



Shire of  
**Perenjori**  
Embrace Opportunity

MINUTES  
*for the*  
ORDINARY COUNCIL  
MEETING

20 MAY 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	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 20 May 2021, 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 3.00 pm and welcomed those in attendance.

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

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

*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 Jude Sutherland – Deputy Shire President  
Cr Brian Baxter  
Cr Colin Bryant  
Cr Daniel Bradford  
Cr Les Hepworth  
Cr Phil Logue

#### **STAFF:**

Mario Romeo – Chief Executive Officer  
Wayne Scheggia – Executive Advisor  
Ken Markham – Manager Infrastructure Services  
Bianca Plug – Executive Assistant

**DISTINGUISHED VISITORS:** Nil.

**MEMBERS OF THE PUBLIC:** Paddy King

**LEAVE OF ABSENCE:** Nil.

**APOLOGIES:** 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 18 MARCH 2021**

**COUNCIL DECISION**

**THAT the Minutes of the Ordinary Meeting of Council held on 18 March 2021, presented in attachment 7.1 (a), be confirmed as true and correct subject to no / the following corrections.**

**Moved: Cr P Logue      Seconded: Cr C Bryant      Motion Put and Carried: 7/0**

**7.2 SPECIAL MEETING HELD ON 22 APRIL 2021**

**COUNCIL DECISION**

**THAT the Minutes of the Special Meeting of Council held on 22 April 2021, presented in attachment 7.2 (a), be confirmed as true and correct subject to the following corrections:**

**That item 12 GENERAL BUSINESS be amended to read;**

**Appreciation**

**That thanks be extended to local police officers Nathan Good and Jess Reading**

**Moved: Cr J Sutherland      Seconded: Cr L Hepworth      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:**

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

**Cr J Sutherland declared an Indirect Financial and Impartiality interest in item 16.7 Perenjori Agricultural Show due to being a Committee Member of the Perenjori Agricultural Society.**

**Cr P Logue declared an Indirect Financial interest in item 16.7 Perenjori Agricultural Show due to being the President of the Perenjori Agricultural Society.**

## 12. FINANCE REPORTS

### 12.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2021

<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 31 March 2021

#### **Executive Summary:**

This item recommends that Council receive the Financial Activity Statements for the period ending 31 March 2021.

#### **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**

No Change. OR:

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

**12.1.1 THE FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 31 MARCH 2021**

**OFFICER RECOMMENDATION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 31 March 2021.**

**12.1.2 The Financial Activity Statements for the Period Ending 31 March 2021**

**COUNCIL DECISION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 31 March 2021.**

**Moved: Cr J Sutherland    Seconded: Cr D Bradford    Motion Put and Carried: 7/0**



## 12.2 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2021

<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>	12.2 (a) - Monthly Statement of Financial Activity for 30 April 2021

### **Executive Summary:**

This item recommends that Council receive the Financial Activity Statements for the period ending 30 April 2021.

### **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**

No Change. OR:

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

**12.2.1 THE FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 30 APRIL 2021**

**OFFICER RECOMMENDATION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 30 April 2021.**

**12.2.2 THE FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 30 APRIL 2021**

**COUNCIL DECISION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 30 April 2021.**

**Moved: Cr L Hepworth    Seconded: Cr D Bradford    Motion Put and Carried: 7/0**

## 12.3 SCHEDULE OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 MARCH 2021

<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>	12.3 (a) - Accounts for Payment 31 March 2021

### 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 31 March 2021**

<b>Municipal Account</b>	
EFT	\$ 416,524.96
Direct Debits	\$ 108,731.24
Cheques	\$ 0.00
Corporate MasterCard	\$ 7,822.96
Bank Fees	\$ 178.84
<b>Total</b>	<b>\$ 533,258.00</b>

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

Totalling **\$533,258.00** from *Municipal* and *Trust Accounts* for the month ending 31<sup>st</sup> March **2021**.

**Voting Requirements: Simple Majority**

Change to Officer Recommendation:

No Change/OR:

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

**12.3.1 SCHEDULE OF PAID ACCOUNTS AS AT 31 MARCH 2021**

**OFFICER RECOMMENDATION**

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

**12.3.2 SCHEDULE OF PAID ACCOUNTS AS AT 31 MARCH 2021**

**COUNCIL DECISION**

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

**Moved: Cr P Logue   Seconded: Cr C Bryant   Motion Put and Carried: 7/0**

## 12.4 SCHEDULE OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 APRIL 2021

<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>	12.4 (a) - Accounts for Payment 30 April 2021

### 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 April 2021**

<b>Municipal Account</b>	
EFT	\$ 691,879.39
Direct Debits	\$ 131,865.92
Cheques	\$ 0.00
Corporate MasterCard	\$ 879.55
Bank Fees	\$ 338.55
<b>Total</b>	<b>\$ 824,963.41</b>

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

Totalling **\$824,963.41** from *Municipal* and *Trust Accounts* for the month ending 30th April 2021.

**Voting Requirements: Simple Majority**

Change to Officer Recommendation:

No Change/OR:

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

**12.4.1 SCHEDULE OF PAID ACCOUNTS AS AT 30 APRIL 2021**

**OFFICER RECOMMENDATION**

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

**12.4.2 SCHEDULE OF PAID ACCOUNTS AS AT 30 APRIL 2021**

**COUNCIL DECISION**

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

**Moved: Cr L Hepworth Seconded: Cr D Bradford Motion Put and Carried: 7/0**



**13. COMMUNITY DEVELOPMENT**

**15. PLANT AND WORKS**

**16. GOVERNANCE**

**16.1 LIQUID WASTE SERVICE OPTIONS**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0214
<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:**

The purpose of this report is to seek Council's views on investigating the provision of Liquid Waste Services in the Shire.

**Background:**

Deep sewerage facilities are not part of the service infrastructure available to properties within the shire of Perenjori. Consequentially, properties must instal septic tanks or equivalent waste treatment facilities. These facilities require regular maintenance and waste removal.

Initial observations have been made regarding the lack of an available Liquid Waste removal service within the Shire of Perenjori to provide the necessary maintenance and servicing requirements for these systems.

The lack of a local service means that contractors must travel extensively to attend properties in the Shire of Perenjori, at a considerable premium cost.

**Statutory Environment:**

Local Government Act (1995).

**Policy Implications:**

Nil.

**Legal Compliance:**

Nil.

**Risk Management:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
The lack of a local service increases cost	Low	Investigate service options.

**Consultation:**

CEO and MIS.

**Financial Implications:**

Nil.

**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:**

If Council is concerned at the implications of high liquid waste maintenance and disposal costs created by the lack of a local service, investigations could be undertaken to establish the viability of a range of service options, including;

- Attracting a contractor to locate locally;
- Establishing a regional service in conjunction with neighboring local governments, or;
- Establishing a local Council operated service.

**Voting Requirements: Simple Majority**

No Change. OR:

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

The recommendation was amended to establish a more specific reporting time frame.

