



Shire of  
**Perenjori**  
Embrace Opportunity

MINUTES  
*from the*  
ORDINARY COUNCIL  
MEETING

17 DECEMBER 2020

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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	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 17 December 2020, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620.

## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The Shire President declared the meeting open at 4:00 pm and welcomed those in attendance.

### **Welcome to Country: -**

As per the Shire of Perenjori Policy (N<sup>o</sup> 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:

#### MEMBERS:

Cr Chris King – Shire President

Cr Brian Baxter

Cr Colin Bryant

Cr Daniel Bradford

Cr Jude Sutherland – Deputy President

Cr Les Hepworth

Cr Phil Logue

<b>STAFF:</b>	Mario Romeo – Chief Executive Officer Taryn Dayman – Deputy Chief Executive Officer Ken Markham – Manager Infrastructure Services Wayne Scheggia – Executive Advisor Bianca Plug – Executive Assistant
<b>DISTINGUISHED VISITORS:</b>	Nil
<b>MEMBERS OF THE PUBLIC:</b>	Nil
<b>LEAVE OF ABSENCE:</b>	Nil
<b>APOLOGIES:</b>	Nil

**5. PUBLIC QUESTION TIME:**

Nil.

**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 19 NOVEMBER 2020:**

**COUNCIL DECISION**

**THAT the Minutes of the Ordinary Meeting of Council held on 19 November 2020, presented in attachment 7.1 (a), be confirmed as true and correct subject to no corrections.**

**Moved: Cr P Logue      Seconded: Cr D Bradford      Motion put and carried 7/0**

**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 affecting an employee or employees*

*The personal affairs of any person;*

*A matter that if disclosed, would reveal –*

*A trade secret; or*

*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:

Shire President Cr C King declared two Impartiality Interests in items 16.5 Proposed Civil Engineering Business – 2 (lot 150) – Downer Street, Perenjori 2 and 17.2 Confidential Item Commercial Centre Revitalisation. Cr C King left the room on both occasions and did not partake in the discussion or voting of the above mentioned items.

## 12. FINANCE REPORTS

### 12.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2020

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0081
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Deb Barndon – Accountant
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	12.1 (a) - Monthly Statement of Financial Activity for November 2020 12.1 (b) - Information Schedule for November 2020

#### Executive Summary:

This item recommends that Council receive the Financial Activity Statements for the period ending 30 November 2020.

#### Background:

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

#### Details:

Nil.

#### Legal Compliance:

Nil.

#### 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.

**Precedents:**

Nil.

**Officer Comment:**

Nil.

**CEO Comment:**

Nil.

**Voting Requirements: Simple Majority**

**Change to Officer Recommendation**

**12.1.1 THE FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2020.**

**OFFICER RECOMMENDATION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 30 November 2020.**

**12.1.2 THE FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2020.**

**COUNCIL DECISION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 30 November 2020.**

**Moved: Cr D Bradford      Seconded: Cr L Hepworth      Motion put and carried 7/0**

## 12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2020

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0082
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Deb Barndon – Accountant
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	12.2 (a) - Accounts for Payment 30 November 2020

### Executive 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*

*R11. Payments, procedures for making etc.*

*R12. Payments from municipal fund or trust fund, restrictions on making*

*(1) A payment may only be made from the municipal fund or the trust fund —*

*(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

*(b) otherwise, if the payment is authorised in advance by a resolution of the council.*

*(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

*S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

*(1) 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 —*

*(a) the payee's name; and*

*(b) the amount of the payment; and*

*(c) the date of the payment; and*

*(d) sufficient information to identify the transaction.*

*(2) A list of accounts for approval to be paid is to be prepared each month showing —*

*(a) for each account which requires council authorisation in that month —*

*(i) the payee's name; and*

*(ii) the amount of the payment; and*

*(iii) sufficient information to identify the transaction; and*

*(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 Role:**

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:**

Strategy 1.3.2 of the Strategic Community Plan – Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations.

**Consultation:**

Nil.

**Risk Assessment:**

Nil.

**Precedents:**

Council endorses the Schedule of Paid Accounts at each Ordinary Council Meeting.

**Officer Comment:**

This is a schedule of 'paid accounts' - the accounts have been paid in accordance with Council's delegation.

**Accounts Paid for the Month Ending 30 November 2020.**

<b>Municipal Account</b>	
EFT	\$349,998.35
Direct Debits	\$95,251.51
Cheques	\$26,658.30
Corporate MasterCard	\$2,778.79
Bank Fees	\$240.94
<b>Total</b>	<b>\$474,927.89</b>

<b>Trust Account – Mt Gibson Public Benefit Funds</b>	
EFT	\$4,766.39
Cheques	\$0.00
Bank Fees	\$0.00
<b>Total</b>	<b>\$4,766.39</b>

Totalling **\$479,694.28** from *Municipal* and *Trust Accounts* for the month ending **30 November 2020**.

**Voting Requirements: Simple Majority**

**12.2.1 SCHEDULE OF PAID ACCOUNTS AS AT 30 NOVEMBER 2020**

**OFFICER RECOMMENDATION**

**THAT Council receives the November Schedule of Paid Accounts Report.**

**12.2.2 SCHEDULE OF PAID ACCOUNTS AS AT 30 NOVEMBER 2020**

**COUNCIL DECISION**

**THAT Council receives the November Schedule of Paid Accounts Report.**

**Moved: Cr J Sutherland      Seconded: Cr P Logue      Motion put and carried 7/0**

**13. COMMUNITY DEVELOPMENT**

**15. PLANT AND WORKS**

## 16. GOVERNANCE

### 16.1 PURCHASING POLICY REVIEW

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0311
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Taryn Dayman – Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	16.1 (a) – Proposed Draft Purchasing Policy 16.1 (b) – Existing Purchasing Policy

#### **Executive Summary:**

That Council considers and endorse revised Purchasing Policy 4007.

