



Shire of  
**Perenjori**  
Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting

# AGENDA

Thursday 20<sup>th</sup> October 2022



## **NOTICE OF AN ORDINARY COUNCIL MEETING**

Dear Council Member,

The next Ordinary Meeting of the Shire of Perenjori will be held on Thursday 20<sup>th</sup> October 2022 in the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, commencing at 3:00 pm.

A handwritten signature in black ink, appearing to be 'Paul Anderson', is positioned below the text.

Mr Paul Anderson  
CHIEF EXECUTIVE OFFICER

Date: 14<sup>th</sup> October 2022

# TABLE OF CONTENTS

## Council Roles

### Disclaimer

1. Declaration of Opening/Announcement Of Visitors:
2. Opening Prayer:
3. Disclaimer Reading:
4. Record of Attendance/Apologies/Leave of Absence:
  - 4.1 ATTENDANCE:
5. Public Question Time:
  - 5.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE:
  - 5.2 QUESTIONS WITHOUT NOTICE:
6. Applications for Leave of Absence:
  - 6.1 APPLICATION/S FOR LEAVE OF ABSENCE:
7. Confirmation of Minutes of Previous Meetings:
  - 7.1 ORDINARY MEETING HELD ON 22 SEPTEMBER 2022
8. Announcements by Presiding Member Without Discussion:
9. Petitions/Deputations/Presentations:
10. Announcements of Matters for Which Meeting May Be Closed:
11. Declaration of Interest:
12. Finance:
  - 12.1 MONTHLY FINANCIAL REPORT – SEPTEMBER 2022
  - 12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2022
  - 13.1 AMENDMENT TO FEES & CHARGES – AQUATIC CENTRE AND GYM ENTRY FEES
  - 13.2 AMENDMENT TO FEES & CHARGES – WAIVED HIRE FEES FOR COUNCIL VENUES FOR COMMUNITY GROUPS
  - 13.3 REQUEST FOR SEED HARVESTING
  - 14.1 OUTBUILDINGS LOCAL PLANNING POLICY
  - 14.2 AMENDMENT TO HOUSING ALLOWANCE
15. Confidential Reports:
  - 15.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS
  - 15.2 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS
16. Ordering the Common Seal:
17. Reports of Committees and Members:
18. Motions of Which Previous Notice Has Been Given:
19. Notice of Motions:
20. New Business of an Urgent Nature Admitted by Council:
21. Closure of Meeting:
22. Next Meeting:

## Council Roles

### **Advocacy:**

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

### **Executive/Strategic:**

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

### **Legislative:**

Includes adopting local laws, town planning schemes and policies.

### **Review:**

When Council reviews decisions made by Officers.

### **Quasi-Judicial:**

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

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

## Disclaimer

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

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

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

## Shire of Perenjori

Agenda for the Shire of Perenjori Ordinary Meeting of Council to be held on Thursday 20<sup>th</sup> October 2022, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, commencing at 3:00 pm.

### 1. Declaration of Opening/Announcement Of Visitors:

The Shire President to declare the meeting open and welcome 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 to read.

### 3. Disclaimer Reading:

As printed.

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

#### 4.1 Attendance:

Members:

Staff:

Distinguished Visitors:

Members of The Public:

Leave of Absence:

Apologies:

### 5. Public Question Time:

#### 5.1 Response to Questions Taken on Notice:

Insert Response

#### 5.2 Questions Without Notice:

Insert Question

## 6. Applications for Leave of Absence:

6.1 Application/s for Leave of Absence:

### **OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

**That \_\_\_\_\_ be granted leave of absence for the meeting of \_\_\_\_\_**

**Motion put and carried / lost**

## 7. Confirmation of Minutes of Previous Meetings:

7.1 Ordinary Meeting Held on 22 September 2022

### **OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

**That the Minutes of the Ordinary Meeting of Council held on 22<sup>nd</sup> September 2022, be confirmed as true and correct subject to no / the following corrections.**

**Motion put and carried / lost**

## 8. Announcements by Presiding Member Without Discussion:

## 9. Petitions/Deputations/Presentations:

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

Matters Behind Closed Doors

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

*A matter that if disclosed, would reveal –*

*Information that has a commercial value to a person; or*

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

## 11. Declaration of Interest:

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

## 12. Finance:

### 12.1 MONTHLY FINANCIAL REPORT – SEPTEMBER 2022

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0082
<b>Date:</b>	12 October 2022
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Glenn Nordsvan, Accwest Pty Ltd
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	12. 1 Monthly Statement of Financial Activity for September 2022

#### Summary

This item recommends that Council receives the Financial Activity Statements for the period ending 30 September 2022.

