



Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting

MINUTES

Thursday 18th May 2023



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Perenjori will be held on Thursday 18th May 2023 in the Shire of Perenjori Council Chamber, Perenjori WA 6620, commencing at 3:00 pm.

Paul Anderson

CHIEF EXECUTIVE OFFICER

Date: 11th May 2023

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Council Roles

Advocacy:

When Council advocates on its own behalf or on behalf of its community to another level of government /body /agency.

Executive/Strategic:

The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Legislative:

Includes adopting local laws, town planning schemes and policies.

Review

When Council reviews decisions made by Officers.

Quasi-Judicial:

When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Disclaimer

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

Shire of Perenjori

Minutes for the Shire of Perenjori Ordinary Meeting of Council held on Thursday 18th May 2023, at the Shire of Perenjori Council Chambers, Perenjori WA 6620, which commenced at 3:00 pm.

1. Declaration of Opening/Announcement of Visitors:

The Shire's Deputy President declared the meeting open at 3.00pm and welcomed those in attendance.

Acknowledgement of Traditional Custodians: -

As per the Shire of Perenjori Policy (N° 1021) we wish to acknowledge the traditional owners of the land upon which the Shire of Perenjori is situated and to demonstrate respect for the original custodians.

I respectfully acknowledge the past and present traditional owners of the land on which we are meeting, the Badymia people. It is a privilege to be standing on Badymia country.

2. Opening Prayer:

The Shire's Deputy President read the opening prayer.

Acknowledgment of Pioneers;

I acknowledge the pioneers who settled this country, developed the land and turned it into the productive country we know today.

3. Disclaimer Reading:

As printed.

Members:

4. Record of Attendance/Apologies/Leave of Absence:

4.1 Attendance:

Cr Jude Sutherland (Deputy President)

Cr Dael Sparkman
Cr Andrew Fraser
Cr Les Hepworth
Cr Daniel Bradford

Staff:

Paul Anderson - Chief Executive Officer

Neville Binning - Manager of Infrastructure Services

Nola Comerford – Manager of Corporate and Community Services

Elinor Pitts – Executive Assistant

Distinguished Visitors:

Nil

Members of The Public:

Nil

Leave of Absence:

Nil

Apologies:

Cr Colin Bryant

Cr Christopher King (Shire President)

5. Public Question Time:

5.1 Response to Questions Taken on Notice:

Nil

5.2 Questions Without Notice:

Nil

7. Confirmation of Minutes of Previous Meetings:

7.1 Ordinary Council Meeting Held on 20 April 2023

Council Resolution Number: 180523.1

Moved: Cr Bradford

Seconded: Cr Hepworth

That the Minutes of the Ordinary Meeting of Council held on 20th April 2023, be confirmed as true and correct subject to no corrections.

Motion put and carried 5/0

8. Announcements by Presiding Member Without Discussion:

Nil

9. Petitions/Deputations/Presentations:

Nil

10. Announcements of Matters for Which Meeting May Be Closed:

Matters Behind Closed Doors

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

A matter that if disclosed, would reveal -

Information that has a commercial value to a person; or

Information about the business, professional, commercial or financial affairs of a person.

11. Declaration of Interest:

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

Cr Hepworth declared an impartiality interest in agenda item 13.1, pursuant to Sections 5.60B of the Local Government Act 1995, due to his Mother in Law living in 40A Russell Street.

Cr Sparkman declared a financial interest in agenda item 13.1, pursuant to Sections 5.60B of the Local Government Act 1995, due to currently renting a shire residence.

12. Finance:

12.1 MONTHLY FINANCIAL REPORT - APRIL 2023

Applicant: Shire of Perenjori

File: ADM 0082

Date: 9 May 2023

Disclosure of Interest: Nil

Voting Requirements: Simple Majority

Author: Glenn Nordsvan, Accwest Pty Ltd

Responsible Officer: Paul Anderson – Chief Executive Officer

Attachments: 12.1 – Monthly Statement of Financial Activity for April 2023

Summary

This item recommends that Council receives the Financial Activity Statements for the period ending 30 April 2023.

Background

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare a Monthly Statement of Financial Activity.

Recent changes to the Regulations require a focus on reporting and variance analysis by nature and type rather than by program. The Shire's reports have historically been prepared by both nature and type and program with the variance analysis done by program. All reports for 2022-23 to date have been prepared by both nature and type and program, but with the variance analysis being done by nature and type compliance with the revised Regulations.

Statutory Environment

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare a Monthly Statement of Financial Activity.

Policy Implications

Nil

Financial Implications

Shown in the attached data.

Strategic Community Plan

Area 5: Investing in Councils Leadership.

Goal: Strengthen the Shire's position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

Consultation

Nil

Officer Comment

This covering report includes the budget amendments previously approved by the Council.

The opening surplus for the year after the finalisation of the 2021-22 financial statements is \$4,677,000 and is closely aligned to the originally approved budget of \$4,640,000. As previously advised, this surplus is notionally deceiving as the State Government transferred 75% of its 2022-23 financial assistance grants (totalling \$2.125m) to the Shire in April 2022.

The 2022-23 general rates were raised and the income recognised in August. The impact of discounts on this revenue have now been realised, with savings taken up being \$21,000 more than budget and offset by unbudgeted ex-gratia rates of \$25,000.

