



Shire of
Perenjori
Embrace Opportunity

MINUTES
for the
**ORDINARY COUNCIL
MEETING**

15 JULY 2021

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COUNCIL ROLE

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	<p>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.</p> <p>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.</p>

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 15 July 2021, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, commenced at 3:00 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 3:16 pm and welcomed those in attendance.

Welcome to Country: -

As per the Shire of Perenjori Policy (N^o 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.

Therefore, I respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badymia people.

I also acknowledge the pioneers who settled this country, developed the land and turned it into the productive country that we know today, allowing us to enjoy the lifestyle to which we have become accustomed.

2. OPENING PRAYER:

The Shire President read the opening prayer.

3. DISCLAIMER READING:

As printed.

4. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

4.1 ATTENDANCE:

(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —

- (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
- (b) the person is in a suitable place; and
- (c) the council has approved* of the arrangement.

A resolution to this affect is set out below and must be carried by an **absolute majority**.

4.1.1 COUNCIL DECISION

THAT Cr C King's request to attend the July Audit meeting via teleconference while based in Perth be approved.

Moved: Cr J Sutherland

Seconded: Cr C Bryant

**Motion put and carried: 4/0
(Absolute Majority)**

- MEMBERS:** Cr Chris King – Shire President (via teleconference)
Cr Jude Sutherland – Deputy Shire President
Cr Brian Baxter
Cr Colin Bryant
Cr Phil Logue
- STAFF:** Mario Romeo – Chief Executive Officer
Wayne Scheggia – Executive Advisor
Ken Markham – Manager Infrastructure Services
- DISTINGUISHED VISITORS:** Nil.
- MEMBERS OF THE PUBLIC:** Nil.
- LEAVE OF ABSENCE:** Nil.
- APOLOGIES:** Cr Daniel Bradford
Cr Les Hepworth
Nola Comerford-Smith – MCCA
Bianca Plug – Executive Assistant

5. PUBLIC QUESTION TIME:

5.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE:

Nil.

5.2 QUESTIONS WITHOUT NOTICE:

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE:

6.1 APPLICATION/S FOR LEAVE OF ABSENCE:

Nil.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

7.1 ORDINARY MEETING HELD ON 17 JUNE 2021

COUNCIL DECISION

THAT the Minutes of the Ordinary Meeting of Council held on 17 June 2021, presented in attachment 7.1 (a), be confirmed as true and correct.

Moved: Cr P Logue

Seconded: Cr C Bryant

Carried: 5/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

The President expressed appreciation for the Council's support for him to attend the meeting via teleconference.

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.

17.2 Confidential Item – Overdue Rates and Charges

11. DECLARATION OF INTEREST:

Cr J Sutherland declared an Impartiality Interest in item 16.4 Proposed Holiday House – 40 (Lot 2) Fowler Street, Perenjori.

12. FINANCE REPORTS

12.1 AUDIT FOR THE YEAR ENDING 30 JUNE 2020 – OFFICE OF THE AUDITOR GENERAL

Applicant:	Shire of Perenjori
File:	ADM0357
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Wayne Scheggia – Executive Advisor
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	12.1 (a) – Financial Report 30 June 2020 12.1 (b) – Financial Management Letter 30 June 2020 12.1 (c) – OAG Opinion 30 June 2020

Executive Summary

This report presents the Auditors reports for the 2019/20 financial year.

Background

Audits are conducted annually and are presented to the Audit Committee prior to consideration by Council. The Audit Committee plays an important role in advising Council on the conduct of the audit to ensure the proper financial management of the organisation.

The administration has the opportunity to highlight any corrective action proposed to be taken to address any identified shortcomings, with the requirement to report to the Audit Committee with a recommendation to Council to acknowledge the report and the action taken to correct the matters raised and report to the Auditor General the actions implemented.

Statutory Environment

Local Government Act 1995

7.12A. Duties of local government with respect to audits

- (4) A local government must —
 - (a) prepare a report addressing any matters identified as **significant** by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and
 - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

Legal Compliance

Nil.

Consultation

Senior Management and financial staff, Department of Local Government, AMD (Council's Auditors), Auditor General's Office.

Financial Implications

Nil.

Precedents

Previous audits have discovered deficiencies in controls, these are corrected as matters are raised and reported as required.

Strategic Community Plan

Area 5: Investing in Councils Capacity – Our Leadership

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

Officer Comment

The Ratings in the Auditor's Management Letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. They give consideration to these potential adverse outcomes in the context of both quantitative impact (*for example financial loss*) and qualitative impact (*for example inefficiency, non-compliance, poor service to the public or loss of public confidence*).

- Significant - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
- Moderate - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor - Those findings that are not of primary concern but still warrant action being taken.

The Audit has been completed and includes mention of 3 issues of non-compliance, only one of which was considered by the Auditor to be significant. In addition, a significantly adverse trend was reported in Council's Operating Surplus Ratio. These matters are listed below together with management comment and timeline for compliance.

Understatement of Depreciation Expense Finding

We identified that the depreciation expense had not been calculated correctly for a number of furniture and equipment and plant and equipment assets. Additionally, the Shire did not record road additions until 30 June and therefore the associated depreciation expense is not calculated from the date that the respective assets were available for use, as required by accounting standard AASB 116: Property, Plant and Equipment.

Rating: **Significant**

Implication: Incorrect calculation of depreciation means that the Shire is not complying with the requirements of AASB 116. This resulted in the understatement of depreciation expense and overstatement of property, plant and equipment of \$108,110. This was an unadjusted audit difference.

Recommendation: We recommend that the Shire reviews the Fixed Asset Register regularly to ensure that all assets have been depreciated in accordance with the Shire's depreciation policies. Depreciation should be recorded from the date that each asset is available for use in accordance with the requirements of AASB 116.

Management Comment: This situation has now been addressed and we have a process in place moving forward to ensure all asset depreciation schedules are created at the time of asset creation in our Asset Register.

Responsible Officer: Accountant

Completion Date: Completed

Unrecorded Wages and Salaries Finding

Our audit identified unpaid wages and salaries expenses relating to the year ended 30 June 2020 totalling \$23,430 which had not been brought to account as accrued wages and salaries at 30 June 2020. This has resulted in an unadjusted audit difference.

Rating: Moderate

Implication The liability for accrued wages and salaries and the related wages and salaries expense balance are understated for 30 June 2020.

Recommendation Expenses should be recorded in the accounting period in which they relate. Management should establish procedures to ensure that any expenses that have been incurred but not yet paid by the end of the period have been recorded as a liability.

Management Comment: The Shire performed the manual operation for the actual time worked by each employee up-to and including the last day the end of the Financial year via an accrual by journal outside of the payroll system to report accurate costs in its P&L. In doing so an oversight occurred in not reporting the accrual value as a liability in the end of year accounts (as the payroll wasn't due to be run until the 7 of July). This recommendation has been noted for future end of financial year reporting whilst operating in the parameters of our current management information system.

Responsible Officer: Accountant

Completion Date: Completed

Excessive Annual Leave Balances and Other Leave Matters

Finding During our audit work on annual leave we identified two employees who had accrued balances in excess of 304 hours (approximately eight weeks) each as at 30 June 2020. In addition, we identified six instances where leave taken was not supported by an approved leave form. Furthermore, we identified due to incorrect inputs that long service leave had been under-accrued for two employees by one year resulting in their respective long service leave balances being understated by 49.4 hours.

Rating: Moderate

Implication: Excessive accrued annual leave balances increases the risk of an adverse impact through excessive liabilities and may also indicate over-reliance on key individuals. This over-reliance can result in business interruption when the employee takes extended leave or ceases their employment with the Shire. Failure to take leave can also be an opportunity to perpetrate fraud. Incorrect inputs to leave calculations result in the misstatement of liability and the correlating employee expenses.

Recommendation: The Shire should continue to manage and monitor the excessive annual leave accruals to reduce the liability as well as the risk of business interruption and fraud. All leave taken should be supported by an approved application for leave. The Shire should regularly review the long service leave entitlements calculations to ensure that the entitlements are correct.

Management Comment: Management agrees with the recommendation and will ensure individual leave accrual balances are reported to Senior Management for review on a quarterly basis.