#### Background

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

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

#### Statutory Environment

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

#### Policy Implications

Nil

#### Financial Implications

Shown in the attached data.

#### Strategic Community Plan

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

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

#### Consultation

Nil

#### Officer Comment

This covering report is prepared noting the following:

- The 2021-22 year-end financial statements are still being finalised with the audit currently being undertaken. Most year-end transactions have been undertaken, with the impact of those flowing into the opening Surplus balance. With a revaluation just being undertaken of many of the Shire's assets, the financial impact of these will be assessed in the near future.
- The other impact of the audit process is that the Assets Ledger in the financial management system cannot be finalised for 2021-22 until the asset revaluations are done and the audit finalised. The financial impact of this is that actual depreciation of fixed assets cannot be done until the Assets Ledger is finalised and rolled over into the new financial year.



- Notwithstanding this, depreciation expense has manually been factored into the report with the amounts expensed aligning with the budgeted amounts.

The opening surplus for the year is \$4,671,000, lower than the amount reported for August and more closely aligned to the approved budget. The final surplus will be known once the audit is finalised. As previously advised, this surplus is notionally deceiving as the State Government transferred 75% of its 2022-23 financial assistance grants (totalling \$2.125m) to the Shire in April 2022.

The 2022-23 general rates were raised and the income recognised in August. The impact of discounts on this revenue are starting to impact but will not be known until after the due date for early payment in October.

Operating revenue YTD is \$3,909,000, better than budget by \$82,000. Key variances between the YTD budget and actuals are:

- Rates are higher by \$157,000 as a result of discounts not yet taken up and unbudgeted ex-gratia rates received.
- Operating grants are down by \$41,000. Advice was provided just after the approval of the budget of the amounts to be received in 2022-23. The amounts to be received are less than the budget by \$198,000 for the year, with the impact at 30 September being \$49,000 after receiving the first of 4 instalments.
- The Caravan Park revenue is \$24,000 better than budget.
- Law, order and public safety down by \$42,000, mostly a timing issue related to the invoicing of recoveries for the CESM Officer.

Expenditure is \$2,365,000, lower than budget by \$82,000. Variances to the end of September are mostly timing, and include:

- Underspends in housing (\$68,000), recreation and culture (\$33,000) and other property and services (\$52,000) more than covering overspends in other program areas.
- The major underspend is in employee costs, which should even out over time.

Most non-operating grants are budgeted to be received in later months, with only the Regional Roads Group first instalment of \$238,000 being received.

Capital expenditure YTD is only \$580,000, with projects yet to commence. A new Capital Report has been prepared for this year's financial reports, identifying each project budgeted and the spend against each project.

Cash and restricted cash balances are currently high (currently \$8,607,000) with rate revenues now coming in. These balances will start to reduce as the capital works program goes into full swing.

#### **OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

**That the Monthly Financial Report to 30 September 2022 as attached be received.**

**Motion put and carried / lost**

## 12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2022

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0082
<b>Report Date:</b>	12 <sup>th</sup> October 2022
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Gypsie Douglas – Finance Officer
<b>Responsible Officer:</b>	Nola Comerford-Smith – Manager Corporate Community Services
<b>Attachments:</b>	12.2 (a) - Accounts for Payment September 2022 12.2 (b) - Corporate Credit Card Breakdown and Statement

### Summary

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

### Background

Council delegates authority to the Chief Executive Officer annually:

To make payments from Trust, Reserve and Municipal Fund;

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

### Legal Compliance

*Local Government Act 1995*

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

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 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**

Goal 4: A strong and diverse Council working closely with the proactive and involved community  
 4.6. The organisation, assets and finances of the Shire are managed responsibly