Operating revenue YTD is \$5,123,000, better than budget by \$389,000. Key variances between the YTD budget and actuals are:

- Rates are higher by \$7,000 with discounts now taken up, unbudgeted interim rates, back rates and exgratia rates received.
- Operating grants are down by \$74,000 after being adjusted for the change in financial assistance grants.
 This is timing and relates to the Mount Gibson Mining grant instalment of \$100,000 budgeted to be received in February but is yet to be invoiced.
- Fees and charges are better than budget by \$90,000 with housing revenue, planning fees and standpipe charges being the main contributors.
- Other revenue is better than budget by \$257,000 mostly as a result the final Cyclone Seroja insurance claim of \$212,000 being received, with unbudgeted workers compensation revenue mostly offsetting recoveries yet to be invoiced.

Expenditure is \$8,250,000, worse than budget by \$445,000. Variances are both permanent and timing, and include:

- Underspends in general purpose funding (\$31,000), law, order and public safety (\$93,000), education and welfare (\$85,000) and community amenities (\$100,000) partially
- cover overspends in other program areas.
- Depreciation is worse than budget by \$60,000 after the upward revaluation of building and other infrastructure assets was competed post the budget.
- The overspend in housing is impacted by the costs associated with the post cyclone Seroja repair works being undertaken to which an insurance claim is applicable.
- The largest overspend is in Recreation and Culture (\$383,000), and is mostly the result of the repainting of the Tourist Centre, outdoor facility maintenance and depreciation.

Non-operating grants are worse than budget by \$126,000. This variance is timing and relates to the budgeted RRG instalments 2 and 3 not yet being received. Additional unbudgeted grants of \$144,000 have been received.

Capital expenditure YTD is \$3,002,000 with the revised year budget being \$5,483,000, the YTD spend being 46% of the year budget. The Capital Report identifies each project budgeted and the spend against each project.

Unrestricted and restricted cash balances are still satisfactory (currently \$5,752,000) with rate revenues now mostly received. The final round of financial assistance grants for 2022-23 are due in May.

OFFICER RECOMMENDATION

Council Resolution Number: 180523.2

Moved: Cr Bradford Seconded: Cr Fraser

That the Monthly Financial Report to 30 April 2023 as attached by received.

Motion put and carried 5/0

SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 APRIL 2023 12.2

Applicant: Shire of Perenjori

ADM 0082 File:

04/04/2023 Report Date:

Disclosure of Interest: Nil

Simple Majority **Voting Requirements:** Gypsie Douglas - Finance Officer Author:

Nola Comerford - Manager Corporate Community Services

Responsible Officer: 12.2 (a) - Accounts for Payment April 2023

Attachments: 12.2 (b) - Corporate Credit Card Breakdown and Statement

Summary

Council is presented the list of payments made from the Municipal, Trust and Reserve Accounts under delegation since the last Ordinary Council Meeting.

Background

Council delegates authority to the Chief Executive Officer annually:

To make payments from Trust, Reserve and Municipal Fund;

To purchase goods and services to a value of not more than \$200,000.

Legal Compliance

Local Government Act 1995

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

- Payments, procedures for making etc. R11.
- Payments from municipal fund or trust fund, restrictions on making R12.
- A payment may only be made from the municipal fund or the trust fund (1)
 - if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - otherwise, if the payment is authorised in advance by a resolution of the council. (b)
- The council must not authorise a payment from those funds until a list prepared under (2)regulation 13(2) containing details of the accounts to be paid has been presented to the council.
- Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. S13.
- If the local government has delegated 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 showing for each account paid since the last such list was prepared
 - the payee's name; and (a)
 - (b) the amount of the payment; and
 - the date of the payment; and (c)
 - sufficient information to identify the transaction. (d)
- A list of accounts for approval to be paid is to be prepared each month showing (2)
 - for each account which requires council authorisation in that month (a)
 - the payee's name; and (i)
 - the amount of the payment; and (ii)
 - sufficient information to identify the transaction; and (iii)

- (b) the date of the meeting of the council to which the list is to be presented.
- (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.

Policy Implications

Nil

Council Policy Compliance

Payments are checked to ensure compliance with Council's Purchasing Policy Number 4007 – Procurement Policy.

Financial Implications

All payments are made in accordance with the adopted annual budget.

Strategic Community Plan

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative, independent local government proving excellence in all areas of governance, management and leadership.

Consultation

Paul Anderson - Chief Executive Officer

Gypsie Douglas - Finance Officer

Officer Comment

Accounts paid for the month ending 30th April 2023

Municipal Account	
EFT	\$567,113.57
Direct Debits	\$81,957.36
Cheques	\$0.00
Corporate MasterCard	\$1,703.39
Bank Fees	\$345.02
Total	\$651,119.34

Trust Account – Mt Gibson Public Benefit Funds					
EFT – Transfer to another account (Close Term Deposit)	\$0.00				
Cheques	\$0.00				
Bank Fees	\$0.00				
Total	\$0.00				

Totalling \$651,119.34 from Municipal and Trust Accounts for the month ending 30th April 2023.

OFFICER RECOMMENDATION

Council Resolution Number: 180523.3

Moved: Cr Hepworth

Seconded: Cr Sparkman

That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$651,119.34 (six hundred and fifty-one thousand, one hundred and nineteen dollars and thirty four cents) be accepted.

Motion put and carried 5/0

12.3 RECALCITRANT RATES DEBTOR REPORT

Applicant: Shire of Perenjori

File: ADM 0033

Report Date: 04/05/2023

Disclosure of Interest: Nil

Voting Requirements: Simple Majority

Author: Domenica Curtin – Rates Officer

Responsible Officer: Nola Comerford – Manager Corporate Community Services

Attachments: 12.3 – Recalcitrant Rates Debtors as at 2023-04-30.pdf

Summary

This quarters Recalcitrant Rates Debtors report details:

- Non-pensioner assessments
- Not paying on an arrangement
- Not paying by instalments
- With a previous year's balance
- With a total amount outstanding of more than \$100.