#### **Background:**

The amendments to the Local Government (Functions and General) Regulations 1996 (Regulations) were gazetted on 9 April 2020 and 8 May 2020. The purpose of these changes were to increase the flexibility of the local government sector to contract with local suppliers during, and in the aftermath of, the State of Emergency Declaration under the Emergency Management Act 2005.

An amendment has been made to regulation 11(1) of the Regulations to increase the tendering threshold from \$150,000 to \$250,000. The Department of Local Government, Sport and Cultural Industries (DLGSC) has advised that local governments should update their purchasing policy to cover the direct purchase of goods and services under \$250,000.

#### **Statutory Environment:**

*Local Government Act 1995 s2.7(2)(b) – Determine the Local Government's policies*

*Local Government (Function and General) Regulations 1996 s11A - Purchasing policies for local governments*

*Local Government (Function and General) Regulations 24AC – Requirements before establishing panel of pre-qualified suppliers*

#### **Policy Implications:**

Revised Purchase Policy 4007.

#### **Legal Compliance:**

Nil.

#### **Risk Management:**

Nil.

#### **Consultation:**

Nil.

#### **Financial Implications:**

There are no financial implications in relation to this item.

#### **Precedents:**

Nil.

**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:**

Council's Purchasing Policy 4007 (refer to attachment) has been updated, using the WALGA purchasing policy template, which was updated to reflect the amendments and to meet best practice.

**Voting Requirements: Simple Majority**

**16.1.1 PURCHASING POLICY REVIEW**

**OFFICER RECOMMENDATION**

**That Council adopt the revised 'Purchasing Policy' as provided for in attachment 16.1 (a).**

**16.1.2 PURCHASING POLICY REVIEW**

**COUNCIL DECISION**

**That Council adopt the revised 'Purchasing Policy' as provided for in attachment 16.1 (a).**

**Moved: Cr P Logue      Seconded: Cr L Hepworth      Motion put and carried 7/0**

## 16.2 REGIONAL PRICE PREFERENCE POLICY REVIEW

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0311
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Taryn Dayman - Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	16.2 (a) – Proposed Draft Regional Price Preference Policy 16.2 (b) – Existing Regional Price Preference Policy

### **Executive Summary:**

That Council considers endorsing an amended Regional Price Preference Policy.

### **Background:**

The *Local Government (Functions and General) Regulations 1996* Part 4A permits a local government outside of the metropolitan area to adopted a regional price preference as part of the assessment of quotations and tenders.

The existing Regional Price Preference Policy was first adopted by Council on the 15 February 2018.

### **Statutory Environment:**

*Local Government Act 1995*

*Local Government (Functions and General Regulations – Part 4A – Regional Price Preference*

### **Policy Implications:**

Amended Regional Price Preference

### **Legal Compliance:**

Nil.

### **Risk Management:**

Nil.

### **Consultation:**

Nil.

### **Financial Implications:**

Minimal advertising costs.

### **Precedents:**

Nil.

### **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:**

A review of the Shire's current Regional Price Preference Policy includes several elements which are procurement statements and are covered in the Shire's Purchasing Policy.

The revised policy is inclusive of all purchasing of goods and services without a minimum monetary value. It has also included a review of the definitions of Regional suppliers with the objective to ensure that there is an increase likelihood of benefits to Perenjori. If Council proceeds with endorsing the amended regional Price Preference Policy it will need to give Statewide public notice of the intention to have a regional price preference policy, inviting submissions commenting on the proposed policy, with submissions being open for a period not less than 4 weeks.

**Voting Requirements: Simple Majority**

**16.2.1 REGIONAL PRICE PREFERENCE POLICY REVIEW**

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Endorse the amended Regional Price Preference policy as provided for in attachment 16.2 (a).**
- 2. Give State-wide notice inviting public submissions for a minimum period of 4 weeks;**
- 3. A further report be provided to Council if any submissions are received to allow submissions to be considered by Council prior to formally adopting the amended regional Price Preference Policy**
- 4. Subject to no submissions being received adopt the amended Regional Price Preference Policy at the conclusion of the submission period.**

**16.2.2 REGIONAL PRICE PREFERENCE POLICY REVIEW**

**COUNCIL DECISION**

**That Council:**

- 1. Endorse the amended Regional Price Preference policy as provided for in attachment 16.2 (a).**
- 2. Give State-wide notice inviting public submissions for a minimum period of 4 weeks;**
- 3. A further report be provided to Council if any submissions are received to allow submissions to be considered by Council prior to formally adopting the amended regional Price Preference Policy**
- 4. Subject to no submissions being received adopt the amended Regional Price Preference Policy at the conclusion of the submission period.**

**Moved: Cr P Logue      Seconded: Cr D Bradford      Motion put and carried 7/0**

### 16.3 WORKING FROM HOME POLICY

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0311
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Taryn Dayman - Deputy Chief Executive Officer
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	16.3 (a) – Proposed Draft Working from Home Policy

#### **Executive Summary:**

That Council considers and endorse a new Working from Home Policy.

#### **Background:**

The State of Health Emergency declared by the State Government in regards to COVID-19 has highlighted the need for the Shire of Perenjori to implement a Working from Home Policy.