Responsible Officer: Manager Corporate and Community Services

Completion Date: Completed

Operating Surplus Ratio

(Operating Revenue MINUS Operating Expense) divided by Own Source Operating Revenue

Guidelines state that this ratio is a measure of a local government's ability to cover its operational costs and have revenues available for capital funding or other purposes, and suggest a Basic Standard between 1% and 15% and an Advanced Standard > 15%

<i>Definitions</i>	<i>Description</i>
<i>Operating Revenue</i>	<i>Means the revenue that is operating revenue for the purposes of the AAS, excluding grants and contributions for the development or acquisition of assets.</i>
<i>Operating Expense'</i>	<i>Means the expense that is operating expense for the purposes of the AAS.</i>
<i>Own Source Operating Revenue</i>	<i>Means revenue from rates and service charges, fees and user charges, reimbursements and recoveries *, interest income and profit on disposal of assets.</i>

Over the last three years the Operating Surplus Ratio was (0.17), (0.12) and (0.01). Whilst the ratio is outside of the desired levels it is trending in the right direction and is on track to achieve the basic standard within the next 12 months.

It is recommended that the Audit Committee recommend to Council that the Chief Executive Officer provide a copy of the Audit Committee meeting minutes to the Minister for Local Government and the Auditor General once the actions as noted have been endorsed and the Committee meeting minutes are received at a future Council meeting.

Voting Requirements: Absolute Majority

Change to Officer Recommendation

No Change.

150721.1 AUDIT FOR THE YEAR ENDING 30 JUNE 2020 – OFFICE OF THE AUDITOR GENERAL

COUNCIL DECISION

THAT the Audit Committee recommends that Council:

- 1. Accepts the Auditor’s Financial Report for the financial year ending 30 June 2020.**
- 2. Notes the findings identified in the Auditor’s Management Letter and the Officers responses to the issues raised.**
- 3. Notes the opinions expressed in the Independent Auditor’s Report and the Officers responses to the issues raised.**
- 4. Notes the surplus ratio is not meeting the standard.**
- 5. Notes that the ratio is trending towards, and is close to achieving, the Basic Standard**
- 6. Will continue to monitor the ratio and consider options to close the gap as part of its continuing financial management effort.**
- 7. That a copy of the finalised Audit Committee Minutes be presented to the Minister and Auditor General.**

Moved: Cr J Sutherland

Seconded: Cr C Bryant

Motion put and carried 5/0

12.2 DRAFT FEES & CHARGES 2021/22 FOR ADOPTION

Applicant:	Shire of Perenjori
File:	ADM0700
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Bianca Plug – Executive Assistant
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	12.2 (a) - Draft Fees & Charges 2021/22

Executive Summary:

Council is asked to consider the draft fees and charges for the 2021/22 financial year.

Background:

The fees and charges have been developed by the administration to reflect decisions taken by Council, our strategic priorities and ensuring the efficient and effective management of our assets. These also include those fees which are set by statutory and regulatory requirements.

During the review of Council's Fees and Charges only two areas were identified as needing adjustments.

Building & Planning:

The Shire of Perenjori has raised several building fees to reflect the regulations imposed by the Department of Mines, Industry Regulation and Safety. Fees were previously \$105.00 and have now been raised to \$110.00 as per the *Building Regulations 2021*.

The inspection of pool enclosures *Regulation 53* was raised from \$57.45 to \$58.45.

Fees for the collection of Demolition / Builders Waste and Asbestos has been added to the 2021/22 fees and charges. Demolition / Builders Waste will be set as \$45.00 per/m³ and wrapped asbestos will be set at \$5.00 per sheet or \$110.00 per/m³.

COVID19:

At the Ordinary Council Meeting on 21 May 2020 Council adopted the COVID 19 Financial Hardship Policy to assist and support the community to meet the financial challenges arising from the COVID 19 pandemic. As a reflection of this policy Council acknowledged that the community has faced unprecedented challenges arising from COVID 19 and recognises that these challenges may result in financial hardship for some community members.

As such, it is proposed that all other fees and charges remain the same as the 2020/21 financial year.

Statutory Environment:

Local Government Act 1995 S6.16 sets out the requirement for fees and charges as follows:

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

* *Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
 - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;

- (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
 - (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
 - (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
 - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.18. Effect of other written laws

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
 - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
 - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

Policy Implications:

Nil.

Budget Implications:

Nil.

Strategic Implications:

Nil.

Legal Compliance:

Nil.

Consultation:

MIS

Aquatic Centre Manager

PECC Coordinator

Caravan Park Manager
Head Cleaner
Accounts officer

Financial Implications:

Nil.

Precedents:

Nil.

Strategic Community Plan:

Area 1: Infrastructure and Natural Assets – Our Natural and Built Environment

Goal: A community that develops and lives sustainably in a thriving natural and quality built environment, which meets and maintains current and future community needs.

Area 2: Industry and Business Development – Our economy

Goal: Fostering and maximising growth across the economy, seeking and embracing opportunities for diversifying and strengthening our economic base.

Area 3: People and Place – Our Community

Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities and services, to enable people to meet their needs to achieve or exceed their potential.

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.

CEO Comment:

A review has been undertaken of the fees and charges with careful consideration to the current financial challenges faced by the community during the COVID 19 Pandemic and Tropical Cyclone Seroja. It is intended that by not increasing the fees and charges the Shire of Perenjori offers fair, consistent and dignified support to community members during these unprecedented times.

Voting Requirements: Absolute Majority

Change to Officer Recommendation

No Change.

150721.2 DRAFT FEES & CHARGES 2021/22 FOR ADOPTION

COUNCIL DECISION

THAT pursuant to *section 6.16 of the Local Government Act 1995*, Council adopts the Fees and Charges included as attachment 12.2 of this Agenda.

Moved: Cr P Logue

Seconded: Cr C Bryant

Motion put and carried 5/0

12.3 ANNUAL BUDGET & DIFFERENTIAL RATING

Applicant:	Shire of Perenjori
File:	ADM0793
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Wayne Scheggia – Executive Advisor
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	Nil

Executive Summary:

The purpose of this report is to consider the case for differential rating as part of the annual budget process.

Background:

At the recent Budget Forum councillors expressed a desire to consider an increased rating effort by some elements of the rate base as part of the determination of the overall shift in rate income.

Council currently levies rural and urban general rates, provides for a minimum rate in these areas and has established a differential rate for mining activities.

The Rate Process

The value of rates paid by a ratepayer is the product of two elements – the Council budget and the property value.

The Council determines its budget based on its expenditure requirements and revenue estimation. The gap between these two items determines the amount of revenue that must be generated from rates. Hence Council determines the total rate revenue that must be raised from the rate base.

The Valuer General assess land according to its **unimproved value** for land used predominantly for rural purposes, or **gross rental value** for land used predominantly for non-rural purposes.

The valuation divided by the rate revenue determines the rate in the dollar, which is then applied to individual property values to determine the rate bill for each property. Hence the valuation distributes the proportionate burden of the rates to be raised from individual rate payers.

A local government may impose a single general rate which applies to all properties in the unimproved value or gross rental value category or it can distinguish between land in either category on the basis of its zoning, use or whether it is vacant land (or other characteristic set out in regulations), or a combination of these factors, and apply a **differential general rate** to each.

The purpose of the imposition of a differential general rate is generally to ensure that every landowner makes a reasonable contribution to the rate burden.

Statutory Environment:

Local Government Act (1995) and associated regulations.

6.33. Differential general rates

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics:

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or

- (b) a purpose for which the land is held or used as determined by the local government; or
 - (c) whether or not the land is vacant land; or
 - (d) any other characteristic or combination of characteristics prescribed.
- (2) Regulations may:
- (a) specify the characteristics under subsection (1) which a local government is to use; or
 - (b) limit the characteristics under subsection (1) which a local government is permitted to use.
- (3) **In imposing a differential general rate, a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.**
- (4) If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.
- (5) A differential general rate that a local government purported to impose under this Act before the *Local Government Amendment Act 2009* section 39(1)(a) came into operation is to be taken to have been as valid as if the amendment made by that paragraph had been made before the purported imposition of that rate.

