022, with element and the Shire receiving a variety of inputs that have informed the strategic goals and actions of the plan.

The development of the Shire's Arts and Culture Plan has been funded through the Department of Local Government Sport and Cultural Industries and the Department of Primary Industries and Regional Development under the leveraged creative and cultural planning grant.

The aims of the grant are to:

- support the creation of co-designed creative and cultural plans for regional local governments, groups of regional local governments or regional zones in WA

- ensure integration of creative and cultural plans with regional local government Strategic Community Plans
- increase support for the development of the arts, cultural infrastructure, heritage and creative industries in regional WA
- improve economic and jobs growth in regional communities
- support activities that encourage cultural tourism opportunities and the creative and cultural industries
- contribute to the vibrancy and social wellbeing of regional communities.

Under the funding parameters the Shire needs to adopt its plan by December 2022.

The administration believes that the draft plan meets the grant criteria, especially aligning arts and culture to the new strategic plan, tourism opportunities, and contributing to the vibrancy and social wellbeing of the community.

The Shire of Morawa Arts and Culture Plan analyses various stakeholder strategies, the current arts and culture profile of the Shire, the regional offerings available, and community and stakeholder engagement inputs to form a set of strategic goals and an action plan for the next 10 years.

The Shire of Morawa's proposed goals for Arts and Culture are:

1. Grow: capacity-building and development for the local arts and culture sector
2. Celebrate: increasing access to arts and cultural activity for the wider regional community
3. Attract: arts and cultural tourism and attracting visitors to the area

There are clear synergies between these goals and the draft Strategic Community Plan aspirations, as well as with the draft Tourism Plan (cross overs highlighted as part of the plan).

Most action areas require collaboration with others, but the plan is aimed at being achievable and relevant to the size and scope of Morawa.

The draft plan was released for public comment on 27 July 2022 with submissions closing 18 August 2022, although the Shire has accepted a few late submissions.

Feedback was received from:

- Mid-West Development Commission
- Tourism WA
- Department of Local Government Sport and Cultural Industries
- North Midland Project

In general, all feedback on the draft project was positive with contextual and minor wording changes suggested and applied. A few suggestions were made that aligned more with tourism or general community development, these were noted for other plans or future projects. Submission feedback notes are as per attachment 2.

Below is a summary of the changes made to the plan since the draft was adopted in July:

- Updated SCP alignment to reflect adopted wording
- Updated Comparative Local Offer to change incorrect infrastructure names, add additional infrastructure where missing (information received from North Midlands Project)

- Updated Funding/Partnerships section to add clarification that the partnerships are for further investigation (not confirmed), and to clarify that the DLGSC suggested partnership is through Culture and the Arts specifically
- Action Plan: removed DLGSC from potential partners on actions they indicated their funding would not support (documentary making, feasibility study, social impact measurement)
- Amended potential partners in documentary-making action to include all Morawa Sporting Clubs, rather than just football and cricket

LEVEL OF SIGNIFICANCE

Low significance – Appropriate supporting strategies will be key to the success of the Strategic Community Plan – but the Shire still has three (3) months to adopt the final Arts and Culture Plan under the funding model.

CONSULTATION

Plan based on engagement with:

Councillors

Shire Staff

MEEDAC

Morawa Visitor Centre and Museum Volunteers

Community members

Tourism WA

MWDC

North Midlands Project

DLGSCI

Yamatji Aboriginal Corporation

LEGISLATION AND POLICY CONSIDERATIONS

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

Section 5.56 Planning for the Future

(1) A local government is to plan for the future of the district

The council, community and administration each has a unique role and responsibilities for the development of effective and sustainable integrated plans for the local area, and reporting on the progress of those plans. Whilst only the Strategic Community Plan and Corporate Business Plan are legislated, the Department's Integrated Planning and Reporting guidelines place an expectation on local governments to develop various informing plans and strategies to inform their strategic direction and resource allocation.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications associated the adoption of the plan but the actions within the plan will have budget impacts in future years, this will be factored into the Shire's business plan if above current budgetary allocations.