**16.1.1 LIQUID WASTE SERVICE OPTIONS**

**OFFICER RECOMMENDATION**

**That Liquid Waste service options be investigated and reported to a future Council meeting.**

**16.1.2 LIQUID WASTE SERVICE OPTIONS**

**COUNCIL DECISION**

**That Liquid Waste service options be investigated, and an update be presented to the July Forum meeting.**

**Moved: Cr L Hepworth**

**Seconded: Cr P Logue Motion Put and Carried: 7/0**

## 16.2 OAG – AUDIT OF REGULATION AND SUPPORT TO THE SECTOR

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0081
<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:**

The purpose of this report is to inform Council of the Auditor General's report on the performance of the Department of Local Government, Sport & Cultural Industries in delivering effective regulation and support to the Local Government sector.

The findings indicate failure and poor performance in a number of the Department's statutory requirements and the report concludes that effective regulation and support is not being delivered.

In response, the Department has committed to meeting the identified performance shortfalls before the end of August 2021.

### **Background:**

*This agenda item quotes heavily from the OAG report document.*

Performance audits focus primarily on the effective management and operations of programs and activities.

The Key findings are outlined below.

### ***The Department is not targeting its regulation and support activities to key risks.***

*It does not have a structured approach to gathering intelligence and using it to understand key risks in the sector.*

The Department is not using internal and annually reported information about the sector and individual LG entities effectively and is not gathering external intelligence and linking it into its risk assessment. The Department's LG risk assessment register, developed in 2017, has not been maintained since 2018.

The Department is therefore missing opportunities to identify and target areas of regulatory and support risk and inform its strategic and operational planning. This impacts its ability to provide effective and efficient proactive regulation and support and allocate resources to where they are most needed. This increases the risk that non-compliance and poor governance will not be addressed.

The Department has advised that it has undertaken extensive consultations with the LG sector on legislative reform and that it has worked with a consultant over the last 6 months to develop a risk analysis tool for the LG sector that will be finalised in May 2021.

*Internal risks to effective and efficient delivery of regulation and support have not been addressed*

Significant risks to the delivery of regulation and support were identified in a 2018 internal audit of LG enforcement, investigations and authorised inquiries. Fourteen of the 17 audit recommendations to reduce these risks have not been fully implemented. This includes not finalising the Department's LG strategic priorities and draft Capacity Building and Compliance Framework. This increases the risk that:

- investigations will not be completed in a proactive manner
- serious breaches of the Act will not be identified and actioned in a timely manner
- education, advice and support may not provide appropriate support to the sector.

The Department has advised that it will complete the outstanding recommendations by 30 June 2021.

*There is a lack of proactive input into financial framework matters, including timely guidance on a key financial reporting matter*

The Department does not effectively manage the LG financial framework, contributing to reporting uncertainty and inefficiency in the sector. For example, it has not updated financial management guidance for some years to address emerging reporting concerns and capability to support fit-for-purpose financial reporting.

Furthermore, it was recently very slow in providing guidance following changes to Australian Accounting Standards. The result of which meant that there was a risk that 2019-20 financial reporting of some assets by LG entities would not comply with the treatment of leases. Failure to comply with the new accounting standard would have a material impact on the financial statements of some LG entities. The lack of timely guidance has contributed to a delay in the finalisation of financial statements and audits for a significant number of LG entities. Although the changes were made in December 2018, the relevant Local Government (Financial Management) Amendment Regulations 2020 were not gazetted until 6 November 2020.

*There is no strategic plan for regulation and support activities that links into the achievement of overall objectives for LG entities or usefully guides departmental actions*

The Department's responsibilities for the regulation and support of LG entities are described in legislation and strategic documents available on its website. Although its Strategic Directions: 2020-2023 document lists several programs in the LG sector, we found that the Department does not have a plan that links its LG regulation and support activities into the achievement of its overall objectives. Consequently, the Department cannot demonstrate how it prioritises its regulatory and support activities, determines what resources it needs and show how it allocated the more than \$14 million it spent on these functions in 2019-20.

The Department has advised that a specific LG statement of purpose with key outcomes will be developed based on risk profiling by 30 June 2021.

***The Department does not effectively measure its performance in supporting and regulating LG entities***

The Department has not set measures and targets to effectively assess how well it delivers its regulatory and support functions. This makes it hard for the Department and stakeholders to know how well it is doing and understand operational performance.

*The level of early intervention has reduced as resources were directed to other more reactive and high-profile activities*

Regulatory activities include proactive early intervention and reactive activities including authorised inquiries and investigations responding to minor and serious breach complaints. It was found that:

- the level of early intervention has reduced in the last few years, in part because resources were directed to minor and serious breaches and authorised inquiries
- the trends in minor and serious breach complaints and authorised inquiries illustrate the imbalance between preventative and reactive regulatory activities

- finalising authorised inquiries and investigations into minor and serious breach complaints can take a long time.

This indicates that the Department's regulation has become more reactive and less preventative. Increased numbers of complaints and inquiries are both an indicator that standards in LG governance may not be being maintained and greater education and support is required.

In the absence of time targets and performance measures it is also hard to assess if these regulatory functions are managed efficiently and effectively. The Department has advised that it has focused on completing long-standing authorised inquiries and minor and serious breach matters, reducing the resources available for preventative activities like guidance and support.

*The Department has limited understanding of how effectively its LG support functions build capability within the sector*

Support is provided through the LG advisory hotline, guidance documents and several projects to build capability within the sector. But the Department does not analyse which of these approaches is effective in supporting and improving good governance in LG entities. For example, a significant fall in the number of calls to the LG advisory hotline since 2015 could reflect improved capability within LG entities or it could indicate that LG entities believe they can no longer rely on the Department. Understanding the reasons for fewer calls could help improve the support provided to the sector.

The Department indicated that it must manage expectations about the level of support it provides, as most of its resourcing is used for reactive regulation, resolving complaints and minor and serious breach investigations. It also advised that it intends to reallocate resources towards capacity building in the LG sector once the legislative reform process is completed. At the time of reporting, a new LG Act is expected to be completed in 2021.

*Audited key performance indicators only provide a limited view of the Department's regulation and support activities*

The Department's 3 audited key performance indicators (KPIs) that measure performance against LG business objectives provide high-level insights into operational aspects. Although the Department has discussed future KPIs with our Office and has proposed changes, that the Department believes would provide a more effective measurement of activities and functions, the KPIs need to be supported by robust performance measures and analysis to Regulation and Support of Local Government Sector | 7 examine the impact of the Department's LG activities. On their own, the KPIs do not inform where the Department should focus its strategies and resources, and rarely provide sufficient information for sound internal decision-making.

**OAG Recommendations**

The Department should:

1. review how it gathers, records and reports information to maintain an up to date LG sector risk assessment  
Department response: Agree  
Implementation timeframe: by 31 August 2021
2. target its regulation and support activities to areas of highest risk, with regard to the potential benefits to improved outcomes across the LG sector  
Department response: Agree  
Timeframe for implementation: by 31 August 2021

3. clearly define its LG regulation and support objectives, deliverables, and targets. This should include robust performance monitoring measures and reporting that are communicated to staff, LG entities and other key stakeholders.

Department response: Agree

Implementation timeframe: by 31 August 2021

The OAG's approximate cost of undertaking the audit and reporting was \$341,000.