Background

It is best practice for Councils to have less than 4% of the rates levied outstanding at the end of the financial year. By monitoring overdue rate assessments this target can be achieved.

Statutory Environment

It is an offence for Council not to recover outstanding rates and charges.

Local Government Act 1995.

6.57. Non-compliance with procedure in Act not to prevent recovery of rate or service charge

In proceedings by or on behalf of a local government for the recovery of an amount due in respect of a rate or service charge, failure by the local government to comply in respect of the rate or service charge with the provisions of this Act, is not a defence, if it appears that it had the power to impose, and did in fact assent to the imposition of, the rate or service charge.

Policy Implications

Nil

Financial Implications

There is a high risk that the debt on the following assessments will be unrecoverable.

Assess	Ratepayer	Total	Comments
A534	LANGER, C	914.07	
A15005	TAYLOR, MRJ	6,509.68	Bankrupt estate.
A15006	TAYSIL PTY LTD	22,931.99	Deregistered company.
		30,355.74	

Strategic Community Plan

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative, independent local government proving excellence in all areas of governance, management and leadership.

Consultation

Domenica Curtin - Rates Officer

Nola Comerford - Manager of Corporate and Community Services

Bree Martin – Rates Management Specialist – AMPAC Rates Management

The above officers have had ongoing consultation as to the process and how best to manage the debt owed to the shire.

Officer Comment

Overall, the Shire manages its debt well. Assessments A15005 & A15006, both on England Crescent, are the only assessments of concern. We have obtained land valuations for these assessments and are currently seeking advise as to the costs involved in taking possession of the land under Section 6.71 of the Local Government Act 1995.

As at the 30th April 2023 the breakdown of balances on rates assessments is

Details	Total_Balance
Overdue Assessments	12,005.58
Recalcitrant Rates Debtors	30,355.74
Assessments in Credit	-50,050.89
Assessments with a Balance less than \$100	700.16
Assessments Paying by Instalments	17,430.22
Assessments Paying under payment plan	5,430.90
Pensioner/Senior Assessments	8,028.29
Total	23,900.00

Final notices were sent on 26 October 2022 to assessments that are considered overdue, recalcitrant, or paying under an arrangement. Generally, those assessments on the overdue assessment listing will pay their rates once they receive their grain payments for the year. Overdue interest of 7% per annum is currently being applied to these overdue balances. Final warnings were sent to assessments on the 20th March 2023. Final notices for late instalment payers are scheduled for 5th May 2023 with in-house debt recovery to continue.

Once all the in-house debt recovery options have been exhausted assessments will be referred to our Debt Collection Agent. However, previous years have shown that in-house debt recovery actions have been effective in collecting the outstanding debt.

OFFICER RECOMMENDATION

Council Resolution Number: 180523.4

Moved: Cr Fraser Seconded: Cr Hepworth

That the Recalcitrant Rates Debtor report totaling \$30,355.74 be received.

Motion put and carried 5/0

12.4 DIFFERENTIAL RATES

Applicant:	Shire of Perenjori		
File:	ADM 0793		
Report Date:	8 May 2023		
Disclosure of Interest:	Nil		
Voting Requirements:	Absolute Majority		
Author:	Paul Anderson – Chief Executive Officer		
Responsible Officer:	Paul Anderson – Chief Executive Officer		
Attachments:	Nil		

Summary

The purpose of this report is to review the adoption of the differential rates at the March 2023 meeting of council due to significantly increase valuations on the Unimproved values of Rural properties.

Background

Council at the March 2023 meeting resolved to adopt and advertise the differential rating for the Unimproved Values for Rural and Mining properties.

The resolution of council was as follows:

Council Resolution Number: 230323.14

Moved: Cr Sutherland Seconded: Cr Fraser

THAT Council.

Having regard to the budget deficiency in the context of the Strategic Community plan, Corporate Business Plan and Strategic Resource Plan 2019-2034

1. Advertise in accordance with the Local Government Act 1995 section the Shire of Perenjori's intention to levy the following differential rates.

Rates category	minimum rate	rate in the \$
Uv rural	390	1.7651
UV Mining	390	33.6449
GRV Townsites	390	9.2127
GRV Mining	390	9.2127
UV Exploration	390	25.8441

2. Adopts the Objects and reasons for each differential rate and minimum payment as follows

UV Rural

The object of the UV Rural rate is to obtain a fair contribution to the revenue requirements of the Shire, while not risking additional financial pressure on ratepayers in those areas and impact their long-term viability.

The reasons for the level of rates set for UV Rural is that this allows for a fair contribution to the revenue requirements of the Shire at a sustainable level. Whilst Council cannot control the rural sector's vulnerability to external forces, it attempts to ensure that the industry is not adversely affected by excessive rates.

The minimum payment proposed for the UV Rural category reflects the present financial vulnerability of ratepayers in the category due to factors such as adverse weather, cyclones, bushfires, drought, world demand for product and fluctuations in export prices.

UV Mining

The object of the UV Mining rate is to ensure that mining contributes to the maintenance of the Shire's assets and services. Every effort is made to establish rates and minimum payments at the fairest possible levels, acknowledging that the industry does not need to be specifically nurtured, nor is it affected by the same vulnerabilities as broad acre farming.

In reaching its rating decisions, Council has considered that there are external forces, such as fluctuating commodity prices, which impact on resource projects and is sensitive to these issues.

The reasons for the level of rates set for the UV Mining rate by the Council is to attain equity amongst those who will bear the burden of the rates and obtain a reasonable contribution from the mining sector for the general level of infrastructure and services provided by the Council.