6.36. Local government to give notice of certain rates

- (1) Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to **give local public notice** of its intention to do so.
- (2) A local government is required to ensure that **a notice referred to in subsection (1) is published in sufficient time to allow compliance with the requirements specified in this section and section 6.2(1).** (*Budget preparation by 31st August*)
- (3) A notice referred to in subsection (1) —
- (a) **may** be published **within the period of 2 months preceding the commencement of the financial year** to which the proposed rates are to apply on the basis of the local government's estimate of the budget deficiency; and
 - (b) is to contain —
 - (i) details of each rate or minimum payment the local government intends to impose; and
 - (ii) **an invitation for submissions to be made** by an elector or a ratepayer in respect of the proposed rate or minimum payment and any related matters **within 21 days** (or such longer period as is specified in the notice) of the notice; and
 - (iii) any further information in relation to the matters specified in subparagraphs (i) and (ii) which may be prescribed;
- and
- (c) is to advise electors and ratepayers that the document referred to in subsection (3A) —
- (i) may be inspected at a time and place specified in the notice; and
 - (ii) is published on the local government's official website.

- (3A) The local government is **required to prepare a document describing the objects of, and reasons for, each proposed rate** and minimum payment **and to publish the document on the local government's official website.**
- (4) The local government is required to **consider any submissions received before imposing the proposed** rate or minimum payment with or without modification.
- (5) Where a local government —
- (a) in an emergency, proposes to impose a supplementary general rate or specified area rate under section 6.32(3)(a); or
 - (b) proposes to modify the proposed rates or minimum payments after considering any submissions under subsection (4),
- it is not required to give local public notice of that proposed supplementary general rate, specified area rate, modified rate or minimum payment.
- [Section 6.36 amended: No. 16 of 2019 s. 62.]*

Policy Implications:

Nil.

Budget Implications:

No immediate implications exist, however the rate in the dollar applied to any differential rate will impact the revenue raised by that aspect of the budget.

Consultation:

CEO, Rates Officer, Councillors, Department of LG, WALGA,

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.

Comment:

Before imposing any differential general rates or a minimum payment applying to a differential rate category a local government is to give 21 days' local public notice of its intention to do so and must produce a document detailing the proposals and the rationale for them for the public to inspect and respond to.

Council must consider the public submissions and determine whether to proceed with the application to the Minister.

In considering Councils request for a differential rate in excess of the legislated parameters (*i.e. greater than twice the level of the lowest rate*), the Minister will have regard to;

- **Objectivity**
essentially, assessing whether the application is within the scope of the legislation.
- **Fairness and Equity**
 - That the Council of the local government has **reviewed its expenditure and considered efficiency measures** as part of its budget deliberations. This is to be reflected in the council minutes when it adopts the budget strategy and **endorses objects and reasons for each differential rating category** and each minimum payment.
 - The **objects of imposing differential rates and reasons for each proposed differential general rate are set out** by the local government in a publicly available document.
 - These objects and reasons **clearly explain why** each differential general rate is proposed to be imposed.
 - The objects and reasons clearly explain **why it is proposed** to set the differential general rate **at that particular rate.**

- **If a category of ratepayer is significantly contributing to the local government’s revenue through fees, charges and other payments**, the local government has not used these same costs as the justification for the difference in differential general rate.
- If there are **fewer than thirty ratepayers** who will be subject to the differential general rate, each affected ratepayer has been **informed in writing** by the local government of:
 - the terms of the government’s policy (*through the **provision of a copy of the policy document***)
 - **the local government’s objects of and reasons** for proposing to impose the differential general rates
 - **the differential general rate that will apply** to the ratepayer’s property; and
 - the differential general **rate that applied in the previous year for comparison** and was **given at least 21 days to make submissions** to the local government on the proposal.
 - The ratepayers’ **submissions**, if any, **and** the local government’s **response** to each ratepayer’s submission (*as recorded in the minutes of the Council meeting at which the response was adopted*) **have been provided to the Minister**.
- **Consistency**
 - The local government has rated **similar properties** that are used for the **same purpose in the same way**.
 - The proposed **differential rates align with the rating strategy in the corporate business plan and long term financial plan** or the council of the local government has detailed **its reasons for deviating** from that rating strategy.
 - The local government has **reviewed and considered rates** proposed **in neighbouring or similar local government districts** in the rating strategy.
- **Transparency & Administrative Efficiency**
 - The local government has:
 - prepared and **made publically available** a document clearly describing **the object of and reason** for each differential general rate;
 - given public notice
 - published the notices after 1 May in the relevant year.
 - The public notice published by the local government contained:
 - **details of each differential** general rate that the local government intends to impose
 - an **invitation for submissions** to be made by an elector or ratepayer
 - a **closing date** for submissions which is at least twenty one days after the day on which the notice is published
 - advice on the **time and place where** a document containing the objects of and reasons for the differential general rates **can be inspected**.
 - The council of the local government has:
 - **considered** each ratepayer submission (if any)
 - **resolved to make the application** provided the Minister with the minutes and agenda papers relevant to these matters.

Procedural Pathway

Strategy

The council adopts the budget strategy and endorses objects and reasons for each differential rating category and each minimum payment.

Notice Period

In accordance with section 6.36(2)(a) of the *Local Government Act 1995*, the local government publishes a notice of its intention to impose differential general rates on or after this date.

21 days after publication

Council considers submissions and determines appropriate level of differential rates.

Council decision to seek Ministerial approval for the imposition of differential general rates that fall within section 6.33(3).

Processing Time

A local government needs to allow three weeks for the processing of an application from the date all of the required information is received by the Department of Local Government and Communities.

Budget Deadline

The local government’s budget is to be adopted by 31 August under section 6.2(1) of the *Local Government Act 1995*. The budget cannot be adopted until after the Minister makes a decision.

If the local government has submitted the final documents for Ministerial approval later than the end of July, consideration may need to be given by the local government to applying for Ministerial approval for an extension to the budget adoption.

To ensure the legal adoption of the budget it would be prudent to apply for an extension to the deadline until the end of September.

Alternate Budget Timeline

July							August							September						
Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su
			1	2	3	4							1			1	2	3	4	5
5	6	7	8	9	10	11	2	3	4	5	6	7	8	6	7	8	9	10	11	12
12	13	14	15	16	17	18	9	10	11	12	13	14	15	13	14	15	16	17	18	19
19	20	21	22	23	24	25	16	17	18	19	20	21	22	20	21	22	23	24	25	26
26	27	28	29	30	31		23	24	25	26	27	28	29	27	28	29	30			
							30	31												

- 08 July **Council Forum** receives Budget preparation update and timeline explanation
- 09 July Ordinary Council **Meeting Notice and Agenda**
- 15 July **Council Meeting** to formally request budget extension to end of September
Council resolve for Special Council Meeting on 22 July to set draft Budget
- 16 July Special Council **Meeting Notice and Agenda**
- 22 July **Council** determines draft budget and differential and minimum rates
- 26 July **Advertise** for public submissions on draft budget, rates, minimums, etc
- 29 July to 19 Aug **21-day Public Submission period**

- 20 Aug Prepare and distribute **meeting notice and report** on submissions
- 26 Aug **Special Council Meeting** to determine submissions and finalise rates
- 27 Aug **Submission** to Minister requesting authorisation of differential rates
- 30 Aug to 23 Sep 3+ weeks for **Minister to consider and determine** Council request
- 24 Sep **Meeting Notice and Agenda** based on Minister’s decision
- 30 Sep Last day for **Council** to adopt the 2021/22 Budget

Voting Requirements: Simple Majority

OFFICIAL RECOMMENDATION

THAT Council;

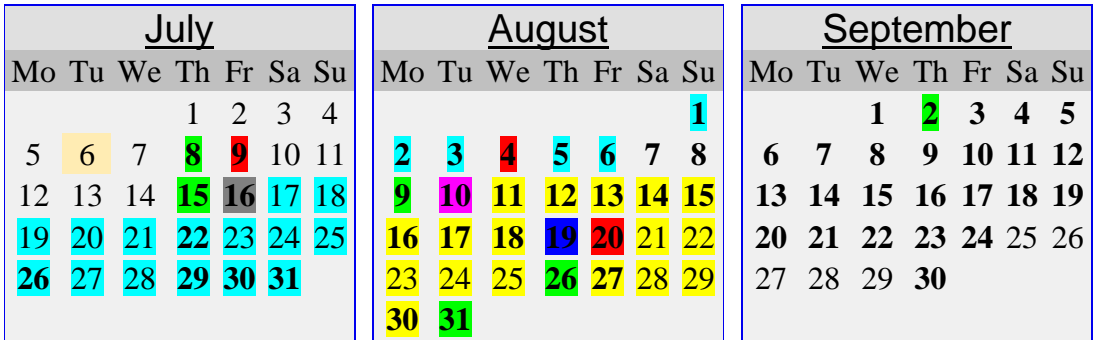
- 1. Note the report;**
- 2. Request an extension of time until the end of September to complete the 2021/22 budget and enable the consultation process required for the continuance of differential rating;**
- 3. Convene a Special Council Meeting at 12.00 noon on Thursday 22 July to set the 2021/22 Budget for the purposes of public consultation.**

Moved: Cr Seconded: Cr Motion put and carried

Change to Officer Recommendation
 As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

Cr King proposed an alternative motion in order to accelerate the timetable for the differential rates public submission and approvals process. The alternative program was tabled and supported by all councillors.