RISK MANAGEMENT CONSIDERATIONS

The main risk is associated with adopting a plan that is unachievable and the reputational impacts. As such the administration and consultant have worked to keep the plan realistic and achievable for the size and resources of the Shire.

CONCLUSION

After an extensive consultation, analysis, and development period the administration recommends that Council adopt the Arts and Culture Plan as presented.

ATTACHMENTS

Attachment 1 – 11.1. Shire of Morawa Arts and Culture Plan

Attachment 2 – 11.1 Summary of submissions and notes from Arts and Culture Plan public comment period

11.1.6 Adoption of the Shire of Morawa Tourism Plan

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That Council:

- 1. Adopt the Shire of Morawa Tourism Plan (as attached)**
- 2. Acknowledge Element Advisory Pty Ltd. For their community engagement, document drafting and support with this plan.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

For Council to review changes made to the Tourism Plan after the conclusion of the public comment period and adopt Tourism Plan 2022-2032 as presented.

DETAIL

Since January 2022 the Shire CEO has been undertaking community consultation, and strategic planning in partnership with Element Advisory Pty Ltd (element), to revise the Shire's Strategic Community Plan and supporting Strategic Plans being:

1. Shire of Morawa Tourism Plan
2. Shire of Morawa Arts and Culture Plan
3. Workforce Plan 2022 - 2032

Council adopted the Strategic Community Plan 2022-2032 at its Ordinary Council Meeting on the 18 August 2022.

The draft Tourism Plan was developed with community and key stakeholder engagement with workshops held in March and April 2022, with element and the Shire receiving a variety of inputs that have informed the strategic goals and actions of the plan.

Tourism Plan

In December 2022 the Shire Council implemented a CEO KPI to develop a Tourism Plan for the Shire.

A thorough analysis of strategic plans, regional offerings, and community and stakeholder engagements inputs formed the basis of the strategic goals and action areas identified in the attached Tourism Plan.

The Shire of Morawa's proposed goals for Tourism are:

1. Leverage: Build upon the existing services and attractions in Morawa
2. Enrich: Enrich experiences culturally, seasonally, and recreationally
3. Support: Provide supporting infrastructure to maximise tourism, social and economic benefits.

There are clear synergies between these goals and the Strategic Community Plan aspirations, as well as with the Arts and Culture Plan (cross overs highlighted as part of the plan).

A lot of the action areas are enhancements to existing attractions, infrastructure, and services which fits well with the Shire's asset management and financial management principles which centre around doing more with what we have. The plan also emphasis that the Shire can't undertake all tasks alone and highlights the importance of partnership opportunities in achieving the goals of the plan.

The draft plan was released for public comment on 27 July 2022 with submissions closing 18 August 2022, although the Shire has accepted a few late submissions.

Feedback was received from:

- Mid-West Development Commission
- Australia's Golden Outback
- Tourism WA
- Department of Local Government Sport and Cultural Industries
- One Community Member

In general, all feedback on the draft project was positive with contextual and minor wording changes suggested and applied. Some suggested regional focus, prioritisation of items, and town planning scheme changes that haven't been included but will inform future planning. Public comment period feedback notes as per attachment 2.

Below is an overview of the changes made to the plan since July 2022:

- Updated SCP alignment to reflect adopted wording
- Action Plan timeframes changed to align with Arts and Culture Plan (0-2, 3-5, 6-9 years)
- Add summary of Australia's Golden Outback Strategic Plan 2021-2026 to strategic context section
- Update Tourism Profile with reference to most recent data from Tourism WA for the Mid-West Region
- Add note before the actions plans that funding and partnership is an opportunity only and not confirmed with the mentioned organisations.
- Remove Activating Alfresco grant from DLGSC as it has now closed.
- Update trails app to reference Trails WA not DBCA
- Add Trails WA to partnership for the Aboriginal Tours action.
- Add annual networking with neighbouring Wildflower Country LGAs
- Add new action: upgrade area around the dump point and add informational signage
- Add google maps to improving mapping information action.