The matter was presented to Council for their consideration and endorsement at the November 2020 Ordinary Meeting of Council where it was resolved

***“THAT this matter be deferred to the next ordinary Council pending, pending further consideration and explanation”***

From discussions Council required additional information in respect to employee arrangements under the Shire's Enterprise Agreement.

#### **Statutory Environment:**

*Local Government Act 1995*

*Local Government Industry Award 2020*

*Fair Work Act 2009*

*Occupational Safety & Health Act 1984*

#### **Policy Implications:**

New Working from Home Policy.

#### **Legal Compliance:**

Nil.

#### **Risk Management:**

Nil.

#### **Consultation:**

Nil.

#### **Financial Implications:**

Potential working from home allowances.

#### **Precedents:**

Nil.

#### **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:**

A new policy has been developed that provides flexible and family friendly working arrangements for employees. The new policy has been based on WALGA template which was recently reviewed as part of WALGA's assistance to Local Governments during the COVID-19 pandemic.

The policy outlines the circumstances in which a working from home arrangement is appropriate and provides guidelines to facilitate the management of such an arrangement.

A working from home policy will provide staff with opportunities to review their personal and professional circumstances, and assist Council in managing those staff who wish to have the opportunity to work from home in certain circumstances in the short term, return to work after extended leave, or for those staff who may be wishing to transition into retirement.

The working from home policy can also be included as part of Council Business Continuity Plan arrangements.

The policy incorporates allowances that may be paid to the employee to offset the requirements to use their personal phone and/or internet as determined by the Chief Executive Officer.

**Enterprise Agreement 2019**

Other than contract employees, all employees are employed under the Shire of Perenjori Enterprise Agreement 2019, which was approved on the 25 October 2019 and came into effect 1 November 2019 and expires 25 October 2023.

The agreement, which is underpinned by the *Local Government Industry Award*, National Employment Standards (NES) and *Fair Work Act 2009* includes the ability to make individual flexibility agreement.

The agreement deals with one or more of the following matters:

- Arrangements about when work is performed;
- Overtime rate;
- Penalty rates;
- Allowances;
- Leave loading

The agreement must meet the needs of the Employer and Employee and be genuinely agreed upon.

The Employer must ensure that the terms of the individual flexible arrangement are permitted and not unlawful under the *Fair Work Act 2009*.

Section 65 of the *Fair Work Act 2009* provides for certain employees to request a change in their working arrangements because of their circumstances, as set out in section 65(1)

The agreement also includes the ability to request for flexible working arrangements under certain circumstances in accordance with the award Clause 24A and the NES. This section is in relation to the Personal / Carer's leave and compassionate leave, which is outlined in Section 65 of the *Fair Work Act 2009*.

The following statement has been sourced from the Australian Government Fair Work Ombudsman website

Flexibility in the workplace allows employers and employees to make arrangements about working conditions that suit them. This helps employees maintain a work / life balance and can help employers improve the productivity and efficiency of their business.

As long as employees are still receiving their minimum entitlements, employers and employees can negotiate ways to make their workplace more flexible. Examples include changing what hours are worked and where work is performed.

There are 2 formal ways employers and employees can make their workplace more flexible:

- flexible working arrangements - certain employees have the right to request flexible working arrangements
- individual flexibility arrangements - employers and employees can negotiate to change how certain terms in an award, enterprise agreement or other registered agreement apply to them.

Source reference: Fair Work Act 2009 s.65, 144 and 202

While not documented, the Shire already has some flexible arrangements in place with employees in regard to working from home.

#### **Voting Requirements: Simple Majority**

#### **16.3.1 WORKING FROM HOME POLICY**

##### **OFFICER RECOMMENDATION**

**That Council adopts the Working from Home Policy as provided for in attachment 16.3 (a).**

#### **16.3.2 WORKING FROM HOME POLICY**

##### **COUNCIL DECISION**

**That Council adopts the Working from Home Policy as provided for in attachment 16.3 (a).**

**Moved: Cr P Logue      Seconded: Cr D Bradford      Motion put and carried 5/2**

## 16.4 ELECTED MEMBER MANDATORY TRAINING

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0070
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Wayne Scheggia – Executive Advisor
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Nil

### Executive Summary:

This report outlines the proposed delivery of mandatory training to Shire of Perenjori elected members required within 12 months of election to Council. The proposal is to conduct the training on site, in early February, late February and early March 2021.

### Background:

Elected members must successfully complete the following 5 subjects within 12 months of being elected;

- Understanding Local Government
- Conflicts of Interest
- Serving on Council
- Meeting Procedures
- Understanding Financial Reports and Budgets

The training can be delivered either online, in person in Perth, in person onsite in Perenjori or via a combination of delivery methods.

### Statutory Environment:

Regulation 35 of the *Local Government (Administration) Regulations 1996* specifies the training requirements for elected members.

### Policy Implications:

Nil.

### Legal Compliance:

Nil.

### Risk Management:

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>Elected members may not be aware of the primary responsibilities of their role.</p> <p>Elected members may miss the deadline for completion of the training.</p> <p>Elected members may have differing levels of knowledge.</p>	Medium	Conduct training on site with all elected members participating and receiving the same information.

**Consultation:**

CEO, Training providers, elected members.

**Financial Implications:**

An allocation of approximately \$19,000 (\$18K fee plus expenses) will be required. \$10K is currently allocated for elected member training, so reallocation of \$9K from within existing expenditure accounts as part of the mid-year financial review is recommended to ensure the required expenditure is provided for.

**Precedents:**

Nil.

**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.

**Officer Comment:**

The Local Government (*Administration*) Regulations endorse three separate providers for the mandated training modules;

- North Metropolitan TAFE;
- Southern Metropolitan TAFE, and;
- WALGA.