Revised Budget Timeline



- 08 July **Council Forum** receives Budget preparation update and timeline explanation
- 09 July Ordinary Council **Meeting Notice and Agenda**
- 15 July **Council Meeting** considers revised budget schedule
- 16 July **Advertise** for public submissions on draft budget, rates, minimums, etc
- 17 July to 06 Aug **21-day Public Submission period**
- 04 Aug Prepare and distribute **meeting notice and report** on submissions

- 09 Aug **Special Council Meeting** to determine submissions and finalise rates
- 10 Aug **Submission** to Minister requesting authorisation of differential rates
- 11 Aug to 01 Sep 3+ weeks for **Minister to consider and determine** Council request
- 19 Aug **Ordinary Council Meeting**
- Aug # **Meeting Notice and Agenda** based on Minister's decision
- Aug # **Council** to adopt the 2021/22 Budget

NOTE: The date of the meeting to adopt the final Budget is dependent on the response timeframe of the Minister, and assumes that this will be in favour of Council's request

150721.3 ANNUAL BUDGET & DIFFERENTIAL RATING

COUNCIL DECISION

THAT Council proceed to advertising and public consultation and differential and associated minimum rates based on an estimated rate increase of 2 percent, in accordance with the revised timeline.

Moved: Cr C King

Seconded: Cr J Sutherland

Motion put and carried 5/0

13. COMMUNITY DEVELOPMENT

13.1 MT GIBSON PUBLIC BENEFIT TRUST

Applicant:	Shire of Perenjori
File:	ADM0725
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Nola Comerford-Smith - MCCS
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	13.1 (a) - Minutes – Mt Gibson PBT Panel Meeting

Executive Summary:

This report provides information and minutes of the Mt Gibson Public Benefit Trust panel meeting held on Wednesday 16 June 2021 in Council Chambers.

Background:

Round 17 of the Mt Gibson Public Benefit Trust opened on December 28 2020 with an extended closing date of March 31 2021.

Five applications were received from the following community groups:

1. Perenjori Pistol Club
2. Perenjori Playgroup
3. Perenjori P&C
4. Perenjori Agricultural Society
5. Perenjori CRC

The following table shows a rating prepared by the previous CDO for each application, based on the Mt Gibson PBT guidelines, and decision by the panel.

Applicant	Project	Amount Requested	Amount as per Rating	Amount Allocated	Total Rating	Comments
Perenjori Pistol Club	Club renovations and compliance	\$20,117	\$20,117	\$0.00	32	Recommended to provide more information and reapply for Round 18.
Perenjori Playgroup	Update of resources	\$751.85	\$751.85	\$751.85	29	Total project funded
Perenjori P&C	Containers for Change Trailer	\$4,179.50	\$4,179.50	\$4,179.50	32	Total project funded
Perenjori Ag Society	Resources and entertainment	\$31,557	\$20,000	\$31,557	30	Total project funded
Perenjori CRC	Technology Services Update	\$8,691	\$8,691	\$8,691	31	Total project funded

Statutory Environment:

Nil

Policy Implications:

Nil

Legal Compliance:

Applications were considered by the panel and determined in accordance with the Mt Gibson Public Benefit Trust guidelines.

A total amount of \$45,180.30 excl. GST (forty-five thousand, one hundred and eighty dollars and thirty cents) was approved.

Consultation:

- Brendan Mason – Perenjori Pistol Club
- Bianca Plug – Perenjori Playgroup
- Emily Sutherland – Perenjori P&C
- Phil Logue - Perenjori Agricultural Society
- Julie Bain - Perenjori CRC
- Andrew Plunkett – Mt Gibson representative
- Cr Les Hepworth – Shire of Perenjori
- Dene Solomon – Community representative
- Mario Romeo – CEO, Shire of Perenjori

Financial Implications:

Mt Gibson Public Benefit Trust is held in trust for the purposes of community benefit.

Strategic Community Plan:

Area 3: People and place – Our Community

Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities and services to enable people to meet their needs and achieve their potential.

Officer Comment:

Further information has been requested from the Perenjori Pistol Club which has been provided and the application will be submitted to the next Mt Gibson PBT Round.

Voting Requirements: Simple Majority

OFFICERS RECOMMENDATION

THAT Council note and approve the Mt Gibson Public Benefit Trust Panel’s recommendations for funding totaling \$45,180.30 (forty-five thousand, one hundred and eighty dollars and thirty cents), excluding GST, as follows:

- **Perenjori Playgroup** **\$751.85**
- **Perenjori P&C** **\$4,179.50**
- **Perenjori Agricultural Society** **\$31,557.00**
- **Perenjori CRC** **\$8,691.95**

Moved:

Seconded:

Motion put and carried

Change to Officer Recommendation

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

It was determined that Council was only required to note the Committee decision and not approve the allocations, hence the officers recommendation was varied.

**150721.4 MT GIBSON PUBLIC BENEFIT TRUST – ROUND 17
COUNCIL DECISION**

THAT Council note the Mt Gibson Public Benefit Trust Panel’s recommendations for funding totaling \$45,180.30 (forty-five thousand, one hundred and eighty dollars and thirty cents), excluding GST, as follows:

- **Perenjori Playgroup \$751.85**
- **Perenjori P&C \$4,179.50**
- **Perenjori Agricultural Society \$31,557.00**
- **Perenjori CRC \$8,691.95**

Moved: Cr C Bryant

Seconded: Cr B Baxter

Motion put and carried 5/0

15. PLANT AND WORKS

16. GOVERNANCE

16.1 WA LOCAL GOVERNMENT CONVENTION

Applicant:	Shire of Perenjori
File:	ADM0631
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Nola Comerford-Smith - MCCS
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	16.1 (a) - Local Government Convention Information Brochure

Executive Summary:

For Council to nominate attendees for the 2021 WALGA Convention to be held 19-21 September 2021 at Crown Perth.

Background:

Council have elected in previous years to make an annual budget allowance for Convention registration and associated costs for Councillors and the Chief Executive Officer (as per Employment Agreement). Informal discussion at recent Council Forums has determined a desire for Councillors to attend the Convention for the purposes of gaining further knowledge and experience in Local Government matters. This Agenda Item is to for Councillors to determine attendees to allow Staff to commence registrations and accommodation bookings.

Statutory Environment:

Nil.

Policy Implications:

Shire of Perenjori Policy Manual - 2021

9001 – elected members conferences and seminars

Policy Statement:

At the Shire's expense each Councillor may attend seminars or conferences of their choice provided the seminar or conference is relative to local government and the Council agrees by majority to fund the Councillor's attendance.

This is generally restricted to one conference or seminar per year but may be increased with the majority of Council support.

The Shire will pay the cost of seminar registration and will accept costs associated with the seminar on the receipt of a copy of documentation.

These costs may include meals to a specified value, accommodation and/or travel to and from the conference.

Councillors should seek to acquire modest accommodation if they cannot be accommodated in a conference package with the conference accommodation provider.

On one occasion per year the Shire will pay for the Councillors partners' accommodation and meal costs at an approved conference or seminar.

If the chosen conference is the annual Local Government Convention the Shire will also pay reasonable activity costs for the Councillors partner.

Policy Administration

Date Adopted: Item N^o 14112.3 20th November 2014

Reviews/Amendments: Item N^o 17032.5 16th March 2017

Legal Compliance:

N/A

Consultation:

Shire of Perenjori Councillors

Mario Romeo – CEO

Financial Implications:

Allocation for Convention fees and accommodation will be made in the 2021/2022 Annual Budget.