Striking a reasonable balance between all ratepayers in the production of the rate revenue is important in achieving equity, whilst at the same time the fairness of the expenditures by the Shire on the mining sector is also considered.

The maintenance of Shire assets and services for the benefit of all users, long term, and short term, is a burden which to a significant extent fall upon the long-term ratepayers, justifying a differential contribution from the mining sector.

The minimum payment proposed for the UV Mining category reflects a reasonable cost for a base level of service.

UV Exploration

The object of the UV Exploration rate is to ensure the reasonable contribution of these ratepayers to Council's expenditure profile.

The reasons for the level of rates set for the UV Exploration rate by the Council is to attain equity amongst those who will bear the burden of the rates and obtain a reasonable contribution from the Exploration sector for the general level of infrastructure, services and tenement administration provided by the Council.

Exploration and prospecting ratepayers require a higher level of governance for licensing, clearance permits, etc, and impose greater environmental damage to the environment through activities such as clearing, drilling and associated undertakings.

Striking a reasonable balance between all in the production of the rate income is important in achieving balance and equity between ratepayers, whilst at the same time the fairness of the expenditures by the Shire on the Exploration sector is also considered.

The minimum payment proposed for the UV Exploration category reflects a reasonable cost for a base level of service.

Motion put and carried 7/0

The overall estimated yield was based upon the values provided by the valuer general with a 4% increase in the rate yield and amended rate in the dollar to reflect the increase.

The Valuer General has now provided the values for the 2023/24 financial year for the Rural unimproved properties which indicate an average increase of 22.62%.

The rate in the dollar will now need to be reviewed in line with the revised valuations to ensure that the proposed 4% increase in rate yield approved by council is achieved.

A revised valuation register for mining tenements properties has also been received.

Statutory Environment

Local Government Act (1995) and associated regulations.

Policy Implications

Nil

Financial Implications

The strategic resource plan indicates a 4% in rate yield is required to fund councils ongoing strategic plans and budgets.

Strategic Community Plan

Area 5: Investing in Council's Capacity - Our Leadership

Goal: Strengthen the Shire's position as an innovative and proactive local Government providing excellence in all areas of governance, management, and leadership.

Consultation

Nil

Officer Comment

The differential rates adopted by the council at the March 2022 meeting have not been advertised as in accordance with the Local Government Act section 6.36(2)(a) this can only be done within the period of two months preceding the commencement of the financial year (01 May).

The impact of the valuations provided by the Value General are again significant and indicate an average increase of 22.62% in Rural property values. This is on top of the 19.96% increase in the 2022/23 financial year making a 42.58% increase in values of the two year period.

The Valuer General has provided the following reasoning for the increases in valuation in the 2023/24 financial year.

The market for broadacre rural properties has continued to improve on the back of excellent seasonal conditions, and strong commodity prices. This has led to a good demand for agriculture properties in this area like last year, resulting in a general increase in value across the shire.

Some variations to individual assessments may have occurred either as a product of the valuation process and/or inclusion of updated information such as soil types.

The requirement to advertise the rate in the dollar creates an issue in timing if any valuations provided by the value general are received after the council has adopted the differential rates required.

Even though the council must comply with the requirements of advertising, consideration of the submissions and seek approval from the Minister to impose a differential rate in accordance with section 6.33(3) of the Local Government Act the council can when adopting the budget can impose the proposed rate or minimum payment with or without modification.

The current projection for CPI and the Local Government CPI may be more than this estimation and the council may need to consider a greater increase in the subsequent budgets or review expenditure in line with the overall comparative reduction in revenue.

The following Rates revenue model utilising the differential rates proposed and the 4% increase in rate yield in the dollar will yield the following revenue.

Land Category	Proposed rate i	Current numbe	Proposed	2022/23	Increase
	the Dollar (cents	of properties	2023/24 rates t be levied	rate revenue	
Unimproved Value					
Rural	1.4395	258	2,231,945	2,146,075	85,869
Mining	30.7900	39	800,647	769,886	30,761
Gross Rental Value					
Townsites	9.2127	106	106,806	103,390	3,416
Mining	9.2127	1	289,648	278,508	11,140
Exploration	20.9410	3	56,269	53,624	2,645
Minimum Payment	\$				
Rural UV	389	11	4,279	4,114	165

Mining UV	389	7	2,723	2,244	479
Townsites GRV	389	32	12,448	11,220	1,228
Mining GRV	389	2	389	374	15
Exploration	389	24	9,725	8,976	749
Total Proposed Rates			3,514,879	3,378,411	136,468
Less Proposed Discount			307,137	295,324	
Proposed Rate Yield			3,207,742	3,083,087	124,655

The following model has been amended and has taken into consideration the increased Rural Valuations that have been received with a reduced rate in the dollar applicable only to the Rural Unimproved Values to achieve a similar yield in rate revenue.

The Valuations have been increased as follows

Total Valuations	133,489,029	162,364,604	28,875,575	. Age.
Exploration	20,342	20,182	-160	-0.79
Mining GRV	20	20	0.00	0.00
Townsites GRV	28,321	27,601	-720	-2.54
Mining UV	1,718	2,800	1,082	62.98
Rural UV	83,900	102,300	18,400	21.93
Minimum Payment				
Exploration	215,788	258,090	42,302	19.60
Mining	3,144,000	3,144,000	0.00	0.00
Townsites	1,167,143	1,159,333	-7810	-0.67
Gross Rental Value				
Mining	2,379,797	2,600278	220,481	9.26
Rural	126,448,000	155,050,000	28,602,000	22.62
Unimproved Value				
	Valuation	Valuation	Increase	increase
Land Category	2022/23	2023/24	%	\$

The increases on each individual property will vary dependent upon the increase in valuation for each property.