LEVEL OF SIGNIFICANCE

Low significance – Appropriate supporting strategies will be key to the success of the Strategic Community Plan – but the Shire no set timeframe to adopt the Tourism Plan and as such a decision to adopt or not to adopt is of low significance at this time.

CONSULTATION

Plan based on engagement with:

Councillors

Shire Staff

MEEDAC

Morawa Visitor Centre and Museum Volunteers

Community members

Tourism WA

MWDC

North Midlands Project

DLGSCI

Yamatji Aboriginal Corporation

Australia's Golden Outback

LEGISLATION AND POLICY CONSIDERATIONS

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

Section 5.56 Planning for the Future

(2) A local government is to plan for the future of the district

The council, community and administration each has a unique role and responsibilities for the development of effective and sustainable integrated plans for the local area, and reporting on the progress of those plans. Whilst only the Strategic Community Plan and Corporate Business Plan are legislated, the Department's Integrated Planning and Reporting guidelines place an expectation on local governments to develop various informing plans and strategies to inform their strategic direction and resource allocation.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications associated the adoption of the plan but the actions within the plan will have budget impacts in future years, this will be factored into the Shire's business plan if above current budgetary allocations.

RISK MANAGEMENT CONSIDERATIONS

The main risk is associated with adopting a plan that is unachievable and the reputational impacts. As such the administration and consultant have worked to keep the plan realistic and achievable for the size and resources of the Shire.

CONCLUSION

After an extensive consultation, analysis, and development period the administration recommends that Council adopt the Tourism Plan as presented.

ATTACHMENTS

Attachment 1 – 11.1 Shire of Morawa Tourism Plan

Attachment 2 – 11.1 Summary of submissions and notes from Tourism Plan public comment period

11.2 Executive Manager Corporate & Community Services

11.2.1 Statement of Financial Activity – August 2022

Author: Corporate & Community Services Officer

Authorising Officer: Executive Manager Corporate & Community Services

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

OFFICER'S RECOMMENDATION

That Council receive;

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

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

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

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

DETAIL

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

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,
- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual
- Net current assets
- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

As part of the monthly report a bank reconciliation report will be completed and included as **Attachment 2**. The summary of the report for 31 August is as follows:

Account	Balance
Municipal Account	1,448,008.52
Municipal Online Account	1,028,521.05
Trust Account	7,165.83
Reserve Account	4,030,131.67
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$8,613,827.07

Pursuant to Section 5.42 of the *Local Government Act 1995*, Council has resolved to delegate to the Chief Executive Officer the authority to make payments from the municipal and trust funds.

As a result of this delegation there is a requirement under the *Local Government (Financial Management) Regulations 1996* – Reg 13(3) for a list of payments to be prepared and presented to Council.

The list of accounts paid for the period 1 August 2022 to 31 August 2022 is presented as an attachment to this report (**Attachment 3**) and is summarised in the table below.

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	260,721.47
Municipal	Cheques No: 12034	250.00
Municipal	Direct Debit Transactions	37,847.54
Municipal	Bank Transfers / Payroll / Other Payments	125,337.63
Municipal	Corporate Credit Cards	3,468.25
Trust	Electronic Funds Transfers (EFT)	0.00
	TOTAL	\$427,624.89

Reimbursement Applications

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

LEVEL OF SIGNIFICANCE

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

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

OFFICER'S COMMENTS

The bank reconciliation report shows an increase to the Trust account balance due to receipts for Construction Training Fund and Building service Levy fees generated when building permits are processed. The Reserve account has seen an increase in holdings due to higher interest rates. The Payment list shows a significant decrease in expenditure compared to the last month and with rates being issued, the shire has seen an increase in the municipal account balances.