The complete report can be accessed at: : <https://audit.wa.gov.au/reports-and-publications/reports/regulation-and-support-of-the-local-government-sector/>

### **Statutory Environment:**

The audit was conducted under Section 18 of the Auditor General Act 2006, in accordance with Australian Standard on Assurance Engagements ASAE 3500 Performance Engagements.

### **Policy Implications:**

Nil.

### **Legal Compliance:**

Nil.

### **Risk Management:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Stay informed of state level activities in the sector.	Low	Make reports and papers available to elected members.

### **Consultation:**

CEO, Office of the Auditor General.

### **Financial Implications:**

Nil.

### **Precedents:**

Nil.

### **Strategic Community Plan:**

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

Goal: Strengthen the Sire's position as an innovative and proactive Local government providing excellence in all areas of governance, management and leadership.

### **Comment:**

The Auditor General's report demonstrates how the actions – or inactions – of the Department can impact on the capacity of individual local governments to comply with accountability requirements through no fault of their own.

It has long been acknowledged throughout the sector that that the Department is under resourced to deliver effective capacity building and support to the sector and the Auditor General's report substantially vindicates this view.

Whilst blame and criticism are easy responses to make to the report, it seems that a more useful reaction would be to call for support and resources to be provided within the State

Budget to enable the Department to function as it was intended and thereby deliver more effective and useful support to the sector.

**Voting Requirements: Simple Majority**

No Change. OR:

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

**16.2.1 OAG – AUDIT OF REGULATION AND SUPPORT TO THE SECTOR**

**OFFICER RECOMMENDATION**

**THAT the State Government be requested to adequately resource the Department of Local Government, Sport & Cultural Industries to enable it to appropriately deliver on its obligations and responsibilities to the sector.**

**16.2.2 OAG – AUDIT OF REGULATION AND SUPPORT TO THE SECTOR**

**COUNCIL DECISION**

**THAT the State Government be requested to adequately resource the Department of Local Government, Sport & Cultural Industries to enable it to appropriately deliver on its obligations and responsibilities to the sector.**

**Moved: Cr L Hepworth    Seconded: Cr J Sutherland    Motion Put and Carried: 7/0**

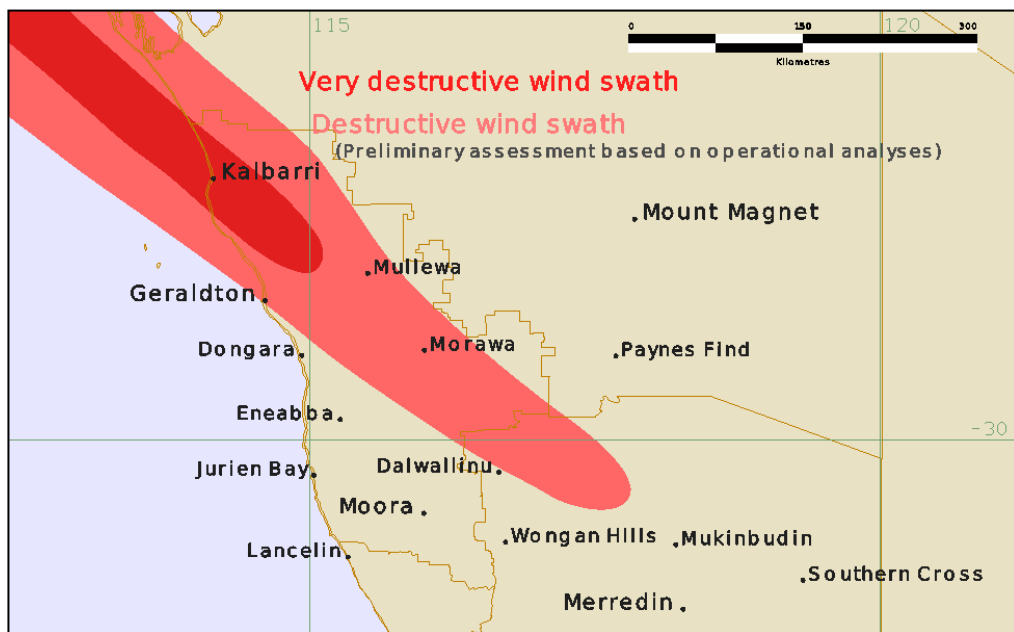
### 16.3 WAIVING OF BUILDING AND PLANNING APPLICATION FEES

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0070
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Simon Lancaster – DCEO Shire of Chapman Valley
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Nil

#### Executive Summary:

Cyclone Seroja has had a significant impact upon the Midwest and the Shire of Perenjori. Initial assessments based upon the 68 requests for assistance that were logged from the Shire of Perenjori area to the Department of Fire & Emergency Services ('DFES') indicate that 26 residences and 11 non-residential structures were damaged. This report recommends that Council waive all Shire fees for demolition and construction works relating to Cyclone Seroja to provide some financial support to impacted landowners.

**Figure 10.1.1 – DFES Map illustrating path of Cyclone Seroja**



#### Background:

The processing of building permit and demolition applications by the Shire requires payment of application fees to cover Shire resources involved in its duties include actions such as site inspections, liaising with the applicant where insufficient information has been provided, professional assessment, printing costs and costs in administering state government levies amongst others.

Not all building and demolition works require application to be lodged for development ('planning') approval, for example residential structures in townsites that comply with the Residential Design Codes of Western Australia or in rural areas generally would not require a planning application to be lodged with the Shire. However, where applications propose variance to the R-Codes, or Local Planning Scheme or Local Planning Policy requirements, or are located in areas deemed by DFES to be bushfire prone then lodgement of a planning application is required and this also requires payment of a planning application fee.



This report recommends that Council waive the requirement for landowners/applicants to pay a building application fee or planning application fee where the works relate to demolition or rebuilding (repair or replacement) associated with Cyclone Seroja.

**Statutory Environment:**

Part 7 Division 2 Clause 52 of the *Planning and Development Regulations 2009* allows for a local government to waive or refund, in whole or in part, payment of a fee for planning service.

Section 6.16 of the *Local Government Act 1995* requires that an amendment of a Shire fee/charge must be made by absolute majority.

Lodgement of a building permit application also attracts payment of the Building Services Levy by the applicant. This is a levy imposed by the Building Commission that is required to be collected by the local government and passed onto the Department of Mines, Industry Regulation and Safety.

The Shire wrote to the Department of Mines, Industry Regulation and Safety on 4 May 2021 seeking an exemption, and the Department responded on 11 May 2021 to advise as follows:

*"I was saddened to hear of the significant impacts that the Shire of Perenjori experienced during Severe Tropical Cyclone Seroja. Our thoughts remain with all those affected by this event.*

*Ordinarily the building services levy is paid when making an application under the Building Act 2011 for a building, demolition or occupancy permit or building approval certificate. However, to assist in the recovery, repair and rebuilding efforts, the Building Commissioner has agreed to waive the building services levy for people affected by the cyclone in your local government area.*

*A notice of the waiver was published in the Government Gazette on Friday 14 May 2021. An extract of this waiver is enclosed for your information. I hope that the removal of this levy provides some financial support for those affected by this cyclone."*

Landowners/Builders lodging building permit applications are also required to pay the Construction & Training Fund ('CTF') Levy. An enquiry was also sent to the CTF on 4 May 2021 enquiring whether it would waive its levy for works relating to damage caused by Cyclone Seroja.