COUNCIL DECISION

Council Resolution Number: 180523.5

Moved: Cr Sparkman Seconded: Cr Fraser

That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches to be suspended at 3.11pm for open discussion on item 12.4 of these minutes.

Motion put and carried 5/0

COUNCIL DECISION

Council Resolution Number: 180523.6

Moved: Cr Sparkman Seconded: Cr Bradford

That Council reinstates Standing Orders at 3.15pm.

Motion put and carried 5/0

OFFICER RECOMMENDATION

Council Resolution Number: 180523.7

Moved: Cr Hepworth Seconded: Cr Bradford

THAT Council.

Having regard to the budget deficiency in the context of the Strategic Community plan, Corporate Business Plan and Strategic Resource Plan 2019-2034 and Values provided by the Valuer General for UV rural in 2023/24 financial year amend the rate in the Dollar to achieve a net 4% increase in rate yield

1. Advertise in accordance with the Local Government Act 1995 section 6.36 (2)(a) the Shire of Perenjori's intention to levy the following differential rates.

Rates category	minimum rate	Rate in the \$	Proposed Yield \$
UV rural	389	1.4395	\$2,236,224
UV Mining	389	30.7900	\$ 803,370
GRV Townsites	389	9.2127	\$ 119,254
GRV Mining	389	9.2127	\$ 290,037
UV Exploration	389	20.9410	\$ 65,934
Total Yield			\$3,514,879

Adopts the Objects and reasons for each differential rate and minimum payment as follows -

UV Rural

The object of the UV Rural rate is to obtain a fair contribution to the revenue requirements of the Shire, while not risking additional financial pressure on ratepayers in those areas and impact their long-term viability.

The reasons for the level of rates set for UV Rural is that this allows for a fair contribution to the revenue requirements of the Shire at a sustainable level. Whilst Council cannot control the rural sector's vulnerability to external forces, it attempts to ensure that the industry is not adversely affected by excessive rates.

The minimum payment proposed for the UV Rural category reflects the present financial vulnerability of ratepayers in the category due to factors such as adverse weather, cyclones, bushfires, drought, world demand for product and fluctuations in export prices.

UV Mining

The object of the UV Mining rate is to ensure that mining contributes reasonably to the maintenance of the Shire's assets and services. Every effort is made to establish rates and minimum payments at the fairest possible levels, acknowledging that the industry does not need to be specifically nurtured, nor is it affected by the same vulnerabilities as broad acre farming. In reaching its rating decisions, Council has considered that there are external forces, such as fluctuating commodity prices, which impact on resource projects and is sensitive to these issues.

The reasons for the level of rates set for the UV Mining rate by the Council is to attain equity amongst those who will bear the burden of the rates and obtain a reasonable contribution from the mining sector for the general level of infrastructure and services provided by the Council. Striking a reasonable balance between all ratepayers in the production of the rate revenue is important in achieving equity, whilst at the same time the fairness of the expenditures by the Shire on the mining sector is also considered.

The maintenance of Shire assets and services for the benefit of all users, long term, and short term, is a burden which to a significant extent fall upon the long-term ratepayers, justifying a differential contribution from the mining sector. The minimum payment proposed for the UV Mining category reflects a reasonable cost for a base level of service.

UV Exploration

The object of the UV Exploration rate is to ensure the reasonable contribution of these ratepayers to Council's expenditure profile.

The reasons for the level of rates set for the UV Exploration rate by the Council is to attain equity amongst those who will bear the burden of the rates and obtain a reasonable contribution from the Exploration sector for the general level of infrastructure, services and tenement administration provided by the Council.

Exploration and prospecting ratepayers require a higher level of governance for licensing, clearance permits, etc, and impose greater environmental damage to the environment through activities such as clearing, drilling and associated undertakings.

Striking a reasonable balance between all in the production of the rate income is important in achieving balance and equity between ratepayers, whilst at the same time the fairness of the expenditures by the Shire on the Exploration sector is also considered.

The minimum payment proposed for the UV Exploration category reflects a reasonable cost for a base level of service.

Motion put and carried 5/0 by absolute majority

13. Community Development and Services:

13.1 COUNCIL HOUSING RENTAL FEES 2023/24

Applicant: Shire of Perenjori

File: ADM 0700

Date: 21st April 2023

Disclosure of Interest: Nil

Voting Requirements: Absolute Majority

Author: Nola Comerford – Manager Corporate and Community Services

Responsible Officer: Paul Anderson – Chief Executive Officer

Attachments:

Cr Hepworth declared an impartiality interest in agenda item 13.1, pursuant to Sections 5.60B of the Local Government Act 1995, due to his Mother in Law living in 40A Russell Street.

Cr Sparkman declared a financial interest in agenda item 13.1, pursuant to Sections 5.60A of the Local Government Act 1995, due to currently renting a Shire residence.

Cr Sparkman left the chambers at 3.16pm and did not participate in discussion or voting of the item.

Summary

For Council to consider the proposed rental fees for council housing for the 2023/24 financial year.

Background

Staff Housing

Council provides a housing allowance to staff as an incentive to attract and retain staff. At the October 2022 Ordinary Council Meeting, Council resolved to amend the Employee Housing Policy 5005 which removed reference to a 50% housing subsidy and allocated an hourly rate of \$4.43 per standard hour for all full time and part time employees (see excerpt below). Previously, this hourly rate had only been allocated to outside staff who also received the 50% housing subsidy.