LEGISLATION AND POLICY CONSIDERATIONS

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

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

Role of council

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

Local Government (Financial Management) Regulations 1996

Regulations 34(1)

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

Regulation 13

- (1) If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month.

- (3) A list prepared under sub regulation (1) or (2) is to be –
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

FINANCIAL AND RESOURCES IMPLICATIONS

As presented.

RISK MANAGEMENT CONSIDERATIONS

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

CONCLUSION

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

ATTACHMENTS

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

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

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

11.2.2 Modification to Morawa Swimming Pool Opening Times 2022-2023 Season

Author: Executive Manager Corporate & Community Services

Authorising Officer: Chief Executive Officer

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

OFFICER RECOMMENDATION

That Council

- 2. Adopt Option 2 of the recommended opening hours for the Morawa Swimming Pool and**
- 3. Direct the Chief Executive Officer to amend the opening hours of the Morawa Swimming Pool for the 2022-2023 Season on all advertising and signage.**

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this report is for Council to review and consider amending the opening times of the Morawa Swimming Pool.

DETAIL

The Council Policy (RTED09) Morawa Swimming Pool provides that the Morawa Swimming Pool will open on the third Saturday of October each year and close at the end of the first term (April) school holidays.

A report was tabled and adopted by Council on the 19 August 2021 requesting that the opening hours at the pool during the 2021-2022 season be altered due to the incumbent Pool Manager taking extended leave and the position being filled by 2 newly qualified Co-managers. Subsequently, the opening hours were modified to 12pm to 7pm Tuesday to Sunday. This resulted in the pool opening period being forty-two (42) hours a week spread across six days a week during the season. This meant the managers worked between forty-two (42) and fifty-seven (57) hours per week ensuring that the facility was clean, pool water testing and other tasks required were carried out outside the public attendance times.

Prior to 2021-2022 the Morawa Swimming Pool was open varied hours across six days a week during the open season.

Monday	Closed		
Tuesday to Friday	6am – 8am	10am – 12pm	2pm – 7pm
Saturday and Sunday	12pm – 7pm		

This resulted in a public opening period of fifty (50) hours a week across six (6) days during the open season and meant the manager worked between fifty (50) and sixty-five (65) hours per week.

This is comparatively high across our region and presented an officer fatigue risk and resulted in a number of statistical instances where a staff member was manning the pool for less than 5 people.

In terms of the fragmentation of opening times, the usage statistics from the last 3 years prior to 2021-2022, suggested that over twice as many people attended the pool on weekday afternoons than in the morning, and half as many again attended on the weekend. In general, the data for each time slot shows:

Opening Time Slot	3 Year Average Attendance
6am to 8am	4 - 5 patrons
10am to 12pm	9 patrons
2pm to 7pm	38 – 39 patrons
12pm to 7pm (weekends)	51 patrons

The statistics for 2021-2022 whilst not as accurate as previous years suggests low pool usage on weekdays from 12-3 and much higher weekend usage.

Community feedback during 2021-2022 regularly requested an early morning time slot for lap swimming, and no comments were received around the 10-12 time slot being removed.

With the employment of a new Pool Manager imminent, management concerns still exist regarding the very long hours that the previous Pool Manager did particularly with officer fatigue impacting their effectiveness as a lifeguard working which could potentially have fatal consequences.

Taking the 2021-2022 feedback and fatigue management into account the following tables are suggested opening hours for Council to review and determine the most appropriate for the community and the wellbeing of pool staff for the 2022-2023 season.

There may be changes to the adopted hours regarding Public Holidays or other events that are once off events or offer better facility utilisations and will be approved by the CEO.