**Consultation**

Paul Anderson – Chief Executive Officer

Gypsie Douglas – Finance Officer

**Officer Comment**

Accounts paid for the month ending 30<sup>th</sup> September 2022

<b>Municipal Account</b>	
EFT	\$701,495.71
Direct Debits	\$110,804.26
Cheques	\$0.00
Corporate MasterCard	\$6,952.92
Bank Fees	\$250.47
<b>Total</b>	<b>\$819,503.36</b>

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

Totalling **\$819,503.36** from *Municipal* and *Trust Accounts* for the month ending **30 September 2022**.

**OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$819,503.36 (eight hundred and nineteen thousand, five hundred and three dollars and thirty six cents) be accepted.**

**Motion put and carried / lost**

## 13. Community Development and Services:

### 13.1 AMENDMENT TO FEES & CHARGES – AQUATIC CENTRE AND GYM ENTRY FEES

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0013
<b>Date:</b>	5 <sup>th</sup> October 2022
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Author:</b>	Nola Comerford – Manager of Corporate and Community Services
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	Nil

#### Summary

For Council to consider the provision of free Pool and Gym entry for the 2022-23 pool season.

#### Background

At the September 2022 Ordinary Council Meeting, Cr Sparkman proposed removing fees and charges for entry to the Perenjori Aquatic Centre as an incentive for community members and visitors to utilise this facility. Pool entry fees were previously waived by Council for the 2021-22 pool season, as determined at the December 2021 Ordinary Council Meeting, as follows:

#### OFFICER RECOMMENDATION / COUNCIL DECISION

*Council Resolution Number: 161221.5*

*Moved: Cr D Sparkman                      Seconded: Cr A Fraser*

*THAT Council request the CEO to waive all fees for the Perenjori Aquatic Centre for the 2021/2022 pool season and refund fees already paid.*

*Motion put and carried 6/0*

The Perenjori Gym is adjacent to the Aquatic Centre and ideally positioned to maximise usage, particularly during the summer months. However, aside from financial years where Mt Gibson Mining paid for bulk memberships for their employees, membership has never been high with 21 current members, 12 of which are Shire of Perenjori Staff members who receive free membership upon employment.

#### Statutory Environment

Nil

#### Policy Implications

Nil

#### Consultation

Paul Anderson – Chief Executive Officer

Elected Members - Shire of Perenjori

#### Financial Implications

Estimated from the following table, 2022-23 budget revenue of approximately \$5,000 from Pool entry and \$2,500 from Gym Membership would be foregone.

Following is revenue received from pool entry and gym membership fees from recent years:

YEAR	POOL	GYM
2016/17	\$7,570	\$4,046*
2017/18	\$8,559	\$1,600
2018/19	\$6,080	\$8,786*
2019/20	\$6,262	\$1,577
2020/21	\$3,116	\$2,200
2021/22	\$0.00	\$2,713

\*Mt Gibson Mining bulk memberships

### Strategic Community Plan

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

Strategic Objectives 1.1: The community is active and has access to a range of sport and recreation facilities

### Officer Comment

The Perenjori Swimming Pool was installed as a major project in 2010 and includes a 33m main pool, with a children’s wading pool and minor pool adjacent. Seasonal, monthly or daily entry fees are available, individually or as a family unit. Entry fees are as follows:

<b>SWIMMING POOL:</b>	
Family Season Ticket (2 Adults & 2 Children)	\$ 168.00
Extra Child	\$ 14.00
Adult Season Ticket (Sixteen Years & Over)	\$ 96.00
Child / Senior /Concession Season Ticket	\$ 74.50
Family Monthly Ticket (2 Adults & 2 Children)	\$ 44.00
Extra Child	\$ 7.00
Adult Monthly Ticket	\$ 39.00
Child / Senior / Concession Monthly Ticket	\$ 19.50
Adult Daily	\$ 4.60
Child / Senior/Concession Daily	\$ 2.50
Spectator Daily	\$ 2.50
Children 2 years & under	FREE

The Pool received a clear water sample assessment and opened on Tuesday 11<sup>th</sup> October. There have been no seasonal tickets purchased by community members for the 2022-23 season.