On 6 May 2021 the CTF responded as follows:

*"CTF has been approached to waive the BCITF levy on construction work required in response to damage caused by Severe Tropical Cyclone Seroja. CTF is also aware that the Building Commission has waived the building services levy, and local governments are removing planning and building permit fees for impacted works.*

*After a thorough review of our Act, it has been confirmed that there is no legislative mechanism available for CTF to exempt or waive the BCITF levy in response to works resulting from damage caused by a natural disaster.*

*Whilst CTF is sympathetic to those impacted by this disaster the levy will need to be collected as normal for those applications exceeding an estimate \$20,000 in value.*

*The CTF Board is exploring options by which we can provide targeted support to the construction workforce directly engaged in the rebuild works.*

*To help in this, it would be appreciated if a record of those applications where fees are waived but the BCITF levy charged is kept. We can then use this to identify impacted works and engage with the project owner and their sub-contractors to provide support.*

*I recognise that some applicants may be aggrieved or confused by the need to still pay the levy in the circumstances. Should this be the case, they are welcome to contact CTF on 9244 0100 or provide feedback via email [inquiries@ctf.wa.gov.au](mailto:inquiries@ctf.wa.gov.au)."*

The response of CTF is disappointing as it had been hoped that a coordinated zero fee approach could have been achieved that may in some small way have served to assist those who have suffered as a result of Cyclone Seroja.

**Policy Implications:**

The Shire's Schedule of Fees & Charges are updated annually (generally at the May Council meeting) as part of the lead up to the formulation and adoption of the Council budget for the upcoming financial year.

**Legal Compliance:**

Nil.

**Risk Management:**

Nil.

**Consultation:**

Nil.

**Financial Implications:**

Waiving of the building and planning application fees will have some budgetary impact to Council based upon the potential for receipt of 37 building applications relating to cyclone damage (however this is a 'ceiling' figure, with 13 of these identified as being 'slightly damaged' and not all recovery activities will involve structural works that require lodgement of a building application). However it is considered that the ability for the Shire to continue its ongoing role of providing support to those members of our community who have experienced hardship as a result of this event should be maintained.

**Precedents:**

Nil.

**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 or exceed their potential.*

*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.*

**Officer Comment:**

The waiving of the requirement to pay application fees will provide some minor financial assistance to the members of our community impacted by Cyclone Seroja as they begin the process of recovery.

**Voting Requirements: Absolute Majority**

No Change. OR:

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

**16.3.1 WAIVING OF BUILDING AND PLANNING APPLICATION FEES**

**OFFICER RECOMMENDATION**

**THAT Council resolve to waive all Shire building permit, demolition and planning application fees for works relating to Cyclone Seroja.**

**16.3.2 WAIVING OF BUILDING AND PLANNING APPLICATION FEES**

**COUNCIL DECISION**

**THAT Council resolve to waive all Shire building permit, demolition and planning application fees for works relating to Cyclone Seroja.**

**Moved: Cr D Bradford    Seconded: Cr C Bryant    Motion Put and Carried: 7/0**

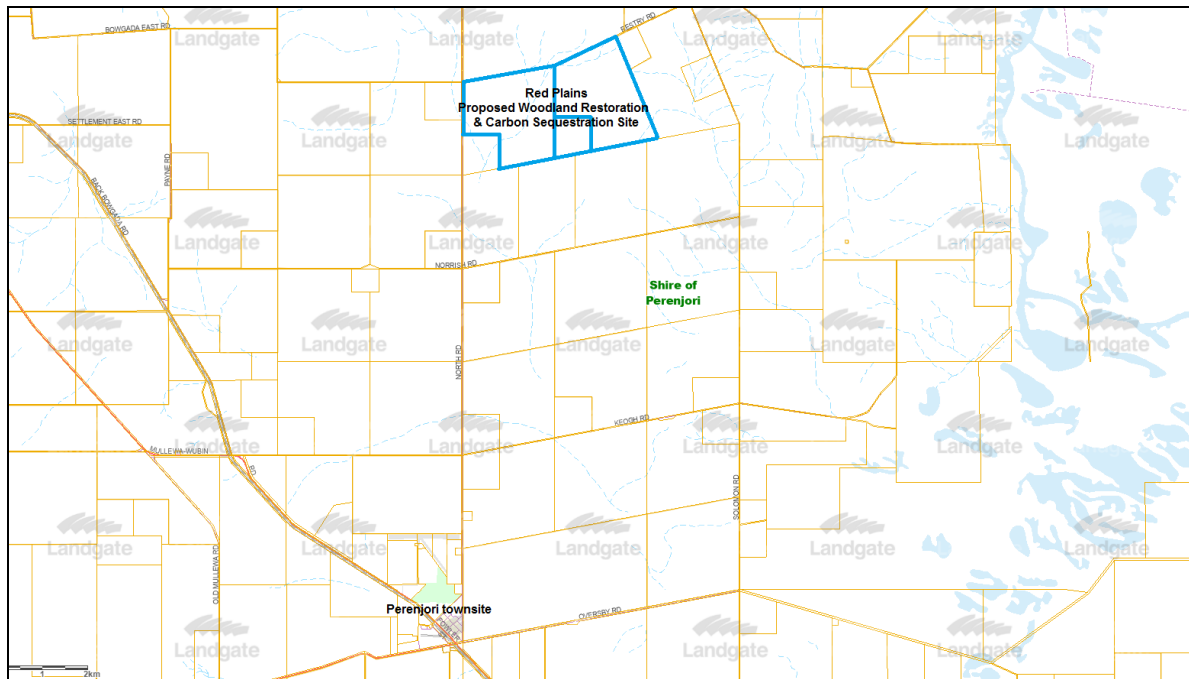
## 16.4 PROPOSED TREE FARM – LOTS 4757, 4758, 7374 & 7487 NORTH ROAD & BESTRY ROAD

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<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>	16.4 (a) – copy of received application 16.4 (b) – copy of received submissions

### Executive Summary:

Council is in receipt of an application to undertake woodland restoration and carbon sequestration upon 'Red Plains' Lots 4757, 4758, 7374 & 7487 North Road & Bestry Road, Bowgada. The application has been advertised for comment and no objections were received during the submission period. This report recommends that Council conditionally approve the application.

**Figure 16.4 (a) – Location Plan illustrating 'Red Plains' in relation to Perenjori townsite**



### Background:

The application is proposed across the following 4 land titles that are located 10km north of the Perenjori Townsite:

- Lot 4757 (340.2744ha);
- Lot 4768 (340.1311ha);
- Lot 7374 (64.7514ha); &
- Lot 7487 (64.7499ha).

This 809.9ha property known as 'Red Plains' is largely cleared and has historically been used for livestock grazing.

**Figure 16.4 (b) – Aerial Photo of Lots 4757, 4758, 7374 & 7487 North Road & Bestry Road, Bowgada**



The applicant and landowner (Carbon Neutral Pty Ltd) is proposing to plant out cleared areas of the lots with endemic species with the purpose of managing the property for biodiversity enhancement and woodland restoration. The applicant states that *“management activities will be designed to foster the natural recruitment of further species including grasses and forbs. The initial establishment event will involve the large overstorey species which create the overstorey of the forest environment.”*

Planting will occur in blocks of less than 100ha due to the natural terrain with most between 10-40ha in area. Plantings will involve rows typically at 6m spacing. These will be curved to follow the contour to allow rainfall to infiltrate and to minimise erosion points. The stocking rate is approximately 250 stems per hectare.