Option 1

	Morning	Afternoon	Weekly Open Hours
Monday	Closed		
Tuesday		1pm – 7pm	6
Wednesday – Friday	6am – 8am	1pm – 7pm	24
Saturday and Sunday		12pm – 7pm	14
Total Opening Hours			44

Option 2 - Recommended

	Morning	Afternoon	Weekly Open Hours
Monday	Closed		
Tuesday		2pm – 7pm	5
Wednesday – Friday	6am – 8am	2pm – 7pm	21
Saturday and Sunday	10am	7pm	18
Total Opening Hours			44

Option 3

	Morning	Afternoon	Weekly Open Hours
Monday	Closed		
Tuesday - Sunday		12pm – 7pm	42
Total Opening Hours			42

The Shire is recommending that Council adopt Option 2 as this option caters to the early morning swimmers, covers the peak times of use as per data collected being weekday afternoons/evening and weekends, and allows for the pool opening longer on the weekends so that families can spend some quality time at the facility before it becomes too hot for the very young and elderly. Option 2 has increased the opening times by two (2) hours per week from the opening hours for 2021-2022 and a decrease of six (6) hours from the opening times prior to 2021-2022.

It is also proposed that the CEO and Pool Manager exercise discretion as to when the early morning swim period begins. Given water temperatures and lower usual pool usage, it is likely to be unnecessary to implement early swimming until Late November/Early December – and in general the lap swimmers seemed to fair well with evening swimming until school holidays commenced. The CEO will also look to offer longer opening hours during school holidays if community demand exists potentially mid Jan to Feb.

We need to bear in mind that the Pool Managers working hours are not only when the pool is open to the public, there are various tasks that they must carry out before and after the pool closes for the day. It is estimated that these hours will be around ten (10) hours per week.

It is hoped that the reduced hours from sixty-five (65) hours per week to fifty-four (54) hours, will assist the Shire in attracting and retaining the right person for the pool manager role and ensure that fatigue doesn't set in and hinder their efficiency, capabilities, and the safety of patrons. The Shire is committed to keeping the pool affordable for the community and it seems unwise to maintain time slots that aren't successful. Should these new hours be well received we intend to implement them for future years.

LEVEL OF SIGNIFICANCE

Medium – the Morawa Swimming Pool is one of the Shire's key community assets and provides an invaluable service to the community.

CONSULTATION

Pool Managers
 Chief Executive Officer
 Community members during 2021-2022 season

LEGISLATION AND POLICY CONSIDERATIONS

Nil

FINANCIAL AND RESOURCES IMPLICATIONS

Reducing the hours that the Pool Manager will be at work will reduce the overall salaries paid as it is expected that all annual leave will be utilised during the off season and not be accruing year after year causing liability risks at audit.

RISK MANAGEMENT CONSIDERATIONS

Employee wellbeing and patron health and safety risks have been considered and the proposed course of action aims to address some concerns relating employee fatigue. With the extra set up and maintenance hours we are restricting shifts to under 10 hours and the extended Tuesday morning break after the Monday off will improve rejuvenation efforts.

CONCLUSION

That Council agree to modify the opening hours of the Morawa Swimming Pool for the 2022-2023 Season by adopting the recommended Option 2 and direct the Chief Executive Officer to amend the opening hours on all advertising and signage.

ATTACHMENTS

Nil

11.3 Executive Manager Works & Assets

11.3.1 Request from Main Roads Western Australia to assess the suitability of sections of Morawa – Yalgoo Road, Munckton Road, Fallon Road and Koolanooka Springs Road to modify the Restricted Access Vehicle Network (RAV) rating

Author: Executive Manager Works and Assets

Authorising Officer: Chief Executive Officer

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

OFFICER'S RECOMMENDATION

That with respect to the Road Owner Support request from Main Roads Western Australia (Heavy Vehicle Section) to assess the suitability of sections of Morawa – Yalgoo Road, Munckton Road, Fallon Road and Koolanooka Springs Roads for modification to the Restricted Access Vehicle Network (RAV) rating, Council:

1. Note the RAV assessment checklist (Attachment 3);
2. Does not support
 - a. Munckton Road from Morawa-Yalgoo Rd SLK 0.00 to Fallon Rd SLK 14.26 being classified as a conditional “Type A” Low Volume RAV 7.3 road.
 - b. Fallon Road from Koolanooka Spring Road SLK 8.12 to Munckton Road SLK 10.96 to be classed as conditional “Type A” Low Volume RAV 7.3 road.
 - c. Koolanooka Spring Road from Fallon Road SLK 0.00 to End of Road SLK 9.46 to be classed as a conditional “Type A” Low Volume RAV 7.3 road.
 - d. Due to all of the above roads having geometry issues, road surface concerns, and public safety issues as they are not designed to accommodate vehicles of the requested length and weight.
3. Authorise the CEO to notify the applicant that:
 - a. They are welcome to commission a suitably qualified person to undertake a route assessment in accordance with the *Standard Restricted Access Vehicle Route Assessment Guidelines* (Attachment 4)
 - b. Karara Mining Ltd are responsible for the costs associated with the maintenance and upgrade of the requested route as per their agreement with the Shire

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Freo Group, through Main Roads Heavy Vehicle Services, are seeking to modify the access approval on the following roads: Morawa-Yalgoo Road, Munckton Road, Fallon Road, Koolanooka Springs Road and Mungada Road **Attachment 1**, to allow Class 3 vehicles with AMMS Level 3 Mass.

Under Main Roads Western Australia (WA) RAV networks conditions, there is a need to seek approval by users to travel on roads controlled by the Shire of Morawa.

Council is requested to consider the request by Main Roads WA for an assessment of the roads to determine if suitable to modify the Restricted Access Vehicle Network (RAV).

DETAIL

Heavy Vehicle Services (HVS) has received an application to add the following section of roads onto the Restricted Access Vehicle (RAV) Network:

Dimension Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Network	Requested Network
5110006	Munckton Rd	Morawa - Yalgoo Rd (0.00)	Fallon Rd (14.26)	Tandem Drive Network 4	Tandem Drive Network 7
5110014	Fallon Rd	Munckton Rd (10.97)	Koolanooka Spring Rd (8.12)	Tandem Drive Network 4	Tandem Drive Network 7
5110051	Koolanooka Spring Rd	Fallon Rd (0.00)	Mungada Rd (7.55)	Tandem Drive Network 4	Tandem Drive Network 7
5110137	Mungada Rd	Koolanooka Spring Rd (0.00)	Lochada Rd (12.74)	Tandem Drive Network 4	Tandem Drive Network 7
Mass Requirements					
Road No.	Road Name	From Location (SLK)	To Location (SLK)	Current Mass Level	Requested Mass Level
5110006	Munckton Rd	Morawa - Yalgoo Rd (0.00)	Fallon Rd (14.26)	Level 3	No change
5110014	Fallon Rd	Munckton Rd (10.97)	Koolanooka Spring Rd (8.12)	Level 1	Level 3

5110051	Koolanooka Spring Rd	Fallon Rd (0.00)	Mungada Rd (7.55)	Level 1	Level 3
5110137	Mungada Rd	Koolanooka Spring Rd (0.00)	Lochada Rd (12.74)	Level 1	Level 3

The proposed route has been designated conditional RAV 4.1, requiring Council consent to operate heavy vehicle combinations on the section of road.

HVS has requested that the Shire provide any comments relating to road condition, planning conflicts, development issues etc. that may be impacted by adding the above road(s) the RAV 7 network.

The Prime Mover Trailer Combinations - Vehicle Categories as defined by MRWA and which indicates the difference between RAV 4 and RAV 7 vehicle categories is included as **Attachment 2**, and listed below (refer **image 1**: current approved vehicle and **image 2**: proposed vehicle (category 7B))


Category 4 RAVs						
Cat.	Vehicle Description	Length	AMMS Level	Max. Gross Mass	Max. Modified Mass	Approved Network
4A	A-Double (Prime Mover, Semi Trailer & Dog Trailer) 	≤27.5 m	Level 1	93.5 t	5 t	N4.1
			Level 2	96.5 t	8 t	N4.2
			Level 3	100 t	12 t	N4.3