Provision of free entry to the Pool has the potential to attract greater attendance, although unlikely to reach the requirements for additional lifeguards (1 lifeguard for up to 100 patrons) except on Australia Day when there will be additional lifeguards on site.

The Perenjori Gym was built in 2010 as part of the Aquatic Centre installation. The facility is well-resourced but under-utilised. Provision of free membership for Shire of Perenjori residents could increase usage and help contribute to health and well-being within the community, aligning with the 2022-2032 Strategic Community Plan strategy of an active community with access to a range of sporting and recreation facilities.

Current 2022-23 membership fees are as follows:

<b>GYM:</b>	
Daily charge	\$5.50
Weekend	\$11.00
One month	\$20.50
Three months	\$53.00
Six months	\$94.00
Twelve months	\$168

**OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

- 1. That Council waive all entry fees for the Perenjori Aquatic Centre for the 2022-23 pool season.**
- 2. That Council waive Perenjori Gym membership fees for all Shire of Perenjori residents.**

**Motion put and carried / lost**

**13.2 AMENDMENT TO FEES & CHARGES – WAIVED HIRE FEES FOR COUNCIL VENUES FOR COMMUNITY GROUPS**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0047
<b>Date:</b>	5 <sup>th</sup> October 2022
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Author:</b>	Nola Comerford – Manager Corporate and Community Services
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary**

For Council to consider permanent waiving of hire fees for community groups within the Shire of Perenjori when hiring council public buildings.

**Background**

Council regularly receives requests from community groups to provide funding support in the form of fee waivers or reductions for hire of community facilities. Administration of these requests by Staff creates more expense to Council than is collected from hirers of community venues throughout the year.

Hire fees and income for Council public buildings are as follows:

<b>VENUE</b>	<b>HIRE COST</b>	<b>BOND</b>	<b>2021-22 INCOME</b>
Perenjori Community Hall	\$127.50 - \$189.00	\$158 - \$260	\$224.09
Perenjori Pavilion	\$127.50 - \$189.00	\$158 - \$260	\$160.23
Latham Hall	\$37.00 - \$73.50	\$158 - \$260	\$0.00
Latham Community Centre	\$127.50 - \$189.00	\$158 - \$260	\$0.00

**Statutory Environment**

Local Government Act 1995 – Section 6.16 (3)(b)

**Policy Implications**

Nil

**Consultation**

Paul Anderson, Chief Executive Officer

**Financial Implications**

The removal of hire fees for Council buildings to Perenjori community groups would have negligible financial impact to the Shire of approximately \$385.00 as a reduction in budgeted revenue over the financial year.

**Strategic Community Plan**

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

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



### **Officer Comment**

Fees and Charges for 2022-23 were adopted by Council at the April 2022 Ordinary Council Meeting in accordance with legislation as part of the Annual Budget. Council may amend the fee by absolute majority under section 6.16 of the *Local Government Act 1995*.

It is recommended that to be eligible for a waiver of fees and charges, the user must be based in the Shire of Perenjori, not be reliant on external funding, and meet one of the following criteria:

- Not-for-profit organisation
- Educational institution
- Sporting group

Government-subsidised organisations such as the Perenjori Community Resource Centre have opportunities to include venue hire fees as part of funding applications, either for one-off events and programs or as part of annual funding through the Department of Primary Industries and Regional Development (DPIRD) which brings external funding into the community. It is recommended that venue hire fees are reduced by 25% for these entities.

A refundable payment of a bond should be retained to ensure liability of users for any damage or excess cleaning to venues.

### **OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

1. **That Council endorse ongoing waiving of hire fees for community facilities and town halls (bonds excluded) for Shire of Perenjori not-for-profit organisations, Perenjori Primary School and sporting groups.**
2. **That Council offer a 25% subsidised hire fee for community facilities and town halls (bonds excluded) to Shire of Perenjori community organisations that receive external funding.**

**Motion put and carried / lost**

### 13.3 REQUEST FOR SEED HARVESTING

<b>Applicant:</b>	E-Scapes Environmental Pty Ltd
<b>File:</b>	ADM 0159
<b>Date:</b>	10 <sup>th</sup> October 2022
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Elinor Pitts – Executive Assistant
<b>Responsible Officer:</b>	Nola Comerford – Manager of Corporate and Community Services
<b>Attachments:</b>	Nil

#### Summary

For Council to consider a request from Tim Emmott, Director at E-Scapes Environmental Pty Ltd, to collect seed from native vegetation within the Shire of Perenjori. The seed is being collected for use in local revegetation projects where there is a desire to utilise local provenance seed.