During establishment scalping will be used as a measure to reduce competing annual species, with herbicide rarely used for this purpose. Existing areas of vegetation are to be left unchanged.

Assessment of planting will be undertaken approximately 8 months after with infill and replanting undertaken to achieve desired density at maturity.

In relation to harvest products the applicant has stated:

*“The woodland and shrublands being re-created are intended to remain standing into the future. Within the woodlands, however, there is an intention to also incorporate species that are useful for traditional indigenous harvest, such as fruits, nuts and wood products.*

*In particular, naturally occurring Santalum species (e.g. Quandong and Sandalwood) will be incorporated in very low rates through suitable areas. Low rates (e.g. ten Santalum per hectare) ensure that the parasitic load of the Santalum does not adversely impact the woodland long term.”*

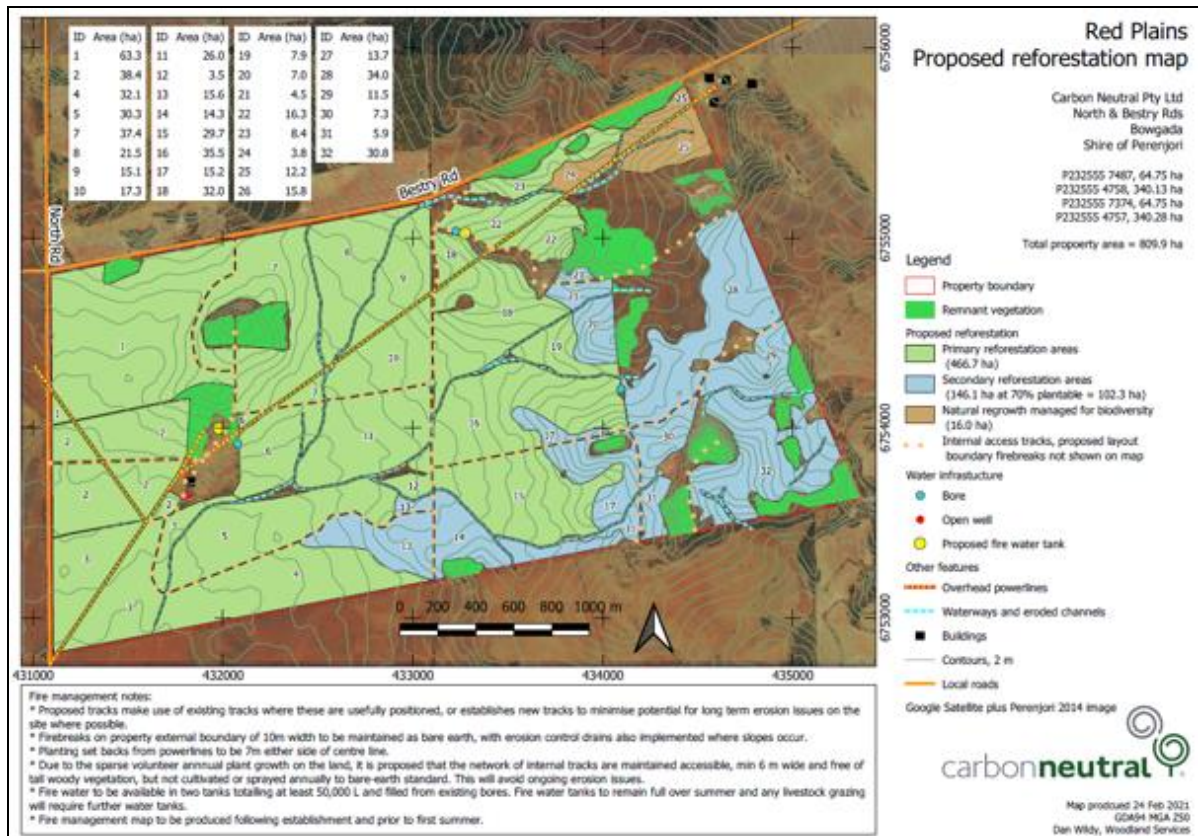
Water for fire fighting purposes will be maintained on site permanently through the use of strategically located water tanks totalling at least 50,000L. The proposed locations of water tanks are shown on the Proposed Reforestation Map provided as **Figure 16.4 (c)** and also within **separate Attachment 16.4 (a)**. 50,000L will be kept on hand with the

exception of the winter months (June-August). Tanks will be plumbed to existing bores on the property.

An external boundary firebreak of 10m will be established as bare earth and 6m wide firebreaks internally but maintained with ground covering to reduce erosion issues. Firebreaks will be also be established around any powerlines and there are multiple access points throughout the property to achieve safe access and egress.

A full copy of the application has been included as **separate Attachment 16.4 (a)** to this report.

**Figure 16.4 (c) – Proposed ‘Red Plains’ Reforestation Map**



**Statutory Environment:**

The lots are zoned ‘Rural’ under Shire of Perenjori Local Planning Scheme No.2 with ‘Agroforestry’ listed as an ‘A’ use.

The lots are zoned ‘Rural’ under draft Local Planning Scheme No.3 with ‘Tree Farm’ listed as a ‘D’ use (this being the superseding land use definition in the new Regulations). Given the advanced (post-advertising) state of the draft scheme this document is now to be considered as ‘seriously entertained’ and therefore planning decisions should now be made under these new provisions.

The Local Planning Scheme No.3 lists the objectives for the ‘Rural’ zone as being:

- To provide for the maintenance or enhancement of specific local rural character.
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.

- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.*
- *To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.*
- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses."*

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

*"means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5."*

'Tree Farm' is listed as a 'D' use within the 'Rural' zone under the Scheme, that is a use that is not permitted unless the local government has exercised its discretion by granting planning approval.

The 'Code of Practice for Timber Plantations in Western Australia' was first prepared by the Forest Industries Federation (WA) in partnership with the State Government in 2006 and updated in 2014 and a copy of the document can be viewed at the following link:

<https://www.fpc.wa.gov.au/sites/default/files/code-of-practise-for-timber-plantations-in-Western-Australia.pdf>

The Code of Practice notes that:

*"The purpose of this Code is to provide goals and guidelines to plantation managers so that operations in plantations in Western Australia are economically competitive and sustainable and are consistent with other resource management objectives.*

*The Code also facilitates assessment of State timber plantation practices by the Australian Government. This was a prerequisite to ensure that controls on the export of unprocessed wood from public and private plantations are removed.*

*The Western Australian Planning Commission and local town planning schemes can rely upon the adoption of, and adherence to, this Code by plantation managers as an integral part of the planning and land-use process, whether or not formal planning approval is required.*

*Local governments can rely on adherence to this Code where planning approval for the establishment of a plantation is not required under a town planning scheme (i.e. is a permitted land use).*

*Compliance with this Code will provide:*

- *the plantation industry with confidence to secure export opportunities for plantation products without additional licences or approvals;*
- *plantation managers with a single reference document encompassing all relevant rules and regulations relating to plantations in Western Australia; however, plantation managers should be aware that this Code might not reflect the current status of regulations as they may change over time;*
- *increased confidence for investors dealing with plantation managers;*

- a professional, credible and sustainable industry by establishing the framework within which growers can apply best practice; and
- an environmentally conscious market with sustainably produced wood or wood derived products.”