Image 1

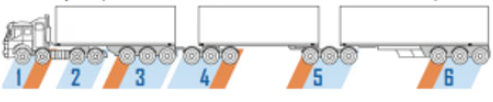

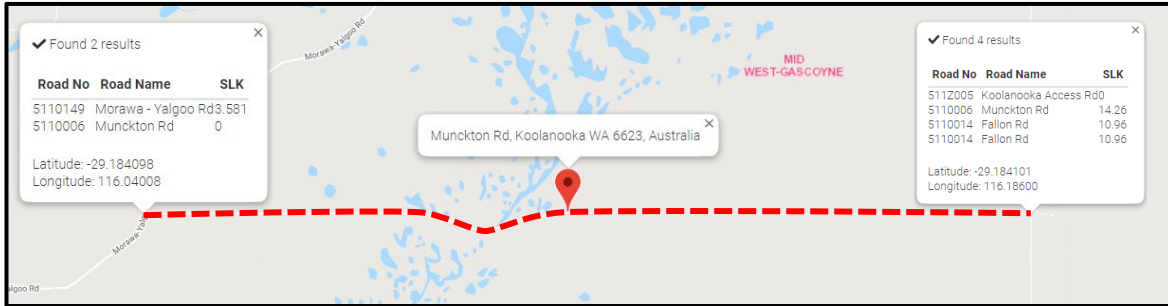
Category 7 RAVs						
Cat.	Vehicle Description	Length	AMMS Level	Max. Gross Mass	Max. Modified Mass	Approved Network
7A	AB-Triple (Prime Mover, Semi Trailer & B-double) 	>27.5 m ≤36.5 m	Level 1	115 t	7 t	N7.1
			Level 2	119 t	11 t	N7.2
			Level 3	123.5 t	15 t	N7.3
7B	BA-Triple (B-double & Dog Trailer) 	>27.5 m ≤36.5 m	Level 1	115 t	7 t	N7.1
			Level 2	119 t	11 t	N7.2
			Level 3	123.5 t	15 t	N7.3