Both Southern Metropolitan TAFE and North Metropolitan TAFE declined to quote due to their lack of capacity.

WALGA provided quote of \$18,000 plus attendance and accommodation expenses.

In discussions with Council regarding options for completing the mandated training modules, clear preference was expressed for the training to be delivered on site in Perenjori during February and March.

WALGA has indicated that this time frame can be accommodated and has suggested the following program;

**2 days back to back in early Feb; Wednesday 3<sup>rd</sup> & Thursday 4<sup>th</sup> Feb.**

- Understanding LG/ Conflicts of Interest (1 day)
- Meeting Procedures (1 day)

**2 days back to back end of Feb; Wednesday 24<sup>th</sup> & Thursday 25<sup>th</sup> Feb.**

- Serving on Council (2 days)

**1 day in early March; Thursday 11<sup>th</sup> March**

- Understanding Financial Reports & Budgets (1 day)

*NOTE: There are formal Council meeting commitments on Thursday February 18<sup>th</sup> and Thursday March 18<sup>th</sup>.*

**Voting Requirements: Simple Majority**

#### **16.4.1 ELECTED MEMBER MANDATORY TRAINING**

##### **OFFICER RECOMMENDATION**

**That WALGA be appointed to conduct the five mandatory elected member training modules on site at the Shire of Perenjori at a cost of \$18,000 plus expenses;**

**That the necessary budget adjustment be included in the Mid-Year Financial review;**

**That the sessions be scheduled on the following dates;**

- 1. Wednesday 3<sup>rd</sup> & Thursday 4<sup>th</sup> Feb.**
  - **Understanding LG/ Conflicts of Interest (1 day)**
  - **Meeting Procedures (1 day)**
  
- 2. Wednesday 24<sup>th</sup> & Thursday 25<sup>th</sup> Feb.**
  - **Serving on Council (2 days)**
  
- 3. Thursday 11<sup>th</sup> March**
  - **Understanding Financial Reports & Budgets (1 day)**

#### **16.4.2 ELECTED MEMBER MANDATORY TRAINING**

##### **PROCEDURAL MOTION**

**THAT this matter be deferred to the next Ordinary Council Meeting, to further investigate online options.**

**Moved: Cr C Bryant      Seconded: Cr L Hepworth      Motion put and carried 7/0**

Shire President Cr C King declared an impartiality interest in item 16.5 Proposed Civil Engineering Business – 2 (lot 150) Downer Street, Perenjori due to his Nephew being the applicant and his brother and ex sister in law owning the property.

Cr C King left the room at 4.31 pm and Deputy Shire President Cr J Sutherland took chair of the meeting. Cr C King did not partake in the discussions or voting of item 16.5.

**16.5 PROPOSED CIVIL ENGINEERING BUSINESS – 2 (LOT 150) DOWNER STREET, PERENJORI**

<b>Applicant:</b>	Kings WA PTY LTD
<b>File:</b>	ADM0826
<b>Disclosure of Interest:</b>	Shire President – Cr C King
<b>Author:</b>	Simon Lancaster – DCEO Shire of Chapman Valley
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	16.5 (a) – Copy of Rezoning Submission

**Executive Summary:**

Council is in receipt of an application to operate a civil engineering business upon 2 (Lot 150) Downer Street, Perenjori. This report recommends that Council advertise the application for comment.

**Background:**

Lot 150 is a triangular 1.0158ha property, owned by Penelope & Steven King, bordered on all sides by road. Lot 150 borders North Road on its 168m eastern frontage, Hesford Street on its 134m north-western boundary and Downer Street on its 114m south-western boundary.

**Figure 14.1(a) – Location Plan for 2 (Lot 150) Downer Street, Perenjori**



The applicant is seeking approval to operate a civil engineering business upon Lot 150. A copy of the application, that includes supporting correspondence, site plan and



additional information has been provided as **separate Attachment 16.5 (a)** for Council's information.

The proposed development would consist of the following:

- parking of vehicles associated with the civil engineering business (including semi water cart, road train, trailers, excavator, loader and smaller vehicles);
- permanent siting of 4 sea containers, with 1 serving as a site office and the other 3 for storage;
- maintenance area;
- wash down bay and associated water tanks;
- diesel tank (10,000L); &
- internal sealed vehicle network.

The applicant has also mentioned that they would seek to construct a caretaker's residence upon Lot 150 in the future.

The proposed activities are considered to meet various land use definitions that are listed as not-permitted within the 'Residential' zone (and this is discussed in greater detail in the Legislation Compliance section of this report) and ordinarily the application should be recommended for refusal at the outset.

However, it is noted that there are some factors peculiar to this application and property and Council may therefore instead wish to advertise the matter, inviting comment from surrounding landowners and relevant government and service agencies, prior to making its determination.

It is noted that Lot 150, whilst being zoned 'Residential', has previously been used for other development not listed for this zone, with a workforce accommodation camp sited upon the property previously, as illustrated in the below aerial photograph from 2014.