**Policy Implications:**

The Western Australian Planning Commission's State Planning Policy 2.5 - Rural Planning (2016) notes the following in relation to applications of this nature:

*“Tree farming is an umbrella term used to describe the planting of trees to generate economic return and/or environmental benefits. It has been a rapidly emerging industry in a number of rural locations across the State. Usually this has involved the planting of trees for harvest. However, more recently the planting of trees for carbon sequestration has emerged as a new rural land use. Tree farming which involves harvesting is a primary production activity that also sequesters carbon. The different types of tree farms i.e. integrated, chip logs or saw logs, require varied planning approaches.*

WAPC policy in regard to tree farming is:

- (a) tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;*
- (b) tree farming should generally not occur on priority agricultural land;*
- (c) tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;*
- (d) local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;*
- (e) in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;*
- (f) where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and*
- (g) the establishment of tree farms does not warrant the creation of new or smaller rural lots.”*

**Legal Compliance:**

Nil.



**Risk Management:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>This is an application made under the <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> that Council has the responsibility to administer and make determination upon.</p>	<p>At present the Department of Primary Industries &amp; Regional Development have completed detailed mapping of high quality agricultural land for the northern Mid West region (City of Greater Geraldton and Shires of Chapman Valley, Irwin and Northampton) but not the area subject of this application. Council will therefore have to make its own assessment in this regard. Given the high biodiversity outcomes and low impact on surrounding land the application is considered to present low risk to the local government.</p>	<p>The risk level is considered low if conditions are applied to any approval that Council may consider, and subsequently enforced.</p>

**Consultation:**

The application was advertised to all surrounding landowners within 2½km of the boundaries of the 4 lots, and relevant government agencies such as the Department of Biodiversity Conservation & Attractions, Department of Fire & Emergency Services, Department of Primary Industries & Regional Development, Department of Water & Environmental Regulation and Western Power inviting comment.

At the conclusion of the advertising period 2 submissions had been received, with both of them being from government agencies offering technical comment, no objections were received. A copy of the received submissions has been provided as **separate Attachment 16.5 (b)**.

The submission received from the Department of Biodiversity Conservation & Attractions offers no objection whilst the submission from the Department of Water & Environmental Regulation ('DWER') offers technical comment.

During the advertising period DWER wrote to the Shire seeking additional information in relation to water requirements, native vegetation and environmental impacts and this request for further information was forwarded to the applicant inviting their response. The following comments were received from Carbon Neutral:

*"In terms of water requirements,  
There are no significant water requirements for the establishment and long term growth of the re-established woodland. The species selected are local and native to the area, and rely on rainfall for survival. The existing domestic bores on the property which are shown on the map will be maintained and one or two will be used to provide water to fire water tanks and for livestock on the property occasionally. Water may be taken from tanks during establishment for hand watering of seedlings in drier patches.*

*In terms of native vegetation,  
Remnant vegetation is to be retained and left undisturbed. Establishment activities will only occur in areas which have been cleared for agriculture previously. It is planned that the remnant vegetation on the property will benefit from the heavily reduced livestock grazing and trampling of the ground surface, the environmental buffering created by new surrounding*

*plantings, and the general increase in biodiversity over time as a result of increased habitat and lack of disturbance.*

*In terms of environmental impacts, The project will be extremely positive for the local environment. The re-introduction of a suite of locally endemic plant species to the site will allow the slow return of additional plant species, and the natural recruitment of other life forms such as insects, fungi, birds and reptiles as the habitat returns. The cessation of grazing will also allow*

*All tillage for revegetation works will be on the contour to minimise surface runoff in heavy rains. There are no acid-sulphate soils on the site. There are no known environmentally sensitive areas such as wetlands or creeks on the site. The net carbon emissions will be strongly negative (i.e. CO2 removal from the atmosphere). All waste (rubbish from peoples activities on the site such as planting contractors) will be taken offsite to be disposed of appropriately.*

*There is one potential site with risk of residual pesticide - an old sheep dip. This area will not be disturbed. Being within the standard setback zone of the shearing shed, there is no activity near the site of the sheep dip."*

In its submission provided within **separate Attachment 16.4 (b)** DWER note that there is currently no water licence held for the property, and that the applicant should contact DWER's Midwest Gascoyne Water Licensing Team to discuss water licence requirements. This information and a copy of DWER's submission has been provided to the applicant by the Shire.

#### **Financial Implications:**

Based upon the advised project cost of \$550,000 the applicant has been charged the planning application fee of \$1,828.50 based upon the Shire's Adopted Fees and Charges (which is taken from the State schedule).

#### **Precedents:**

Council previously approved a 1,000ha Tree Farm upon Victoria Location 7877 Solomon Road, Perenjori at its 21 April 2016 meeting.

#### **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.*

#### **Comment:**

The introduction of carbon planting to Mid-West Shires in the last decade has become increasingly common and an issue that Councils have generally accepted but with some cautionary principles to ensure that they are located and managed appropriately.

Councils have occasionally raised concern that traditional agricultural activities such as cropping, grazing and food production should generally remain the predominant land use in its productive rural areas and that agroforestry or plantations should remain as ancillary and complementary uses rather than displacing ones. Whilst there are other factors contributing towards reductions in rural populations, Councils have typically wished to ensure that new land uses do not exacerbate an existing ongoing issue.

Council have often sought to encourage tree crops in areas subject to land degradation, including areas of high salinity, water logging, and high levels of chemical contamination where there are clear natural resource management benefits, and discourage them upon land that is considered to be of high agricultural value or contain strategic surface gravel deposits required for the maintenance and construction of road networks.

Concerns have also been raised in the past where tree farms are managed remotely with only occasional visitation from employees who are attending to a series of plantations across a wide region, and how this can differ from the ability to control invasive species and manage fire risk more typically available when owners/operators are residing on-site.

The applicant has submitted supporting information in their application, provided as **separate Attachment 16.4 (a)**, listing the species proposed to be planted, their intended planting program, and how they would comply with the 'Code of Practice for Timber Plantations in Western Australia'. The application also provides details on the points of contact in event of emergency, identifies fire risk/hazards and other management measures.

It is considered that the application is appropriate for the location and is in keeping with the requirements of the Shire's Scheme. It will be an improvement to the biodiversity of the area without compromising on surrounding agricultural activities. With appropriate management the site can be of benefit to the area and be operated in low-risk manner.