As part of the annual fees and charges review, Council is requested to consider a range of incremental increases to staff housing rental fees.

Council Resolution Number: 201022.10

Moved: Cr Bradford Seconded: Cr Sparkman

That the Employee Housing Policy 5005 amendments as presented be adopted by Council and updated into the Shire of Perenjori Policy Manual to include the amendment to the Housing Allowance for Administration staff to ensure consistency with the outside staff housing allowance contained in the Shire of Perenjori Enterprise bargaining agreement 2019.

Motion put and carried 7/0

Community Housing

Generally, rental fees for private rentals have been increased by 5.25% in accordance with predictions of the WA Consumer Price Index (CPI) increasing for the coming financial year.

Aged Units and Joint Venture Housing

Aged Units situated at 40A and 40B Russell Street are Council-owned and it is recommended that a rental increase is not implemented in the 2023/24 Annual Budget to ensure affordable housing for residents.

All other Aged Units and Joint Venture housing require Centrelink annual income statements in order to set rental fees. These statements have been requested from tenants which will be applied to the Annual Budget once received.

Statutory Environment

This policy is presented to Council under Section 2.7 of the Local Government Act 1995 which stipulates that the role of Council is to determine policies and the Residential Tenancies Act 1987 due to leasing arrangements with staff.

Policy Implications

5005 - STAFF HOUSING

Policy Statement:

Objectives

To provide an incentive to attract, retain, and provide equity between Shire employees.

Policy

Employee housing shall be based on the following principals:

- The requirements of the Residential Tenancies Act 1987 are met.
- The requirements of the Shire of Perenjori Enterprise Agreement 2019 are met.
- All housing allocations are approved by the CEO as determined by staff requirements in relation to housing availability at any given time.
- This policy does not apply to Managers or employees where housing is negotiated as part of their employment terms and conditions.
- That where a Manager relinquishes their negotiated housing as per the above point, then this policy will
 apply.
- Council staff housing, when available, will be allocated and prioritised for full time employees.
- Councill shall set the market value of the rental properties annually throughout the budget process.
- A housing allowance in accordance with the 2019 Shire of Perenjori Enterprise Agreement will apply to **all** full time and part time employees (currently \$4.43 per ordinary hour, not applied to overtime) and be incorporated into Council's budget.
- A permanent part-time employee is classified as:
 - o Working less than 38 ordinary hours per week.
 - Has reasonably predictable hours of work; and
 - Receives, on a pro rata basis, pay and conditions equivalent to those of full-time employees who do the same kind of work.
- Should the Council housing not be maintained to an acceptable standard (both inside and outside), the Chief Executive Officer reserves the right to discontinue the housing allowance.
- All employees shall sign a Residential Tenancy Agreement at the commencement of any rental arrangement.
- It is the responsibility of the tenant to regularly water and maintain gardens to an acceptable standard.

Housing Inspections

Annual inspections of Council housing, including yards, shall be conducted by a person authorised by the CEO. These inspections shall coincide with the annual inspection of all Council dwellings to determine the budget allocation for the housing maintenance program. The tenant will receive a minimum of 7 days written notice and a maximum of 14 days of such inspection.

<u>Policy Administration</u>

Date Adopted: Item No. 201022.10 20th October 2022

Consultation

Paul Anderson - Chief Executive Officer

Financial Implications

Forecast income from increased rental fees will be applied to the 2023/2024 Annual Budget.

The table below illustrates staff housing rental fees with option of a 25% increase, 50% increase, or full market value.

		PROPOSED HOUSING	FE	ES 2023/2024			
COUNCIL	FEES AND CHARGES	22/23	GST	22/23	23/24	23/24	23/2
	HOUSING						
	Staff Housing	Per week - market value	318	Perweek - Subsidy	Perweek - + 25%	Perweek - +50%	Per week - 2 or more staff/ Market Value
c	137 Crossing Rd	Per employment agreement		Per employment agreement	Per employment agreement	Per employment agreement	Per employment agreement
C	19 Hesford St	\$ 255.00	Nil	\$ 128.00	\$ 160.00	\$ 191.25	\$ 268.0
C	23 Hesford St	\$ 255.00	Nil	\$ 128.00	\$ 160.00	\$ 191.25	\$ 268.0
C	3 Livingstone St	\$ 299.00	Nil	N/A	\$ 187.00	\$ 224.00	\$ 279.0
C	24 Livingstone St	\$ 265.00	Nil	\$ 132.50	\$ 165.00	\$ 199.00	\$ 279.0
c	7 Hirshauer Rd	Per employment agreement		Per employment agreement	Per employment agreement	Per employment agreement	Per employment agreement
c	4 John St	Per employment agreement		Per employment agreement	Per employment agreement	Per employment agreement	Per employment agreement
C	8A John St	\$ 204.00	Nil	\$ 102.00	\$ 127.50	\$ 153.00	\$ 215.0
C	88 John St	\$ 204.00		\$ 102.00	\$ 127.50	\$ 153.00	\$ 215.0
c	1/137 North Rd		Nil		\$ 127.50	\$ 153.00	\$ 215.0
c	2/137 North Rd	\$ 204.00	Nil	\$ 102.00	\$ 127.50	\$ 153.00	\$ 215.0
c c c	21 Hesford St 9 Hirshauer Rd 2 John St 36 Livingstone St	\$ 265.00 \$ 275.00 \$ 285.00 \$ 265.00	Nil Nil Nil Nil	N/A N/A N/A N/A	\$ 279.00 \$ 290.00 \$ 299.00	n PTARA	
c	34 Livingstone St *	\$ 153.00	Nil	N/A	•	1 350 F T T T	
С	32 Livingstone St	\$ 265.00	Nil	N/A	5 279.00		
C	11A Livingstone St	\$ 100.00	Nil	N/A	\$ 105.00		
c	11B Livingstone St	\$ 100.00	Nil	N/A	\$ 105.00		
C	50 Russell St	\$ 270.00	Nil	N/A	\$ 284.00		
C	59 Russell St	\$ 265.00	Nil	N/A	\$ 279.00		
C	27 Timmings St	\$ 285.00	Nil	N/A	\$ 299.00		
	Aged Units				1		
С	38A Russell St *	\$ 224.00					
С	38B Russell St *	\$ 224.00					
С	40A Russell St	\$ 224.00					
С	40B Russell St	\$ 224.00	-	\$ 224.00	48 51		
С	42A Russell St *		Nil				
С	42B Russell St *		Nil	*]		