#### Background

The below correspondence was received from Tim Emmott:

10<sup>th</sup> October 2022

Chief Executive Officer  
Shire of Perenjori  
PO Box 22  
Perenjori WA 6620

ABN 34137 008 103

**39 Kathleen St  
Trigg WA 6029  
Mob: 0429 106 289**

#### RE: Permission to collect native seed

Dear CEO

**E:[tim.emmott@inet.net.au](mailto:tim.emmott@inet.net.au)**

E-Scapes Environmental (ESE) is requesting permission from the Shire to collect seed from native vegetation from roads and reserves managed by the Shire.

ESE abides by the appropriate Department of Biodiversity, Conservation and Attractions (DBCA) licensing conditions, and will adhere to any conditions imposed by the Perenjori Shire.

Seed is being collected for use in local revegetation projects where there is a desire to utilise local provenance seed.

If you would like further information, please contact me on the numbers above. I thank you for your consideration of this request and look forward to your reply.

Yours sincerely



Tim Emmott  
Director  
E-Scapes Environmental Pty Ltd

All native plants and animals are protected in Western Australia under the *Biodiversity Conservation Act 2016* (BC Act). The removal of native vegetation (or 'flora') is regulated under the *Environmental Protection Act 1986* (EP Act), the *Conservation and Land Management Act 1984* (CALM), the *Forest Products Act 2000*, and the BC Act.

### **Statutory Environment**

Nil

### **Policy Implications**

POLICY NO.6001 – Picking Wildflowers

### **Policy Statement**

Permission to collect flora (including firewood and seed harvesting) from land under control of the Shire (i.e. road reserves, vested reserves, freehold etc.) may only be granted by resolution of the Council, and will be subject to the applicant obtaining the necessary approval from the Department of Environment and Conservation or its successor.

### **Policy Administration**

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

### **Consultation**

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager of Corporate and Community Services

### **Financial Implications**

Nil

### **Strategic Community Plan**

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

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

### **Officer Comment**

Given that E-Scapes Environmental (ESE) conduct their seed management activities within the framework of the Department of Biodiversity, Conservation and Attractions (DBCA) licensing conditions, it is assumed that the research group approach native vegetation seed harvesting in a responsible and environmentally conscious manner. Additionally, all of the researchers are covered by the relevant permits including the Regulation 61 – Flora Taking License (for the purpose of scientific study).

### **OFFICER RECOMMENDATION**

#### **Council Resolution Number:**

**Moved:**

**Seconded:**

**That Council give permission to E-Scapes Environmental (ESE) to collect seed from reserves managed by the Shire for a two-year period, with the condition that the requirements of The Department of Biodiversity, Conservation and Attractions are being met.**

**Motion put and carried/lost**

## 14. Governance

### 14.1 OUTBUILDINGS LOCAL PLANNING POLICY

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0311
<b>Date:</b>	6 <sup>th</sup> October 2022
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Simon Lancaster – Planning Advisor
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	Attachment 14.1 - Outbuildings Local Planning Policy

#### Summary

Council resolved at its 18 August 2022 meeting to advertise a draft Outbuildings Local Planning Policy for comment. The advertising period has concluded and no objections were received. This report recommends that the Outbuildings Local Planning Policy be adopted.

#### Background

The Shire of Perenjori does not presently have a local policy in relation to residential outbuildings (i.e. sheds). In the absence of a local policy then State Planning Policy 7.3-Residential Design Codes (the ‘R-Codes’) establishes the criteria by which Shire staff can approve sheds under delegated authority upon the residential zoned lots within townsites.