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

No Change. OR:

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

#### **16.4.1 PROPOSED TREE FARM – LOTS 4757, 4758, 7374 & 7487 NORTH ROAD & BESTRY ROAD**

#### **OFFICER RECOMMENDATION**

**THAT Council grant formal planning approval for a tree farm upon Lots 4757, 4758, 7374 & 7487 North Road & Bestry Road, Bowgada subject to the following conditions:**

- 1 Development shall be in accordance with the attached approved plan(s) dated 20 May 2021 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.**
- 3 The applicant is to implement and adhere to the Management Plan dated 6 March 2021 including any modifications required by this approval or any such changes requested in writing by the Shire of Perenjori CEO or in the case of a dispute by the determination of Council as to the ongoing operation of the tree farm.**
- 4 Vehicle access points into the property shall be to the satisfaction of the local government.**

- 5 This approval is valid for a period of two (2) years from the date of approval and will deemed to have lapsed if the development has not substantially commenced before the expiration of this period.**

**Notes:**

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.**
- (b) If an applicant is aggrieved by this determination 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 determination.**

**16.4.2 PROPOSED TREE FARM – LOTS 4757, 4758, 7374 & 7487 NORTH ROAD & BESTRY ROAD**

**COUNCIL DECISION**

**THAT Council grant formal planning approval for a tree farm upon Lots 4757, 4758, 7374 & 7487 North Road & Bestry Road, Bowgada subject to the following conditions:**

- 1 Development shall be in accordance with the attached approved plan(s) dated 20 May 2021 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.**
- 3 The applicant is to implement and adhere to the Management Plan dated 6 March 2021 including any modifications required by this approval or any such changes requested in writing by the Shire of Perenjori CEO or in the case of a dispute by the determination of Council as to the ongoing operation of the tree farm.**
- 4 Vehicle access points into the property shall be to the satisfaction of the local government.**
- 5 This approval is valid for a period of two (2) years from the date of approval and will deemed to have lapsed if the development has not substantially commenced before the expiration of this period.**

**Notes:**

- (a) Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.**
- (b) If an applicant is aggrieved by this determination 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 determination.**

**Moved: Cr J Sutherland Seconded: Cr C Bryant Motion Put and Carried: 7/0**

## 16.5 CYCLONE SEROJA

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<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>	16.5 (a) Damaged Asset Listing 16.5 (b) Cyclone Damage Map

### **Executive Summary:**

The purpose of this report is to provide a record of the actions taken since the Cyclone Seroja weather event.

Seroja hit the WA coast between Kalbarri and Port Gregory at about 8 pm local time on Sunday April 11<sup>th</sup>, producing wind gusts up to 170 km/hour. It then moved inland north of Geraldton, weakening to a category 2 system with wind gusts up to 120 km/hour, and tracked east/south east impacting Perenjori, Latham and surrounding rural areas.

Emergency Services were mobilised and responded to the damage as soon as it was safe to do so.

A coordination process was established by DFES and Shire operatives have participated as necessary and as required.

Initial “make safe” actions were undertaken by SES, Defence personnel and key service agencies.

Actions have now shifted from “Response” to “Recovery”, making Local Governments the primary agencies in restoring the community.

### **Background:**

The main force of the cyclone hit Perenjori between approximately 10.30 pm Sunday April 11<sup>th</sup> and 2.00 am Monday April 12<sup>th</sup>.

An initial inspection revealed significant damage to buildings, utilities and vegetation in both Perenjori and Latham, as well as substantial devastation of bushland and farming infrastructure.

DFES “Assessment Teams” visited the region to inspect the damage and recommend actions to responding agencies. Commentary from them was to the effect that Perenjori appeared to be hardest hit location outside of Kalbarri and Northampton.

Defence personnel were among the first external resources to arrive in Perenjori and they spent two days working to clean up and restore the Primary School to a safe and operative status.

SES personnel “made safe” a number of buildings and dwellings that had incurred roof and wall damage. *(A list of known damage to Council assets is attached, together with a map of impacted roads).*

Response coordination has been maintained by DFES through a number of Committees and on-line meetings which shire staff have participated in. Council’s Community Emergency Services Manager Rick Ryan was initially utilised by DFES to assist in the coordination effort, but the CEO intervened to have him reassigned to local government duties and undertake important local actions.

**Statutory Environment:**

Local Government Act (1995).

**Policy Implications:**

Nil.

**Legal Compliance:**

Nil.

**Risk Management:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Stay informed of incident management and recovery activities.	Low	Make reports and papers available to elected members.

**Consultation:**

CEO, MIS, CESM, DFES, WALGA.

**Financial Implications:**

Understandably, the cyclone impacts have diverted the workforce away from programmed activity and this will impact our capacity to achieve budgeted works and services over the balance of the financial year.

Costing systems have been established so that we can maintain an accurate record of cyclone related expenditure for recoup from central government.

Council's insurers – LGIS – have already released \$300,000.00 in advance of our anticipated claim, recognising that cash flow will be an important issue in our response.

**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:**

Cyclone Seroja has placed significant stress on the organisation at a time when it is experiencing staffing shortages and is still grappling with reforming its operational systems and work practices.

The displacement of families from their homes and the anticipated long reconstruction time frames for housing and building repair also pose strategic questions around the future, such as the willingness of people to reconstruct and the possible loss of residents to other locations.

An important discussion with the Department of Communities and other relief agencies has been the availability of human support services to impacted residents. Arrangements are being put in place for counselling and advisory services to be made available in the town to assist people.

Whilst it is still early in the response phase, at some point in the future there should be a major debrief and review of this incident in order to assess how well it has been handled and any changes that need to be made to improve both individual agency actions and the collective response.

**Voting Requirements: Simple Majority**

No Change. OR:

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

**16.5.1 CYCLONE SEROJA**

**OFFICER RECOMMENDATION**

**THAT the report be noted.**

**16.5.2 CYCLONE SEROJA**

**COUNCIL DECISION**

**THAT the report be noted.**

**Moved: Cr P Logue   Seconded: Cr L Hepworth   Motion Put and Carried: 7/0**



## 16.6 REVIEW OF THE DELEGATIONS REGISTER 2021

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0645
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Bianca Plug – Executive Assistant
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	16.6 (a) – Reviewed Delegations Register May 2021

### **Executive Summary:**

This item recommends that Council adopts the reviewed Delegations Register for May 2021.

One change was made during this review being, the title changes of 'Deputy Chief Executive Officer (DCEO)' to 'Manager Corporate and Community Services (MCCS)' this change reflects the recent title changes imposed 2021.

### **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 December 2020 and an annual review has been carried out.

### **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:**

Nil.

**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 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**

No Change. OR:

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

**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 May 2021 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 May 2021 review of the Delegations Register be adopted.**

**Moved: Cr C Bryant    Seconded: Cr L Hepworth    Motion Put and Carried: 7/0**

**Cr J Sutherland and Cr P Logue declared interests in item 16.7 Perenjori Agricultural Show as outlined under sub-section 11 of this Agenda. Cr J Sutherland and Cr P Logue left the meeting at 3.23 pm and did not participate in the discussion or voting on the item.**

## **16.7 PERENJORI AGRICULTURAL SHOW**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<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>	16.7 (a) - Letter of Request

### **Executive Summary:**

The purpose of this report is to present the Perenjori Agricultural Society's request for Council support and assistance with the logistics associated with conducting this year's show.

### **Background:**

2021 will be the 80<sup>th</sup> year of the Perenjori Agricultural Show and more extensive activities are planned to celebrate this milestone.