**Figure 14.1(b) – 2014 Aerial Photograph of Lot 150 illustrating Redland Mining Pty Ltd Camp**



## Statutory Environment:

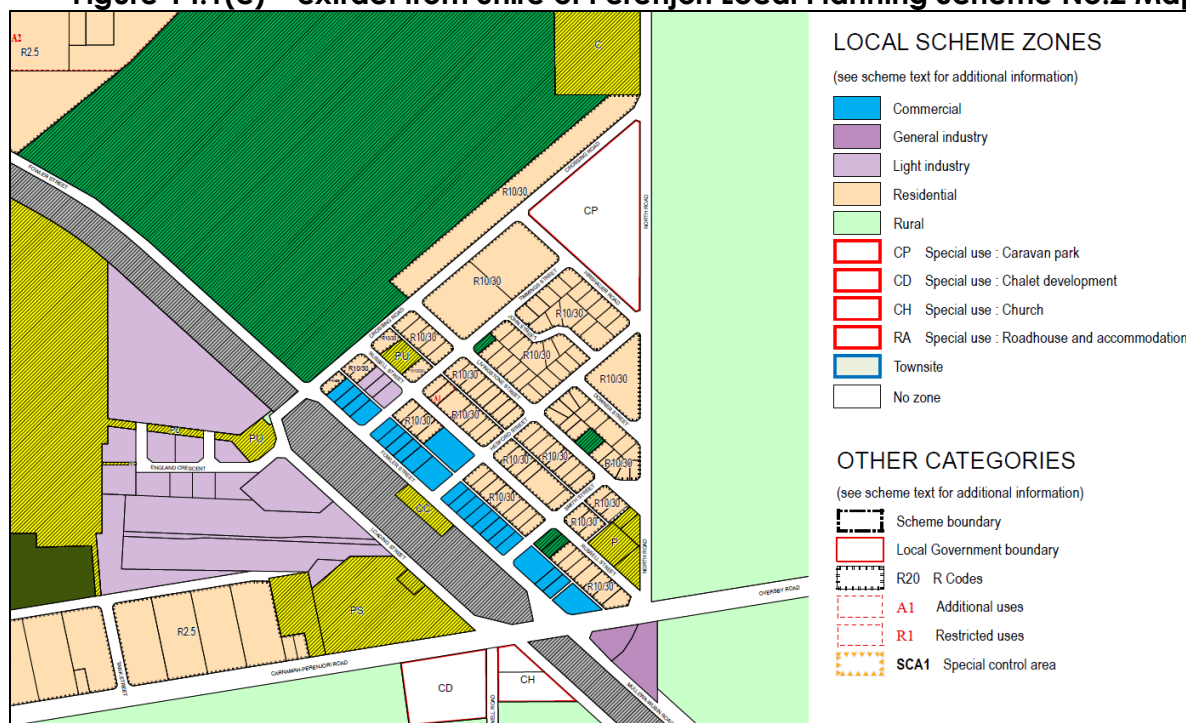
2 (Lot 150) Downer Street, Perenjori is zoned 'Residential R10/30' under the Shire of Perenjori Local Planning Scheme No.2 ('Scheme No.2').

Section 4.2 of Scheme No.2 lists the following objectives for the 'Residential' zone:

- To provide for predominantly residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia.
- Non-residential uses shall be compatible in character, scale and operation with the predominant residential use.
- A non-residential use shall only be permitted if the use does not detract from the amenity of the area."

The application cannot be considered to accord with these objectives.

**Figure 14.1(c) – extract from Shire of Perenjori Local Planning Scheme No.2 Map**



The application, and aspects thereof, would meet with the following land uses as defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') all of which are listed as 'X' uses (i.e. not permitted) within the 'Residential' zone under Scheme No.2.

*"industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —*

- the storage of goods;*
- the work of administration or accounting;*
- the selling of goods by wholesale or retail;*
- the provision of amenities for employees;*
- incidental purposes"*



*"industry — light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed"*

*"office means premises used for administration, clerical, technical, professional or similar business activities"*

*"transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —*

- (a) any ancillary maintenance or refuelling of those vehicles; and*
- (b) any ancillary storage of goods brought to the premises by those vehicles; and*
- (c) the transfer of goods or persons from one vehicle to another"*

The Regulations define a 'commercial vehicle' as being:

*"commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —*

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and*
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a)"*

Schedule 1 Part 3 Clause 18(6) of the Regulations states

*"If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless —*

- (a) the development approval application relates to land that is being used for a non-conforming use; and*
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use."*

On this basis the application should ordinarily be refused at the outset, however, it is acknowledged that there are certain factors relevant to this matter that may warrant some consideration (and these are further discussed in the Officer Comment section of this report)

It is also noted that Section 88 of the *Planning and Development Act 2005* requires local governments to review their planning scheme every 5 years.

Scheme No.2 was gazetted on 28 July 2011 and required review to ensure the Shire's statutory planning document is consistent with the subsequent 2015 Regulations.

To this end it was resolved at the 20 February 2020 Council meeting to initiate the preparation of Shire of Perenjori Local Planning Scheme No.3 ('Scheme No.3') and at the 16 April 2020 Council meeting to adopt draft Scheme No.3 for the purposes of advertising.

Draft Scheme No.3 does not represent a major overhauling of the existing Scheme No.2, rather a fine-tuning exercise with changes generally limited to the following:

- updating the Scheme Text provisions to reference those as contained in the Regulations to ensure consistency and assist Council in statutory matters.
- reconciling omissions and anomalies in the Scheme Text provisions.
- inserting into the Zoning Table and Schedules the updated and standardised land use definitions as contained in the Regulations and the current Regulations review.
- standardise the zonings upon the Scheme Map and their corresponding objectives in the Scheme Text with those in the Regulations.

- minor modifications to the Scheme Maps around the Perenjori townsite to correct land use anomalies and accord with the strategic direction in Council's previously adopted Local Planning Strategy.
- modifications to the Scheme Maps to correct minor anomalies where privately owned land has been identified for public purposes and where Crown Land has not been identified as Reserves and ensuring also that the Reserve zonings match the assigned Reserve management purpose/vesting order.