Convention Fees and accommodation (convention package) are as follows:

Registration \$1,200.00

Accommodation (per night) \$ 230.00

Breakfast \$ 25.00

OPTIONAL

Gala Dinner \$ 165.00

ALGWA Breakfast (Monday) \$ 70.00

Breakfast – guest speaker \$ 95.00

Partner Activities Ranging from \$85 to \$175

Precedents:

Council have previously made allowance in the Annual Budget and attended the Local Government Convention.

Strategic Community Plan:

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

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

Officer Comment:

The annual Local Government Convention is a valuable training and networking opportunity for Councillors and Staff with Elected Members from throughout Western Australia attending the event. Staff will commence with Convention registrations and accommodation reservations following Council decision.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

THAT Council select the following Elected Members to attend the 2021 WA Local Government Convention:

- Cr _____
- Cr _____
- Cr _____
- Cr _____
- Cr _____
- Cr _____
- Cr _____

Moved:

Seconded:

Motion put and carried / lost

Change to Officer Recommendation

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

After some discussion on availability councillors indicated they were unable to determine the issue at this meeting. As a consequence an alternative motion was proposed to allow time for individuals to determine availability and advise the CEO.

**150721.5 WA LOCAL GOVERNMENT CONVENTION
COUNCIL DECISION**

That interested councillors advise the CEO of their desire to attend the 2021 WA Local Government Convention by Friday the 23rd July and the CEO be authorised to register all interested councillors based on their session preferences.

Moved: Cr P Logue

Seconded: Cr J Sutherland

Motion put and carried 5/0

16.2 FREEDOM OF INFORMATION STATEMENT

Applicant:	Shire of Perenjori
File:	ADM0228
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Bianca Plug – Executive Assistant
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	16.2 (a) – Freedom of Information Statement

Executive Summary:

This item recommends that Council endorses the proposed Freedom of Information (FOI) statement for the 2021/22 financial year.

Background:

At the Ordinary Council Meeting held 19 April 2018 the Shire of Perenjori adopted a FOI Policy and Information Statement. This policy, along with the *Freedom of Information Act 1992* requires the annual updating and publishing of the Information Statement.

The Information Statement must contain:

- The Agency's Mission Statement.
- Details of legislation administered.
- Details of the agency structure.
- Details of decision-making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions.
- Documents held by the agency.
- The operation of FOI in the agency.

A copy of the Information Statement is to be published on the Shire of Perenjori website and hard copies made available at the Shire of Perenjori Administration building. Under the FOI Act, the Shire is also required to forward a copy to the Commissioner as soon as practicable. This Information Statement will be required when completing the FOI Statistic Return for 2021/22.

Statutory Environment:

Under terms of *Section 96* of the *Freedom of Information Act 1992*, each government agency is to publish an up-to-date Information Statement annually. *Section 97(2)* stipulates that a copy of that Information Statement must be provided to the Commissioner as soon as practicable after the statement is published under *Section 96*.

Policy Implications:

Policy 1018 – Freedom of Information.

Legal Compliance:

Nil.

Consultation:

Regulations.

Financial Implications:

Nil.

Precedents:

Nil.

Strategic Community Plan:

Area 5: Investing in Councils 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.

CEO Comment:

The attached FOI Information Statement has only had minor changes made. These include the preamble, contact information and the organisational structure. This Information Statement has been developed in line with the *FOI Act 1992*.

Voting Requirements: Simple Majority

Change to Officer Recommendation

No Change.

150721.6 FREEDOM OF INFORMATION STATEMENT

COUNCIL DECISION

THAT the Shire of Perenjori Freedom of Information Statement 2021/22 be adopted.

Moved: Cr B Baxter

Seconded: Cr C Bryant

Motion put and carried 5/0

16.3 SHIRE OF PERENJORI EMPLOYEE HOUSING POLICY

Applicant:	Shire of Perenjori
File:	ADM0311
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Nola Comerford-Smith - MCCS
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	16.3 (a) – Draft Employee Housing Policy No. 5005

Executive Summary:

For Council to consider a draft Employee Housing Policy.

Background:

Council provides subsidised housing to staff as an incentive to attract and retain staff as it is often difficult to find suitable rental accommodation on the private rental market. Currently, nine staff are tenants in Council-owned houses.

Council's current Housing Policy does not reference the Shire of Perenjori Enterprise Agreement 2019 (the Agreement), resulting in some inconsistency between the two documents. A policy that clearly articulates the intent and priorities of Council reduces the risk of inequitable or unjustifiable decisions and improved transparency.

As per the Agreement, Outside Works employees only are eligible for a Housing Allowance of \$4.43 per hour for staff who reside in their own, or privately rented, accommodation. In addition, employees in their own, or privately rented, house are eligible for further incentives including waiving of rubbish collection charges and subsidised water consumption.

Section 16 of the Shire of Perenjori Enterprise Agreement 2019:

16. – HOUSING

- 16.1 *Housing is provided in Perenjori by the Employer in accordance with Council Policy, as varied from time to time, and subject to availability. Any changes to this Council Policy will be negotiated with staff and will be made in accordance with the Consultation Procedure at Clause 27 of this Agreement.*
- 16.2 *Included in the hourly pay rate for Outside Works Employees covered by this Agreement is a Housing Allowance of \$4.43 per hour. Outside Works Employees will not receive the \$4.43 per hour Housing Allowance if they are provided free or discounted rent in a Shire owned property or receive an alternative housing subsidy.*
- 16.3 *Employees renting Employer houses will retain the option of salary sacrificing the full cost of rental payments.*
- 16.4 *The Employer will continue to contribute an amount of \$44 per account towards water consumption on Employer properties upon presentation of the water account. This is subject to the Employee maintaining the gardens to a reasonable standard as assessed by the Employer.*
- 16.5 *The Employer retains the right to refuse the payment if gardens/yards are not kept at the expected standard.*
- 16.6 *The Employer will waive rubbish collection charges for Employees for their principle residence and apply a pro rata waiving for permanent part time Employees.*

16.7 This clause does not apply to casual Employees.

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.

Policy Implications:

Shire of Perenjori Policy Manual – 2021

Policy number 5002 and 5004 in relation to housing:

5002 – EMPLOYEES RENTAL SUBSIDY FOR PRIVATE RENTALS

POLICY STATEMENT:

To provide equity between Shire employees who rent Shire housing and employees who are unable to, the Council will consider for an employee's principle place of residence:

- Waiving rubbish collection charges for a single 240 litre bin;
 - Subsidising water consumption to the same rate as applies employees renting Shire houses.
- To maintain consistency with tenants, this subsidy will be dependent on employees maintaining lawns and gardens to an appropriate standard: and
- Negotiate housing benefits from time to time through the Enterprise Bargaining process.

POLICY ADMINISTRATION

Date Adopted:	Item N° 14042.5 17th April 2014
Reviews/Amendments:	Item N° 17032.5 16th March 2017

5004 – HOUSING TENANCY AGREEMENTS

POLICY STATEMENT:

Council adopts the Department of Commerce, Consumer Protection *RESIDENTIAL TENANCY AGREEMENT*, with the following additional conditions:

1. An employee 's tenancy agreement will be conditional on the continued employment with the Shire of Perenjori by the tenant;
2. On termination of employment with the Shire of Perenjori, the tenant shall vacate the premises in accordance with the requirements of the Agreement;
3. Non-employee tenants shall enter into a Residential Tenancy Agreement and comply with all aspects of the Agreement;
4. Termination of a Residential Tenancy Agreement will be in accordance with the terms and conditions of the written Agreement;
5. It is the responsibility of the tenant to ensure the gardens, yard and house surrounds are kept in a neat and tidy condition and lawns and gardens not be allowed to die or deteriorate.

POLICY ADMINISTRATION

Date Adopted:	Item N° 14042.5 17th April 2014
Reviews/Amendments:	Item N° 17032.5 16th March 2017

Legal Compliance:

N/A

Consultation:

Shire Staff.

Financial Implications:

These updated fees will be included in the draft 2021/22 Schedule of Fees & Charges which will be brought before Council for consideration as part of the 2021/22 budget process.

Strategic Community Plan:

Nil.

Officer Comment:

A lack of policy direction has resulted in some inconsistencies and inequity in the Agreement in the way housing incentives are allocated. This policy aims to address these shortcomings by providing clear guidelines to ensure transparency and equity. An additional policy is required to address Council's intentions for future housing requirements including sale of surplus and construction of new housing to continue the ability to offer quality housing to staff, community members, and businesses. A draft Council Housing Policy will be presented to Council for consideration at a future Council meeting.