The Society anticipates requiring two areas of assistance from Council;

1. Free caravan/camping sites for attendees for 2 nights (13<sup>th</sup> & 14<sup>th</sup> August 2021), and;
2. Subsidized accommodation for 10 single units for one night.

### **Statutory Environment:**

Nil.

### **Policy Implications:**

Nil.

### **Legal Compliance:**

Nil.

### **Risk Management:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Decreased income for Caravan Park	High	Offset by goodwill at fostering attendance at the show.

### **Consultation:**

CEO.

### **Financial Implications:**

Nil, (at this stage).

### **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.

#### **Comment:**

The revenue forgone for the 10 units at the workers village is estimated to be \$1,000 whilst forgone caravan/camping site fees will be dependant on the numbers of campers attending. A fully booked out caravan park and campsites equates to approximately \$1,500 per night. However, the variable cost of providing this support would only involve cleaning and linen change for the 10 units and general park clean up for the caravan and camping sites.

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

No Change. OR:

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

Clarification was provided to the meeting on the timing and specific number of accommodation units requested.

### **16.7.1 PERENJORI AGRICULTURAL SHOW**

#### **OFFICER RECOMMENDATION**

- 1. That Council provide 10 Single Units at the Workers Village on 13<sup>th</sup> August free of charge, for allocation by the Perenjori Agricultural Society, and;**
- 2. That Council waive the charges for Caravan Park patrons attending the Perenjori Agricultural Show, (13<sup>th</sup> & 14<sup>th</sup> August).**

### **16.7.2 PERENJORI AGRICULTURAL SHOW**

#### **COUNCIL DECISION**

- 1. That Council provide 4 Single Units at the Workers Village on 13<sup>th</sup> August and 9 Single Units on the 14<sup>th</sup> August, free of charge, for allocation by the Perenjori Agricultural Society, and;**
- 2. That Council waive the charges for Caravan Park patrons attending the Perenjori Agricultural Show, (13<sup>th</sup> & 14<sup>th</sup> August).**

**Moved: Cr C Bryant   Seconded: Cr D Bradford   Motion Put and Carried: 5/0**

**Cr J Sutherland and Cr P Logue returned to the meeting at 3.27 pm.**

## 16.8 STRATEGIC FUTURES DISCUSSION

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<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:

The purpose of this report is to facilitate a strategic discussion at the next Council Forum meeting, as intimated at the May Forum meeting.

### Background:

At the May Forum meeting the closing discussion centred around the need for a strategic discussion around some key issues for the future of the Shire. There was general consensus amongst councillors about the importance of such discussions taking place and it has been suggested that these discussions could commence at the Council Forum in June.

### Statutory Environment:

Nil.

### Policy Implications:

The Community Plan is the overarching policy environment for such discussions.

### Legal Compliance:

Nil.

### Risk Management:

Risk Statement	Level of Risk	Risk Mitigation Strategy
Unidentified opportunities may be lost;	Medium	Investigate options and develop policy settings to improve circumstances.
Economic stagnation in the local economy;	High	
Population decline	High	

### Consultation:

CEO, Councillors.

### Financial Implications:

No immediate implications exist, however there may well be budget recommendations and proposed expenditures flowing from the ultimate conclusions of these discussions.

### 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.

**CEO Comment:**

Deciding to set a meeting to begin this discussion would signal the Council's strong intent to address some ongoing strategic need. This has been heightened to some extent by the impact of cyclone Seroja which has called into question things like;

- Power – the availability of the BESS in emergencies; connecting Council housing stock and public buildings to generators; the importance of undergrounding town power lines.
- Connectivity – achieving and maintaining high speed internet services
- Water – Maintaining year-round water storage and supply

In addition, the broad economic development options for the Shire and how these can deliver stronger futures for our population centres should be integral to any future discussion.

**Voting Requirements: Simple Majority**

No Change. OR:

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

**16.8.1 STRATEGIC FUTURES DISCUSSION**

**OFFICER RECOMMENDATION**

**THAT Council agree to list a strategic discussion as part of the June Council Forum Meeting.**

**16.8.2 STRATEGIC FUTURES DISCUSSION**

**COUNCIL DECISION**

**THAT Council agree to list a strategic discussion as part of the June Council Forum Meeting.**

**Moved: Cr B Baxter   Seconded: Cr P Logue   Motion Put and Carried: 7/0**

## 17. CONFIDENTIAL REPORTS

The public gallery was closed at 3.31pm for the consideration of confidential items.

### 17.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

THAT Council goes behind closed doors to consider a matter that if disclosed, would affect an employee or employees.

Moved: Cr J Sutherland Seconded: Cr L Hepworth Motion Put and Carried: 7/0

### 17.2 **CONFIDENTIAL ITEM** – APPOINTMENT OF MANAGER CORPORATE & COMMUNITY SERVICES (DESIGNATED SENIOR EMPLOYEE)

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	PER417
<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

#### Voting Requirements: Absolute Majority

Change to Officer Recommendation

No Change. OR:

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

#### 17.2.1 **CONFIDENTIAL ITEM** – APPOINTMENT OF MANAGER CORPORATE & COMMUNITY SERVICES (DESIGNATED SENIOR EMPLOYEE)

##### OFFICER RECOMMENDATION

THAT:

1. Council confirm the appointment of the new Manager Corporate and Community Services on a Contract of Employment for Five (5) years commencing 8 June 2021.
2. Council delegate authority to the Chief Executive Officer to sign and seal the Contract of Employment.

#### 17.2.2 **CONFIDENTIAL ITEM** – APPOINTMENT OF MANAGER CORPORATE & COMMUNITY SERVICES (DESIGNATED SENIOR EMPLOYEE)

##### COUNCIL DECISION

THAT:

1. Council confirm the appointment of the new Manager Corporate and Community Services on a Contract of Employment for Five (5) years commencing 8 June 2021.
2. Council delegate authority to the Chief Executive Officer to sign and seal the Contract of Employment.

Moved: Cr L Hepworth Seconded: Cr D Bradford Motion Put and Carried 7/0

**17.3 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS**

**THAT Council return to standing orders, open the meeting to the public and adopt the decisions made behind closed doors.**

**Moved: Cr P Logue Seconded: Cr C Bryant Motion Put and Carried: 7/0**

**Members of the gallery returned to the meeting at 3:34 pm.**

**18. ORDERING THE COMMON SEAL**

<b>Document</b>	<b>Organisation</b>	<b>Purpose</b>	<b>Date</b>
-	-	-	-

**19. REPORTS OF COMMITTEES AND MEMBERS**

**Nil**

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

**Nil**

**21. NOTICE OF MOTIONS**

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

**Nil**

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

**Nil**

**23. CLOSURE OF MEETING**

**The Shire President declared the meeting closed at 3:41 pm.**

**24. NEXT MEETING:**

The Shire President advises that the date of the next Ordinary Meeting of Council will be held on Thursday 17 June 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 20 May 2021.**

**Signed:** \_\_\_\_\_  
**Cr Chris King – Presiding Officer**

**Date:** \_\_\_\_\_

I certify that this copy of the Minutes is a true and correct record of the meeting held on 20 May 2021.

Signed: Chris King  
Cr Chris King – Presiding Officer

Date: 17<sup>th</sup> June 2021