Following the obtaining of the necessary statutory consents to advertise from the Environmental Protection Authority and the Western Australian Planning Commission ('WAPC') Scheme No.3 was advertised for comment from 2 September 2020 until 4 December 2020 and included the following actions:

- display of Scheme No.3 at the Shire office;
- display of Scheme No.3 at the WAPC office;
- display of Scheme No.3 on the Shire website;
- notice inviting comment being published in the Mid West Times;
- notice inviting comment being sent to all relevant government agencies.

The landowner of 2 (Lot 150) Downer Street, Perenjori has lodged a submission during the Scheme Review advertising period requesting Council's (and subsequently the WAPC's) consideration for the rezoning of their property from 'Residential' to 'Special Use' with specific allowance for the following land uses:

- Transport Depot;
- Commercial Vehicle parking;
- Office; &
- Caretaker's Dwelling.

The matter of Scheme No.3, and the submissions received during the advertising period, is due to be brought before Council for its consideration at its 18 February 2021 meeting.

It is suggested that Council may wish to advertise the received application for a civil engineering business during December/January to surrounding landowners and relevant government and service agencies, providing opportunity for them to comment upon this matter, as this may also assist Council in making its determination upon the matter of the requested rezoning of 2 (Lot 150) Downer Street, Perenjori.

In the event that surrounding landowners do not raise objection to the received development application (or rezoning) Council might deem that the proposed development warrants some further consideration (pending the outcome of the Scheme No.3 process). Alternatively in the event that objections are received of a substantial nature then this will also assist Council in its deliberations on this matter.

Schedule 2 Part 9 Clause 67 of the Regulations lists the following relevant matters to be considered by local government in determining a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;...*
- ...(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely*

- effect of the height, bulk, scale, orientation and appearance of the development;
- (n) the amenity of the locality including the following —
    - (i) environmental impacts of the development;
    - (ii) the character of the locality;
    - (iii) social impacts of the development;...
  - ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;...
  - ...(r) the suitability of the land for the development taking into account the possible risk to human health or safety;
  - (s) the adequacy of –
    - (i) the proposed means of access to and egress from the site; and
    - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
  - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...
  - ...(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
  - (w) the history of the site where the development is to be located;
  - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
  - (y) any submissions received on the application;
  - (za) the comments or submissions received from any authority consulted under clause 66;
  - (zb) any other planning consideration the local government considers appropriate."

**Policy Implications:**

Nil.

**Legal Compliance:**

Nil.

**Risk Management:**

The recommendation is to advertise this application inviting comment prior to Council making its determination at a future meeting, this should not be construed by any party as meaning that approval may be forthcoming.

**Consultation:**

It is suggested that in the event that Council consider this application should be advertised for comment that it undertake the following actions:

- display of application at the Shire office;
- display of application on the Shire website;
- display of sign on-site inviting comment;
- notice inviting comment being published in the Mid West Times;
- notice inviting comment being sent to all surrounding landowners;
- notice inviting comment being sent to all relevant government and service agencies.

At the conclusion of the advertising period, the application, and any/all received, would be returned to Council for its consideration at the 18 February 2021 meeting.

**Financial Implications:**

Nil.

**Precedents:**

Redland Mining Pty Ltd established a workforce accommodation camp upon 2 (Lot 15) Downer Street, Perenjori in 2011, that was approved for expansion by Council at its 17 July 2014 meeting, and the associated service remained upon Lot 150.

**Strategic Community Plan:**

Nil.

**Officer Comment:**

The proposed development is one that would ordinarily be considered incompatible with a residential setting and refused. However it is acknowledged that there are circumstances relevant to this matter that bear some consideration:

- the property is over 1ha in area affording it the ability to site development towards the centre of the property and establish landscaping /buffer areas;
- the property has been previously used for activities not listed as permitted within the 'Residential' zone namely a mining workforce accommodation camp;
- the property is on the eastern edge of the townsite and traffic from the development would not need to travel through residential streets to reach the wider road network;
- the longest property frontage abuts 'Rural' zoned land to the east that would be expected to not present land use conflict/interface issues;
- the application seeks to have all vehicular movement associated with the development access North Road to the east and not onto Downer Street and Hesford Street to the west which are more residential in nature;
- the applicant is looking to establish landscaping along the Downer and Hesford Street frontages to assist in screening and serving as a buffer in addition to the existing boundary fencing;
- Council may consider that there is a shortage of suitably sized industrial land within the townsite, and the applicant, being a local employer and supporter of other local businesses, contributes toward the local community and some allowance (within reason) may be warranted for assisting local businesses;
- there is ability to condition any approval to give regard for amenity issues including restrictions on hours of vehicle movement or activities causing disturbance (e.g. operation of repair/maintenance equipment or washdown activity) and painting/cladding of structures in matching colours to the local government's satisfaction;
- sealing of the internal vehicle movement area would address dust emission concerns;
- future development of a caretaker's residence upon the property would assist in 'self-policing' activities;
- Council might consider there is not a shortage of residential zoned land in the townsite and the use of this property for non-residential activity would not therefore diminish the growth potential for the Perenjori townsite population; &
- the property is subject to a request for rezoning and the advertising of the development application, and the opportunity for review of the received responses would assist Council in determining the rezoning request.

On this basis it is suggested that it would be reasonable to consult with surrounding landowners and relevant government and service agencies inviting their comment before further consideration of both the development application and rezoning application.