^{*} Aged Units and Joint Venture housing – rental charged at maximum allowed as per income assessments.

Strategic Community Plan

Goal 2: Eco-friendly, attractive and well-maintained towns, surrounded by outstanding natural beauty, landscapes, flora and fauna to be protected and enjoyed.

2.3. The Shire's buildings and leases are administered to an appropriate standard for the benefit of the community according to their need and use.

Goal 4: A strong and diverse Council working closely with the proactive and involved community.

4.6. The organisation, assets and finances of the Shire are managed responsibly.

Officer Comment

Rental fees for all Council-owned housing are reviewed annually.

Council have allocated funds in the 2022/2023 Annual Budget for the construction of 2 \times Aged Units to be located at 42 Russell Street. Rental fees for these joint funding residences will be determined by annual income assessments received by the tenants.

COUNCIL DECISION

Council Resolution Number: 180523.8

Moved: Cr Hepworth Seconded: Cr Bradford

That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches to be suspended at 3.18pm for open discussion on item 13.1 of these minutes.

Motion put and carried 4/0

COUNCIL DECISION

Council Resolution Number: 180523.9

Moved: Cr Fraser Seconded: Cr Bradford

That Council reinstates Standing Orders at 3.28pm.

Motion put and carried 4/0

OFFICER RECOMMENDATION

Council Resolution Number: 180523.10

Moved: Cr Fraser Seconded: Cr Bradford

That Council:

- 1. Endorse an increase of 25% for all employee property rentals for the 2023/24 Annual Budget.
- 2. Endorse an increase of 5.25% for all private property rentals for the 2023/24 Annual Budget.
- 3. Endorse a nil increase to Aged Units located at 40A and 40B Russell Street and fees for remaining Aged Units be determined by annual Centrelink income assessments.

Motion put and carried 4/0 by absolute majority

Cr Sparkman returned to the Shire of Perenjori Council Chambers at 3.29pm.

14. Governance

14.1 APPOINTMENT OF BUSHFIRE OFFICERS

Applicant: The Shire of Perenjori

File: ADM 0070

Date: 21 April 2023

Disclosure of Interest: Nil

Voting Requirements: Simple Majority

Author: Rick Ryan – Community Emergency Services Manager

Responsible Officer: Paul Anderson – Chief Executive Officer

Attachments: Nil

Summary

The purpose of this report is to:

(a) appoint the Shire of Perenjori Bush Fire Control Officers, pursuant to Section 38 of the Bush Fires Act 1954;

(b) appoint the Chief Fire Control Officer (CBFCO) and Deputy Chief Bush Fire Control Officer, pursuant to Section 38 of the Bush Fires Act 1954; and

(c) to endorse the Shire of Perenjori Section 33 Fire Break Notice.

Background

The Shire of Perenjori appoints officers on an annual basis to ensure adequate resources are available throughout the year.

The Fire Break Notice is sent out to all landholders advising of the Fire Break requirements, advising the community of burning times, fire break requirements and Fire Control Officers for the Shire of Perenjori.

Statutory Environment

Section 38 (1) of the Bush Fires Act 1954 states as follows

A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Section 38 (1) of the Bush Fires Act 1954 states as follows

(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.

(i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

Local government may require occupier of land to plough or clear fire-break

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things
 - (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

- (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
- (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.

Policy Implications

Nil

Consultation

Phil Page - CBFCO

Financial Implications

Nil

Strategic Community Plan

Goal 1: An inclusive community and a great place to live for all ages and stages of life

1.2. Community life is enhanced and nurtured with well supported clubs, community groups and essential volunteer-based services.

Officer Comment

It is suggested that Council endorse the listed positions below:

POSITION	NAME	
Chief Bush Fire Control Officer	Phil Page	
Deputy Chief Bush Fire Control Officer	Jason King	
Fire Control Officers & Permit Issuing Officers	Phil Page Jason King Brian Campbell Paul Anderson CEO Rick Ryan/CESM	

We do not have a Fire Weather officer as this is a Government Gazetted position as the purpose of a Fire Weather Officer is to validate fire permits if the weather/FDI is lower than what has been predicted by BOM.

The CBFCO, CESM or the CEO has the role of instigating a Harvest & Vehicle Movement Ban; the CBFCO & CESM will monitor the weather and review with the other FCOs. If there is a need to impose a HVMB the Shire will be advised to send out a notice to impose a HVMB.