To provide equity for all employees, it is proposed that in accordance with the Agreement, Council will pay a housing allowance of \$4.43 per standard hour for permanent and part-time staff who reside in their own, or privately rented, accommodation with the exception of staff with an individual contract or who reside in a residence along with other Shire employee/s. In this case, only one allowance will be paid.

Permanent and part-time employees who reside in a Council house shall be offered a 50% discount on market value rent.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

THAT the Employee Housing Policy as presented be adopted by Council and included into the Shire of Perenjori Policy Manual.

Moved: Seconded: Motion put and carried / lost

Change to Officer Recommendation

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

Councillors expressed a desire for further information, so an alternative motion was proposed to enable the information to be researched and come forward for discussion.

**150721.7 SHIRE OF PERENJORI EMPLOYEE HOUSING POLICY
COUNCIL DECISION**

THAT this item be deferred for discussion at the next Council Forum and Council Meeting with clarification to be provided on the criteria that will apply to the determination of eligible part-time and fixed term employees in terms of the 50% discount.

Moved: Cr B Baxter Seconded: Cr C Bryant Motion put and carried 5/0

IMPARTIALITY INTEREST: Cr J Sutherland declared an impartiality interest in item 16.4 due to the applicant being her brothers partner and was permitted to remain in the Chamber for the discussion without participating or voting.

That Cr J Sutherland be permitted to remain in the Chamber during the debate and resolution of item 16.4.

Moved: Cr C King

Seconded: Cr P Logue

Motion put and carried 5/0

16.4 PROPOSED HOLIDAY HOUSE – 40 (LOT 2) FOWLER STREET, PERENJORI

Applicant:	J Gellatly
File:	A176
Report Date:	15 July 2021
Disclosure of Interest:	Impartiality Interest – Cr J Sutherland
Author:	Simon Lancaster – DCEO Shire of Chapman Valley
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	16.1 (a) – Copy of received application

Executive Summary:

Council is in receipt of an application to operate short stay accommodation from within the existing building at the rear of the shop upon 40 (Lot 2) Fowler Street, Perenjori. The application has been advertised for comment and no objections were received. This report recommends that Council approve the application subject to conditions.

Figure 16.1(a) – Location Plan for 40 (Lot 2) Fowler Street, Perenjori



Background:

Lot 2 is a rectangular 1,467m² property located on the eastern side of Fowler Street within the Perenjori townsite. The property contains the 'J's Hardware & Gifts' store at the front and a 3 bedroom/1 bathroom living quarters at the rear of the store that the applicant is seeking to operate for short stay accommodation purposes.

The applicant is seeking approval to operate a holiday home upon the property in order to accommodate up to 8 guests on a short term basis.

It is proposed that guests arriving when the store is not open will access the short stay accommodation via a coded key safe (the code for which they will receive at time of their booking).

The owner will undertake daily cleaning of the premises as required and parking will be conducted on-site and vehicle access will be via the rear laneway.

The applicant's submitted management statement and site plan for the proposal have been included as **Attachment 16.1**.

Figure 16.1(b) – Aerial Photo of 40 (Lot 2) Fowler Street, Perenjori



Statutory Environment:

40 (Lot 2) Fowler Street, Perenjori is zoned 'Commercial' under the Shire of Perenjori Local Planning Scheme No.3 ('the Scheme'). Given the advanced (post-advertising) state of Scheme No.3 this document is now to be considered as 'seriously entertained' and therefore planning decisions should be made under these new provisions.

The Scheme lists the objectives for the 'Commercial' zone as being:

- *To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites.*
- *To ensure that development is not detrimental to the streetscape and amenity of adjoining owners and residential properties in the locality."*

The proposed development would meet with the definition of 'Holiday House' as listed in the *Planning and Development (Local Planning Schemes) Regulations 2015*:

"holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

'Holiday House' is listed as an 'A' use within the 'Commercial' zone under the Scheme, that is a use that must be advertised for comment prior to determination.

The *Health Act 1911* states that any building used for the accommodation of more than 6 persons is considered a lodging house:

“lodging-house means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward...”

As per this definition the holiday home would be required to comply with the requirements of the *Health Act 1911* in regards to maximum occupancy based on available floor area and facilities should more than 6 persons reside at the premises at any one time, and a lodging house incurs additional and more onerous statutory and compliance requirements of operators. Therefore it is recommended that maximum occupancy for the development be conditioned to be no more than 6 persons. Should the applicant wish to accommodate a greater number of occupants this would be subject to the landowner lodging a separate application that must demonstrate compliance with the Health Act’s lodging-house requirements.

Figure 16.1(c) – View of Fowler Street frontage to Lot 2



Figure 16.1(d) – View of Lot 2 Fowler Street property from rear laneway



Policy Implications:

Nil.

Legal Compliance:

Nil.

Consultation:

The Shire wrote to the landowners of the 7 surrounding landowners on 10 June 2021 providing details of the application and inviting comment by 2 July 2021. At the conclusion of the advertising period no objections had been received.

Financial Implications:

Were this application to be approved by Council it would incur an annual renewal fee of \$73, this is intended to cover Shire administrative costs and periodic inspections as may be required.

Precedents:

The most recent precedent for this type of development was Council's approval of a Holiday House to operate from 5 (Lot 135) Livingstone Street, Perenjori at its 24 January 2019 meeting. This approval was made subject to ongoing 12 month renewal to provide the local government with the ability to monitor and further condition or even rescind the development's approval in the event of substantiated complaint being received. It is considered that approval of a Holiday House application at 40 (Lot 2) Fowler Street, Perenjori, and other locations, should be subject to a consistent approach to the previous approval.

Strategic Community Plan:

Area 2: Industry and Business Development – Our Economy

Goal: Fostering and maximising growth across the economy, seeking and embracing opportunities for diversifying and strengthening our economic base.

Officer Comment:

Council may consider that the application should be supported based on the following:

- the use is low-key in nature (i.e. occurs within an existing building that has been previously used for habitation);
- the development would not cause an inconsistency in the existing streetscape as the use of the dwelling as a holiday home will not require any changes to the external appearance of the building;
- such developments can be considered within the 'Commercial' zone where they do not conflict with the zone's primary objective;
- there is the ability for issues that may arise with such developments (e.g. noise, nuisance and parking) to be addressed by conditions of approval and making the approval subject to a 12 month annual renewal period whereby Council retains the right to review its approval in the event of complaint being received, or concern being raised, over the operation of the development.

The Western Australian Planning Commission's 'Planning Bulletin 83 - Planning for Tourism' (2013) sets out the policy position to guide decision making by the WAPC and local government for rezoning, subdivision and development proposals for tourism purposes. The Bulletin emphasises the importance of strategic planning for tourism and that this should be addressed through the local government's Local Planning Strategy identifying tourism sites and determine their strategic value and importance to tourism development.

The Bulletin notes that identification of tourism sites does not imply that the site is suitable for immediate development or re-development (in many cases sites may be identified to facilitate the long term protection of land for tourism purposes where economic conditions appropriate for

development may not be reached for a number of years) but does set out general location criteria to determine the tourism value of a site as follows:

“Accessibility

The site has adequate existing or proposed transport links (such as major road or airport access).

Uniqueness

The site contains, or is in the vicinity of, an attraction or prominent and/or unique landmark of local, regional or State significance.

Setting

The setting of the site has an aspect and outlook that supports recreational tourism activities and/or the creation of a tourism character and ambience (e.g. immediately adjacent to a beach).

Tourism activities and amenities

The site provides, has easy access to, or is capable of development of supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops and the like.

Supply of land

The site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area.

Site specific criteria to determine the tourism value of the site includes:

Suitability in a land use context

The site is located in a land use context that will not limit the extent of activities available to guests due to amenity impacts on adjoining residents or where the adjoining uses potentially detract from the tourism character of the site (e.g. located within a residential area).

Capability

The site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation. Examples include: clearing for bushfire protection, sewerage capacity, water supply and rubbish disposal.

Size

The size of the site should be adequate to accommodate a sustainable tourism facility with respect to its design, operation and function, and its site specific and wider impacts and consideration of future growth/expansion. This will require a site to be able to be developed without compromising the sustainable use of natural and cultural resources or existing social structures. Development of the site should also contribute to the delivery of diversified and balanced tourism opportunities.