However, in the event that Council consider that the application should be refused then the following alternative wording is provided for consideration:

*"That Council refuse the application for a civil engineering business upon 2 (Lot 150) Downer Street, Perenjori for the following reasons:*

- 1 The development does not meet with the purposes of the scheme as established in clause 1.5 of the Shire of Perenjori Local Planning Scheme No.2.*
- 2 The development does not meet with the aims of the scheme as established in clause 1.6 of the Shire of Perenjori Local Planning Scheme No.2.*
- 3 The development does not meet with the objectives of the Residential zone as established in clause 4.2 of the Shire of Perenjori Local Planning Scheme No.2.*
- 4 The land uses comprising the proposed development are listed as not-permitted in the Residential zone Table 1 of the Shire of Perenjori Local Planning Scheme No.2.*
- 5 In its consideration of the application Council is not satisfied that the development satisfies the matters under Clause 67 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- 6 Approval of this application would set an undesirable precedent for future variation to the Shire's statutory requirements, which in time could prove to be detrimental to the amenity of the Residential zone.*

*Advice Note:*

*Should the applicant be aggrieved by this determination there is a right pursuant to the Planning and Development Act 2005 to request to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination."*

#### **Voting Requirements: Simple Majority**

#### **16.5.1 PROPOSED CIVIL ENGINEERING BUSINESS – 2 (LOT 150) DOWNER STREET, PERENJORI**

##### **OFFICER RECOMMENDATION**

**That Council advertise the application to operate a civil engineering business upon 2 (Lot 150) Downer Street, Perenjori for community comment and return this matter to a future meeting for its consideration of this application and received submissions.**

#### **16.5.2 PROPOSED CIVIL ENGINEERING BUSINESS – 2 (LOT 150) DOWNER STREET, PERENJORI**

##### **COUNCIL DECISION**

**That Council advertise the application to operate a civil engineering business upon 2 (Lot 150) Downer Street, Perenjori for community comment and return this matter to a future meeting for its consideration of this application and received submissions.**

**Moved: Cr D Bradford      Seconded: Cr C Bryant      Motion put and carried 6/0**

**Shire President Cr C King returned to the meeting at 4.35 pm and resumed the position as chair.**

## 16.6 ANNUAL REVIEW OF THE DELEGATIONS REGISTER 2020

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0645
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Mario Romeo - Chief Executive Officer
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	16.6 (a) – Reviewed Delegations Register December 2020

### **Executive Summary:**

This item recommends that Council adopts the annual review of the Delegations Register for December 2020.

### **Background:**

The Council has power under the Local Government Act, 1995 to delegate to the Chief Executive Officer the exercise of any of its powers, or discharge of any of its duties permitted under the Act, in order to facilitate and manage the day to day operations of the Council.

The Act also allows the CEO to delegate any of his/her powers to another employee; such sub-delegations must be done in writing and can be sub-delegated with or without conditions.

The delegations remain subject to budgetary and Policy constraints.

The existing Delegations Register was updated in July 2019 and an annual review has been carried out.

Two changes were made during this review. Those being, the title changes of 'Manager Corporate Development Services (MCDS)' to 'Deputy Chief Executive Officer (DCEO)' and 'Senior Finance Officer (SFO) to Accountant'. These two changes reflect the recent title changes imposed in 2019.

### **Statutory Environment:**

*Local Government Act 1995,*

S3.1 – the general Function of Local Government is to provide for the good government of people in its district.

5.42. Delegation of some powers and duties to CEO

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

5.44. CEO may delegate powers and duties to other employees

5.46(2) delegations made under the Act must be reviewed at least annually by the Delegator (i.e. Council).

### **Policy Implications:**

Nil.

### **Legal Compliance:**

Nil.

### **Risk Management:**

Nil.

**Consultation:**

DCEO.

**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, independent local Government providing excellence in all areas of governance, management and leadership.

**CEO Comment:**

The delegations given to the CEO and those by the CEO to other employees reflect contemporary management practices.

In early 2021 staff will further review the current Delegations Register template with a view to adopting the Western Australian Local Government Association (WALGA) template.

**Voting Requirements: Absolute Majority**

**16.6.1 ANNUAL REVIEW OF THE DELEGATIONS REGISTER 2020**

**OFFICER RECOMMENDATION**

**THAT in accordance with Sections 5.42, 5.44 and 5.46(2) of the Local Government Act the December 2020 annual review of the Delegations Register be adopted.**

**16.6.2 ANNUAL REVIEW OF THE DELEGATIONS REGISTER 2020**

**COUNCIL DECISION**

**THAT in accordance with Sections 5.42, 5.44 and 5.46(2) of the Local Government Act the December 2020 annual review of the Delegations Register be adopted.**

**Moved: Cr L Hepworth      Seconded: Cr J Sutherland      Motion put and carried 7/0**

## 17. CONFIDENTIAL REPORTS

### 17.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

#### PROCEDURAL MOTION

THAT Council go behind closed doors to consider matters that if disclosed, would reveal information that has a commercial value to a person.

Moved: Cr L Hepworth      Seconded: Cr J Sutherland      Motion put and carried 7/0

Shire President Cr C King declared an Impartiality Interest in item 17.2 Confidential Item – Commercial Centre Revitalisation, due to his brother being the real estate agent for a property on Fowler Street.

Cr C King left the room at 4.44 pm and Deputy Shire President Cr J Sutherland took chair. Cr C King did not partake in the discussions or voting of the item.

### 17.2 **CONFIDENTIAL ITEM** – COMMERCIAL CENTRE REVITALISATION

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0509
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Wayne Scheggia – Executive Advisor
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Email to Progress Association

Voting Requirements: Simple Majority

#### 17.2.1 **CONFIDENTIAL ITEM** – COMMERCIAL CENTRE REVITALISATION

##### OFFICER RECOMMENDATION

1. That investigations and negotiations continue with a view to purchasing the properties, subject to the final decision resting with Council, and;
2. That further advice be prepared for the Council meeting on February 18<sup>th</sup>, 2021.