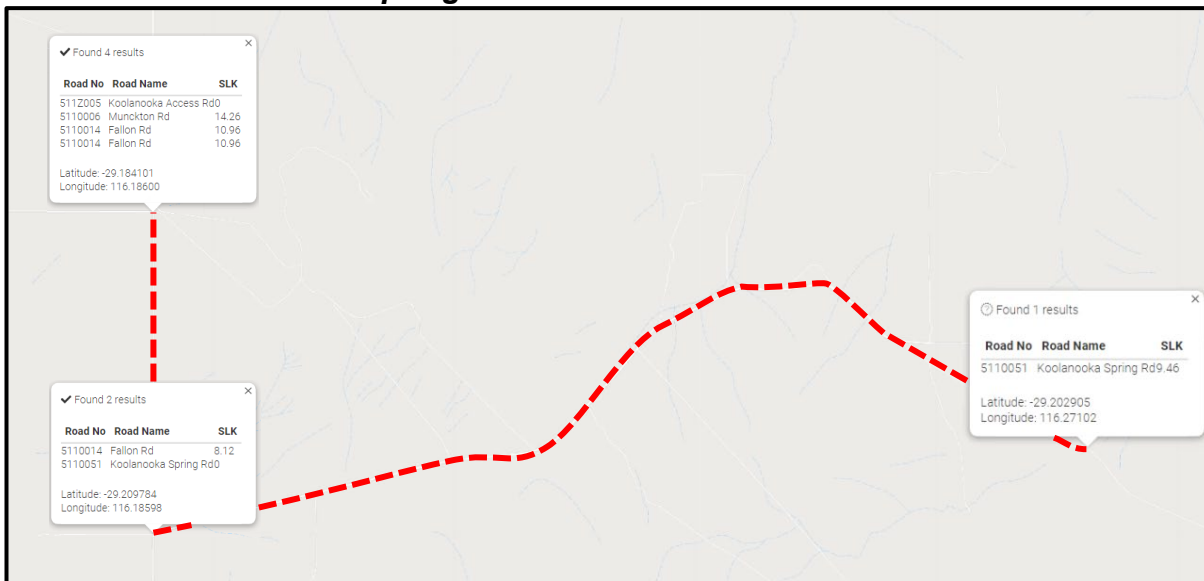
Image 2

The RAV assessment undertaken by the Shire seeks to identify any significant deficiencies that may render the road(s) unsuitable for RAV 7 access is included as **Attachment 3**.

Munckton Road: Morawa-Yalgoo Rd SLK 0.00 to Fallon Rd SLK 14.26



Fallon Road: Koolanooka Spring Rd SKL 8.12 to Munckton Rd SLK 10.96 and Koolanooka Spring Rd: Fallon Rd SLK 0.00 to End of Road SLK 9.46



The application from Freo Group includes the existing route identified in the Road Upgrade Agreement – Shire of Morawa – Karara Mining Limited (KML) executed 1 December 2010.

Specifically, this agreement touches on factors linked to this request:

1. Karara Mining Ltd. Agreed to cover the costs associated with upgrade of Fallon, Koolanooka Springs, and Mungada Roads (SLKs relating to access to their site) to accommodate 36.5m road trains with an 8m wide sealed road
 - a. This upgrade has not occurred and as such these roads remain unsuitable for 36.5m vehicles (RAV 7)
2. Schedule 5 states that the Morawa Yalgoo Road from Wubin-Mullewa to Munckton, and Munckton from Morawa Yalgood Rd to Fallon Road would become the responsibility of Karara Mining Limited to maintain and reseal once Sinosteel Midwest Corp cease operations (which has occurred).

Given these conditions and this agreement already exists then it seems logical that the emphasis would fall on Karara Mining Limited to complete upgrade and renewal works to meet the needs of contractors servicing their site.

The Shire would remain open to the RAV rating changing once the entire road is upgraded in accordance with the Road Upgrade Agreement to accommodate RAV 7 vehicles and concessional loading, if required.

It should be noted that Main Roads Heavy Vehicle Services can still approve the request without Shire support, but this very rarely occurs especially if safety concerns are raised.

LEVEL OF SIGNIFICANCE

Low significance – response required to be provided back to HVS before the end of September 2022.

CONSULTATION

Chief Executive Officer

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Road Traffic Act 1972

Road Traffic (Vehicles) Act 2012

Road Traffic (Vehicle Standards) Regulations 2002

Main Roads Act 1930

FINANCIAL AND RESOURCES IMPLICATIONS

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

RISK MANAGEMENT CONSIDERATIONS

Medium. Primary risks relate to road user safety and increased road maintenance costs.

CONCLUSION

The RAV assessment checklist, completed by Shire Officers identifies significant deficiencies which deem the route unsuitable for RAV 7.3 access.

This report recommends that Council consider recommending to HVS that the route (as defined above) not be added to the RAV 7 network due to significant safety concerns and on-going maintenance commitments.

Additionally, this report recommends that the mine (KML) and contractor would need to work alleviate road concerns prior to any RAV rating change being considered further.

ATTACHMENTS

Attachment 1 – 11.3.1 Main Roads Heavy Vehicle Services (HVS) Application

Attachment 2 – 11.3.1 Operating Conditions – Accredited Mass Management Scheme (AMMS)

Attachment 3 – 11.3.1 Shire of Morawa Road Assessments

Attachment 4 – 11.3.1 Restricted Access Vehicle Route Assessment Guidelines

Item 12 Reports of Committees

Item 13 Motions of Which Previous Notice Has Been Given

Item 14 New Business of an Urgent Nature

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

Item 16 Closure

16.1 Date of Next Meeting

The next ordinary meeting of Council will be held on Thursday, 20 October 2022 commencing at 5.30pm.

16.2 Closure

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