OFFICER RECOMMENDATION

Council Resolution Number: 180523.11

Moved: Cr Bradford

Seconded: Cr Hepworth

That Council appoint the following bush fire control officers for the 2023/24 year:

Chief Bush Fire Control Officer:

- Phil Page

Deputy Bush Fire Control Officer:

- Jason King

Fire Control Officers & Permit Issuing Officers:

- Phil Page
- Jason King
- Brian Campbell
- Paul Anderson CEO
- Rick Ryan CESM

Motion put and carried 5/0

14.2 SHIRE OF PERENJORI BUSHFIRE RISK MANAGEMENT PLAN 2023-2028

Applicant: The Shire of Perenjori File: ADM 0877 Date: 2 May 2023 Disclosure of Interest: Nil Voting Requirements: Simple Majority Author: Donna Walker - Bushfire Risk Planning Coordinator Responsible Officer: Paul Anderson - Chief Executive Officer Attachment 14.2a - Bushfire Risk Management (BRM) Plan 2023-28 Attachment 14.2b - BRM Plan Approval Letter Attachments: Attachment 14.2c - BRM Planning Communication Strategy

Attachment 14.2d – BRM Local Government Wide Controls

Summary

In accordance with the requirements of the *State Hazard Plan – Fire,* local governments are required to prepare an integrated Bushfire Risk Management Plan (BRM Plan) to strategically document areas where potentially there are significant bushfire risk in the district, and to enable the development of treatment strategies (using a multi-agency approach) to reduce identified bushfire risk.

The aim of the BRM Plan prepared for the Shire of Perenjori through the BRMP process is to document a coordinated and efficient approach toward the identification, assessment and treatment of assets exposed to bushfire risk within the district.

Background

The Department of Fire and Emergency Services (DFES) Bushfire Risk Management Branch was created in 2012 in response to key recommendations from the Perth Hills fire (inquiry – Perth Hills Bushfire 2011 – Keelty 1), the Margaret River fire (report of the special inquiry into the November 2011 Margaret River Bushfire – Keelty 2) and the Waroona Yarloop fire (report of the special inquiry into the January 2016 Waroona fire).

The Bushfire Risk Management Branch coordinates DFES Bushfire Risk Management Officers (BRMO's) and Bushfire Risk Planning Coordinators (BRPC) which are embedded in local governments to facilitate the creation of local government district BRM plans.

The Shire of Perenjori entered into an agreement with the Shire of Morawa to share the position of a Bushfire Risk Planning Coordinator (BRPC) in February 2022. The funding for this role to progress Bushfire Risk Planning at a local level was provided by DFES.

Statutory Environment

The *Emergency Management Act 2005* provides the head of power to direct local governments to comply with the requirements of State Emergency Management policies where they are given a role within those policies as follows:

Section 20 (4) states – a public authority that is given a role and responsibilities under a State emergency management policy is to comply with the State emergency management policy.

Clause 2.2.8 of State Hazard Plan – Fire outlines that local governments is identified as having high or extreme bushfire risk are required to develop an integrated BRM Plan outlining a strategy to treat or reduce bushfire related risk across all land tenures.

Policy Implications

Nil

Consultation

A presentation was given to Council at the councillors briefing session in December 2022 that provided an overview of the Shire of Perenjori Bushfire Risk Management Plan's development and current status of the broader program.

The BRM Plan was also distributed to the Shire's Local Emergency Management Committee for feedback.

Additional consultation included:

- Department of Fire and Emergency Services
- Chief Executive Officer
- Bush Fire Advisory Committee

Financial Implications

An endorsed BRM Plan allows the Shire to access the state government Mitigation Activity Funding (MAF) grants available to local governments. This funding is made available to implement treatment strategies on state government land managed or vested in the local government.

Strategic Community Plan

Goal 1: An inclusive community and a great place to live for all ages and stages of life

1.9: Emergency management and associated community liaison and education activities are undertaken to protect the community and minimise harm from disasters.

Officer Comment

The BRM Plan is a strategic document that facilitates a coordinated approach towards the identification, assessment and treatment of assets exposed to bushfire risk.

Approval of the BRM Plan is a commitment by the Shire of Perenjori to work with landowners and managers to address unacceptable risk within the community. The approval of the BRM Plan by the Shire of Perenjori Council satisfies their endorsement obligations under *State Hazard Plan – Fire*.

The Officer's recommendation is for Council to endorse the Shire of Perenjori Bushfire Risk Management Plan 2023-2028.

OFFICER RECOMMENDATION

Council Resolution Number: 180523.12

Moved: Cr Bradford Seconded: Cr Sparkman

That Council:

- 1. Endorse the Shire of Perenjori Bushfire Risk Management Plan 2023-28 and supporting documents, as provided in attachments 14.2.
- Supports the development and implementation of coordinated, comprehensive, multi-agency Treatment Schedules to support the Bushfire Risk Management Plan 2023-28.
- Supports the ongoing applications for funding being submitted through the Department of Fire
 and Emergency Services Mitigation Activity Fund (MAF) to undertake the appropriate bushfire
 hazard reduction activities from the Treatment Schedules developed.
- 4. Support the CEO seeking DFES funding and partnering with other Shire's to engage a Bushfire Risk Mitigation Coordinator to administer the plan and aim to address high risk areas.

Motion put and carried 5/0

16. Ordering the Common Seal:

Document	Organisation	Purpose	Date

17. Reports of Committees and Members:

Nil

18. Motions of Which Previous Notice Has Been Given:

Nil

19. Notice of Motions:

Nil

20. New Business of an Urgent Nature Admitted by Council:

Nil

21. Closure of Meeting:

The Shire Deputy President declared the meeting closed at 3.33pm and thanked those in attendance.

22. Next Meeting:

The Shire's Deputy President advised that the date of the next Ordinary Meeting of Council will be held on Thursday 22nd June 2023 commencing at 3:00pm in the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 18 May 2023.

Signed:

Shire President

Date: 22 6 23