#### 17.2.2 **CONFIDENTIAL ITEM** – COMMERCIAL CENTRE REVITALISATION

##### COUNCIL DECISION

1. That investigations and negotiations continue with a view to purchasing the properties, subject to the final decision resting with Council, and;
2. That further advice be prepared for the Council meeting on February 18<sup>th</sup>, 2021.

Moved: Cr D Bradford      Seconded: Cr C Bryant      Motion put and carried 6/0

Cr C King returned to Council at 4.47 pm and resumed the position as chair.



**17.3 CONFIDENTIAL ITEM – TENDER FOR THE SUPPLY, SPRAY / COVER BITUMINOUS PRODUCTS FOR 2020/21**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Ken Markham – Manager Infrastructure Services
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Nil

**Voting Requirements: Simple Majority**

**17.2.1 CONFIDENTIAL ITEM – TENDER FOR THE SUPPLY, SPRAY / COVER BITUMINOUS PRODUCTS FOR 2020/21**

**OFFICER RECOMMENDATION**

1. THAT the preferred contractor for the 2020/21 Sealing Program, being Bitutek Pty Ltd be endorsed.
2. THAT the second preferred contractor being Boral Asphalt be accepted for the 2020/21 Sealing Program if the preferred contractor is unable to undertake the works.

**17.2.2 CONFIDENTIAL ITEM – TENDER FOR THE SUPPLY, SPRAY / COVER BITUMINOUS PRODUCTS FOR 2020/21**

**COUNCIL DECISION**

1. THAT the preferred contractor for the 2020/21 Sealing Program, being Bitutek Pty Ltd be endorsed.
2. THAT the second preferred contractor being Boral Asphalt be accepted for the 2020/21 Sealing Program if the preferred contractor is unable to undertake the works.

**Moved: Cr C Bryant      Seconded: Cr P Logue      Motion put and carried 7/0**

**17.4 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 D Bradford      Seconded: Cr L Hepworth      Motion put and carried 7/0**

**18. ORDERING THE COMMON SEAL**

Document	Organisation	Purpose	Date
-	-	-	-

**19. REPORTS OF COMMITTEES AND MEMBERS**

Nil.

**20. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**21. NOTICE OF MOTIONS**

Nil.

**22. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

**22.1 ACCEPTANCE OF LATE ITEM**

**PROCEDURAL MOTION**

**THAT Council accept the Confidential Late Item – RFT 04/2020 – Supply & Delivery of One Motor Grader & RFT 05/2020 – Disposal of one (1) 2010 Volvo Grader.**

**Moved: Cr D Bradford      Seconded: Cr P Logue      Motion put and carried 7/0**

**22.2 COUNCIL DECISION TO GO BEHIND CLOSED DOORS**

**PROCEDURAL MOTION**

**THAT Council go behind closed doors to consider a matter that if disclosed, would reveal information that has a commercial value to a person.**

**Moved: Cr C Bryant      Seconded: Cr D Bradford      Motion put and carried 7/0**

**22.3 CONFIDENTIAL LATE ITEM- RFT 04/2020- SUPPLY & DELIVERY OF ONE MOTOR GRADER & RFT 05/2020 – DISPOSAL OF ONE (1) 2010 VOLVO GRADER**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Ken Markham- Manager Infrastructure Services
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Nil

**Voting Requirements: Simple Majority**

**22.3.1 CONFIDENTIAL LATE ITEM- RFT 04/2020- SUPPLY & DELIVERY OF ONE MOTOR GRADER & RFT 05/2020 – DISPOSAL OF ONE (1) 2010 VOLVO GRADER**

**OFFICER RECOMMENDATION**

1. **THAT COUNCIL:** Accept the tender for the Supply and Delivery of one new Komatsu GD555-5 motor grader for the purchase price of \$314,764 ex GST from Komatsu.  
And
2. **THAT COUNCIL:** Accept the outright purchase price for Council's existing 2010 Volvo motor grader for \$65,000 ex GST from WA Machinery Brokers.

**22.3.2 CONFIDENTIAL LATE ITEM- RFT 04/2020- SUPPLY & DELIVERY OF ONE MOTOR GRADER & RFT 05/2020 – DISPOSAL OF ONE (1) 2010 VOLVO GRADER**

**COUNCIL DECISION**

1. **THAT COUNCIL:** Accept the tender for the Supply and Delivery of one new Komatsu GD555-5 motor grader for the purchase price of \$314,764 ex GST from Komatsu.  
And
2. **THAT COUNCIL:** Accept the outright purchase price for Council's existing 2010 Volvo motor grader for \$65,000 ex GST from WA Machinery Brokers.

**Moved: Cr J Sutherland    Seconded: Cr P Logue    Motion put and carried 5/2**

**22.4 COUNCIL DECISION – RETURN FROM BEHIND CLOSED DOORS**

**PROCEDURAL MOTION**

**THAT Council go behind closed doors to consider a matter that if disclosed, would reveal information that has a commercial value to a person.**

**Moved: Cr J Sutherland    Seconded: Cr C Bryant    Motion put and carried 7/0**

**23. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5:00 pm.

**24. NEXT MEETING:**

The Shire President advises that the date of the next Ordinary Meeting of Council will be held on Thursday 18 February 2020, commencing at 4:00 pm at the Shire of Perenjori Council Chambers 56 Fowler Street, Perenjori WA 6620.