Function

The use of the site meets a particular accommodation, market need and/or ensures a range of tourism accommodation within the locality. Examples are: beachfront caravan parks, school holiday camps and Crown tourism leases.

These criteria are to guide local government in the assessment of the strategic value of tourism sites and determination of the value will be based on the outcome of the assessment of the site against all criteria.”

Voting Requirements: Simple Majority

Change to Officer Recommendation

No Change.

150721.8 PROPOSED HOLIDAY HOUSE – 40 (LOT 2) FOWLER STREET, PERENJORI

COUNCIL DECISION

THAT Council grant formal planning approval for a Holiday House upon 40 (Lot 2) Fowler Street, Perenjori subject to compliance with the following:

Conditions:

- 1 The development shall be in accordance with the attached approved management statement and plans and subject to any modifications required as a consequence of any conditions of this approval. The endorsed management statement and plan shall not be modified or altered without the prior written approval of the local government.**
- 2 The approval is valid for a period of 1 year after which time the application shall be considered by the Shire CEO (under the delegated authority of Council) as to any impacts arising from the operation of the development in its determination on whether to grant any extension to the approval period.**
- 3 The approval is issued only to the landowner making initial application and is not transferable to any other person or to any other land parcel. Should there be a change of land ownership in respect of which this planning approval is issued this approval shall no longer be valid (and separate application would be required to be made).**
- 4 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) requires further application and planning approval for that use/addition.**
- 5 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product, vehicle parking and manoeuvring or otherwise.**
- 6 The proponent is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government. Such response(s) will be treated as conditions of approval/required modifications to the management statement.**
- 7 All parking of vehicles (and trailers) associated with the guests shall be provided for within the property boundary, and the street verge area shall be kept free of such vehicles.**
- 8 Guests are to be accommodated within the existing dwelling only with a maximum occupancy of 6 persons. No other accommodation is permitted upon the land or within any other outbuildings located upon the site.**
- 9 The short stay accommodation is not to be occupied by single or multiple tenants for a period of greater than 3 months at any one time.**
- 10 The installation and subsequent maintenance of any signage shall be to the approval of the local government.**

Notes

- (a) The applicant is advised that this approval is only issued for a period of 12 months and the operation of this development will be monitored by the local government and should complaints arise and not be adequately managed to the satisfaction of the local government, then it should not be construed that further approval would be granted.**
- (b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation including but not limited to the following where required, Building Code of Australia, *Building Regulations 2012***

and *Health Act 1911*. It is the applicant's/landowner's responsibility to obtain any additional approvals required before the development/use lawfully commences.

- (c) Should the applicant be aggrieved by the decision of the Council (in part or whole) there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of the decision.**

Delegate authority to the Shire Chief Executive Officer for the annual renewal of the approval should no written, author-identified complaints be received during the preceding 12 month period, and there being no change in the circumstances under which the previous approval was granted.

Moved: Cr P Logue

Seconded: Cr C Bryant

Motion put and carried 5/0

ATTACHMENT 16.5 (a)

SHORT STAY ACCOMMODATION MANAGEMENT STATEMENT

Name of Business: J'S HARDWARE & GIFTS

Property Address: 10 FOWLER ST PERENJORI

Property Owner: JANICE GELLATLY

Property Manager: JANICE GELLATLY.

Maximum occupancy: 8

Bedding configuration: 3 x Queen Beds / or 2 Queen
3 Single

Facilities & Carparking: Parking for approximately
6-8 Vehicles is available if required.

Day To Day Management (outlining how premises will be managed on a day-to-day basis, including how keys are accessed for entry, provision of on-site assistance, cleaning & waste management):

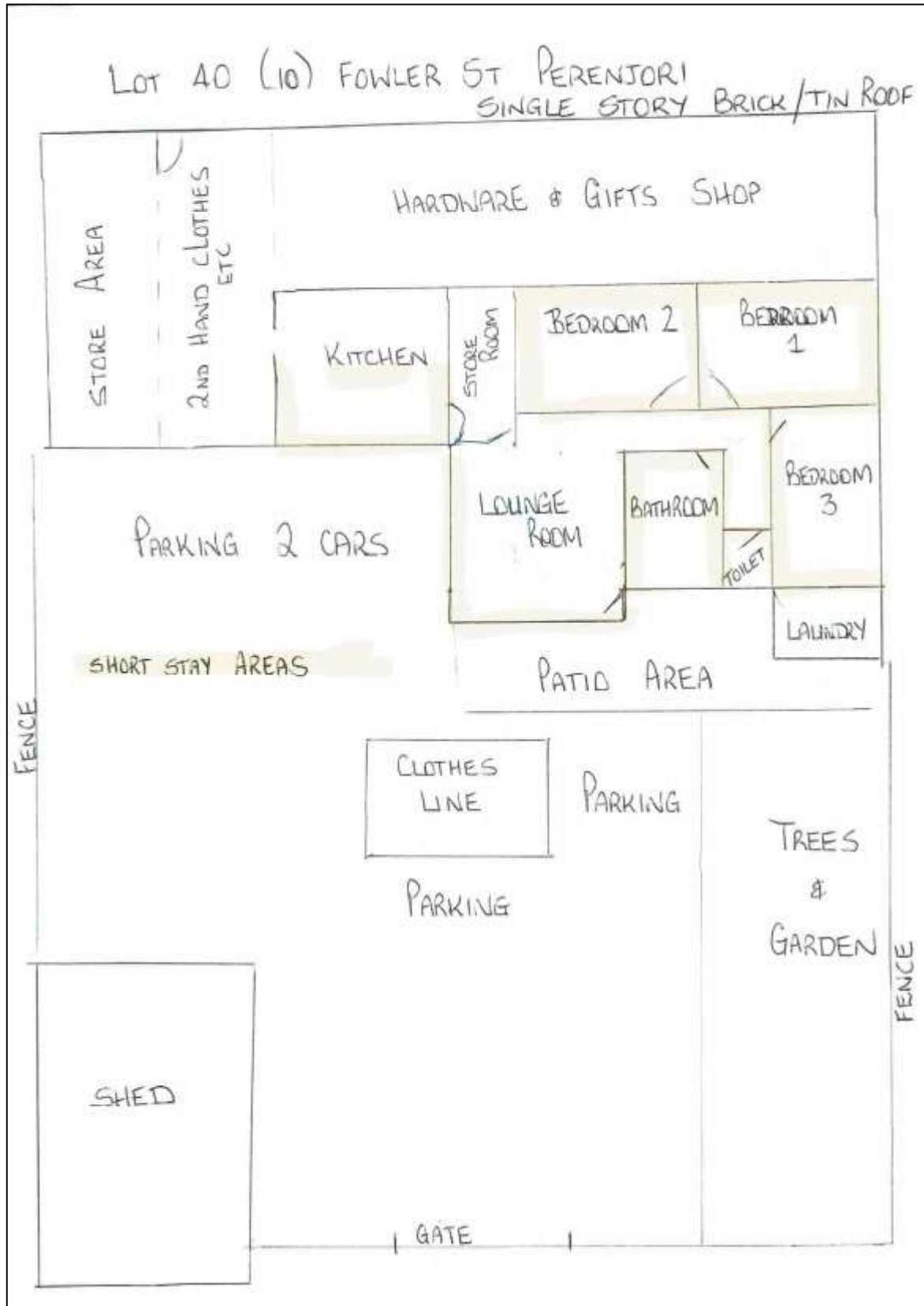
I will be here on a daily basis to
clean and maintain the area being
used.

Keys will be left in a push button
wall mounted key safe for after hours
arrivals

Fire & Emergency Management:

A hard wired smoke detector will
be installed also a fire extinguisher
and signs for exits & assembly
areas in case of an emergency.

Nuisance, Noise & Complaint Management: I will handle any
complaints, as there is no close neighbours
no noise complaints are expected.



16.5 SALE OF COUNCIL-OWNED RESIDENTIAL VACANT LOTS

Applicant:	Shire of Perenjori
File:	Nil
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Nola Comerford-Smith - MCCS
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	Nil

Executive Summary

For Council to consider advertising for sale up to 5 (five) vacant residential lots in the Perenjori townsite.

Background

Informal discussion during recent Council Forums indicates a desire by Council to make available for sale up to 5 (five) vacant residential lots in the Perenjori townsite.

Serviced vacant townsite lots are as follows:

- Lot 341 John Street – 1038m²
- Lot 343 John Street – 1050m²
- Lot 346 John Street - 1037m²
- Lot 348 John Street - 1032m²
- Lot 349 John Street - 1038m²
- Lot 352 Timmings Street - 1029m²
- Lot 357 Hirshauer Street - 1027m²
- Lot 358 Hirshauer Street - 1027m²
- Lot 359 Hirshauer Street - 1036m²

Statutory Environment

Local Government Act 1995

Policy Implications

Policy No. 1016 – Asset Management Policy

Policy Objective:

This Policy provides clear direction in the provision and management of all Shire assets. It seeks to ensure that assets support the Council's strategic vision and objectives, deliver sustainable service outcomes provided at appropriate levels of service for present and future stakeholders.

Policy Scope:

The Shire considers assets (such as infrastructure, land, plant and equipment) to be any that support the deliver one or more services requiring the following assets;

- *Property*
- *Recreation*
- *Transport*
- *Plant, Vehicles & Equipment*
- *Information Technology*
- *Waste Management*

This Policy applies to all assets which are required to be managed by the Shire where their components have a useful life of more than two years and a replacement cost greater than \$5,000.

The Shire's Asset Management Vision shall be achieved through the implementation of an integrated planning and reporting framework.

As a minimum;

The Asset Management Strategy shall define the Shire's asset management vision, objectives, outcomes, enablers (e.g. Roles, responsibilities, training etc.), and performance monitoring and implementation plan.

The Asset Management Plan shall be driven by community-involved service levels, future demand, long term sustainability and risk management.

Policy Statement:

The Shire will provide and manage assets that support the delivery of services in line with the Strategic Community Plan. Through a commitment to continuous improvement in its organisational asset management, the Shire will develop, adopt and implement a Vision, a Strategy and Management Plans.

The Shire will manage its assets in a whole-of-life and economically, environmentally, culturally and socially sustainable manner. Asset management decisions will consider other key Shire policies and priority will be given to existing assets and services over new ones. Long term resource needs (Asset Management plans) will be balanced against capacity (Long Term Financial Plan).

Policy Administration

Reviews/Amendments: Item N^o 17032.5 16th March 2017

Reviews/Amendments:

Legal Compliance

Nil.

Consultation

Shire of Perenjori Councillors

Mario Romeo – CEO

Wayne Scheggia – Executive Advisor

Financial Implications

Potential income from sale of properties.

Precedents

Nil.

Strategic Community Plan

Area 2: Industry and Business Development – Our Economy

Goal: Fostering and maximising growth across the economy, embracing opportunities for diversifying and strengthening our economic base.

Officer Comment

It is recommended that Council offer the five vacant lots on John Street for sale and retain the lots on Timmings Street and Hirshauer Street for additional Council housing.

Council have the options of:

Offering the lots for sale at a set price – ie. \$8,000 (eight thousand dollars),

or

Advertise as available for purchase in accordance with *Section 3.58* of the *Local Government Act 1995* requiring:

Applicants must make a written offer to Council which must include the lot they are interested in, the purchasers name and the value of the offer.

Staff will then arrange an independent valuation of the lot and present the offer and relevant details to Council for consideration.

If the offer is approved by Council, statutory advertising must be carried out, and public submissions will be open for two weeks.

Following the advertising and public submissions, the offer will go back to Council for final approval.

Any offer that is accepted by Council must be carried out under the following conditions:

Payment is made in full within 30 days of notification of sale.

Building commences within 12 months of sale.

The building must be a housing residence and conform to building licenses issued.

The building must be completed within two years of the sale.

Voting Requirements: Simple Majority

OFFICER RECOMMENDATION

THAT Council advertise the following lots as available for purchase:

- Lot 341 John Street, Perenjori
- Lot 343 John Street, Perenjori
- Lot 346 John Street, Perenjori
- Lot 348 John Street, Perenjori
- Lot 349 John Street, Perenjori

THAT the following steps be taken in accordance with Section 3.58 of the Local Government Act 1995:

- Applicants must make a written offer to Council which must include the lot they are interested in, the purchasers name, and the value of the offer.
- Staff will then arrange an independent valuation of the lot and present the offer and relevant details to Council for consideration.
- If the offer is approved by Council, statutory advertising must be carried out, and public submissions will be open for two weeks.
- Following the advertising and public submissions, the offer will go back to Council for final approval.

Any offer that is accepted by Council must be carried out under the following conditions:

1. Payment is made in full within 30 days of notification of sale.
2. Building commences within 12 months of sale.
3. The building must be a housing residence and conform to building licenses issued.
4. The building must be completed within two years of the sale.

Moved: Seconded: Motion put and carried / lost

Change to Officer Recommendation

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution:

Some concern was expressed about the impact that the current high building demand would have on the ability of buyers to meet the two year building completion requirement so an alternative motion was proposed to accommodate greater flexibility.

150721.9 SALE OF COUNCIL-OWNED RESIDENTIAL VACANT LOTS

COUNCIL DECISION

THAT Council advertise the following lots as available for purchase:

- **Lot 341 John Street, Perenjori**
- **Lot 343 John Street, Perenjori**
- **Lot 346 John Street, Perenjori**
- **Lot 348 John Street, Perenjori**
- **Lot 349 John Street, Perenjori**

THAT the following steps be taken in accordance with Section 3.58 of the Local Government Act 1995:

- **Applicants must make a written offer to Council which must include the lot they are interested in, the purchasers name, and the value of the offer.**
- **Staff will then arrange an independent valuation of the lot and present the offer and relevant details to Council for consideration.**
- **If the offer is approved by Council, statutory advertising must be carried out, and public submissions will be open for two weeks.**
- **Following the advertising and public submissions, the offer will go back to Council for final approval.**

Any offer that is accepted by Council must be carried out under the following conditions:

- 1. Payment is made in full within 30 days of notification of sale.**
- 2. Building commences within 12 months of sale.**
- 3. The building must be a housing residence and conform to building licenses issued.**
- 4. The building must be completed within two years of the sale or a suitable negotiated time frame.**

Moved: Cr J Sutherland

Seconded: Cr P Logue

Motion put and carried 4/1

17. CONFIDENTIAL REPORTS

17.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

PROCEDURAL MOTION

THAT Council go behind closed doors to consider a matter that if disclosed, would affect Information that has a commercial value to a person; or Information about the business, professional, commercial or financial affairs of a person.

Moved: Cr J Sutherland Seconded: Cr C Bryant Motion put and carried 5/0

17.2 CONFIDENTIAL ITEM – OVERDUE RATES AND CHARGES

Applicant:	Shire of Perenjori
File:	ADM0033
Report Date:	15 July 2021
Disclosure of Interest:	Nil
Author:	Louise Sequerah – Rates Officer
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	17.2 (a) - Recalcitrant Rates Debtors as at 30 June 2021

Voting Requirements: Absolute Majority

Change to Officer Recommendation

No Change.

150721.10 CONFIDENTIAL ITEM – OVERDUE RATES AND CHARGES

COUNCIL DECISION

THAT the overdue rates and charges report totaling \$24,507.69 be received.

Moved: Cr P Logue Seconded: Cr C Bryant Motion put and carried 5/0

17.3 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

PROCEDURAL MOTION

THAT Council return to standing orders and re-open the meeting to the public.

Moved: Cr P Logue Seconded: Cr C Bryant Motion put and carried 5/0

18. ORDERING THE COMMON SEAL

Document	Organisation	Purpose	Date
-	-	-	-

19. REPORTS OF COMMITTEES AND MEMBERS

20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

21. NOTICE OF MOTIONS

(for consideration at the following meeting, if given during the meeting).

22. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

23. CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.17 pm.

24. NEXT MEETING:

The Shire President advises that the date of the next Ordinary Meeting of Council will be held on Thursday 19 August 2021, commencing at 3:00 pm at the Shire of Perenjori Council Chambers 56 Fowler Street, Perenjori WA 6620.

18. ORDERING THE COMMON SEAL

Document	Organisation	Purpose	Date
-	-	-	-

19. REPORTS OF COMMITTEES AND MEMBERS

20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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The Shire President declared the meeting closed at 4.17 pm.

24. NEXT MEETING:

The Shire President advises that the date of the next Ordinary Meeting of Council will be held on Thursday 19 August 2021, commencing at 3:00 pm at 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 15 July 2021.

Signed: Chris King
Cr Chris King – Presiding Officer

Date: 19/08/2021