Section 5.4.3.C3 of the R-Codes requires that outbuildings should collectively be not more than 60m<sup>2</sup> or 10% in aggregate of the site area whichever is the lesser. The R-Codes also establish that the outbuildings should not exceed a wall height of 2.4m and a ridge height of 4.2m.

Council requested at its 16 June 2022 meeting that Shire staff prepare a draft Outbuildings Local Planning Policy that would allow for sheds in its townsites of greater area and height than prescribed by the R-Codes. Many other Mid-West local governments have adopted such a policy to better respond to the needs of their communities, reflect localised planning issues and streamline the processing of applications.

Such policies establish a greater maximum outbuilding area/height in recognition that the R-Codes criteria are often metro-centric and do not adequately address the requirements for general domestic storage in a regional, rural townsite and rural-residential setting where residents may often own, and seek to store out of the elements, larger items such as 4WD’s, trailers, caravans, campervans, boats, horse floats, ride-on mowers, motor/quadbikes and stock keeping/feeding items.

The policy would establish the procedure by which the Shire would process applications for outbuildings. Applications that comply with the policy provisions would either not require a planning application to be lodged (and could proceed straight to the building permit application stage) or would be approved by staff under delegated authority. Applications that proposed variation would be advertised for comment and presented to Council for its determination.

The advertised Shire of Perenjori Outbuildings Local Planning Policy is provided as **attachment 14.1.**

#### Statutory Environment

The policy refers to outbuildings in the ‘Residential’, ‘Rural Townsite’ and ‘Rural Residential’ areas and does not address sheds within the ‘Light Industry’ and ‘General Industry’ zones as these are covered by the Shire of Perenjori Local Planning Scheme No.3 (‘the Scheme’) provisions as contained within Table 4 of the Scheme.

The policy does not refer to outbuildings within the ‘Rural’ zone as these are generally exempted from the requirement to make planning application by Schedule A Clause 61(1)(23) of the Scheme except in certain circumstances such as if they would impact upon a heritage protected place.

Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') provides Council with the ability to prepare Local Planning Policies.

- "3 *Local planning policies*
- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
  - (2) *A local planning policy —*
    - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
    - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
  - (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
  - (4) *The local government may amend or repeal a local planning policy.*
  - (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*
- 4 *Procedure for making local planning policy*
- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
    - (a) *publish in accordance with clause 87 the proposed policy and a notice giving details of —*
      - (i) *the subject and nature of the proposed policy; and*
      - (ii) *the objectives of the proposed policy; and*
      - (iii) *how the proposed policy is made available to the public in accordance with clause 87; and*
      - (iv) *the manner and form in which submissions may be made; and*
    - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
    - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
  - (2) *The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).*
  - (3) *After the expiry of the period within which submissions may be made, the local government must —*
    - (a) *review the proposed policy in the light of any submissions made; and*
    - (b) *resolve to —*
      - (i) *proceed with the policy without modification; or*
      - (ii) *proceed with the policy with modification; or*
      - (iii) *not to proceed with the policy.*
  - (3A) *The local government must not resolve under subclause (3) to proceed with the policy if —*
    - (a) *the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
    - (b) *under the R-Codes, the Commission's approval is required for the policy; and*
    - (c) *the Commission has not approved the policy.*
  - (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.*
  - (5) *A policy has effect on publication of a notice under subclause (4).*
  - (6) *The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.*
  - (7) *Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a)."*

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between a Policy and the Scheme.

### **Policy Implications**

Where Council wishes to establish its own development guidelines and assessment criteria a Local Planning Policy can be more suited than Scheme provisions and allow for more consideration of local planning considerations than the state-wide R-Codes. A Policy is still considered as reasonable basis for Council to make determinations, and is an instrument that must be given due regard in instances where a development decision is appealed to the State Administrative Tribunal, but a Policy also has an improved, more responsive ability to be modified by Council where it considers that a Policy is no longer in-line with its planning, or Council considers that an individual application should be supported based upon its displayed merits.

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire and provide a consistent approach to approving land use and development.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Section 7.3.1 of the R-Codes makes allowance for a local government to prepare a Local Planning Policy that amends/replaces the deemed-to-comply provisions relating to R-Code Clause 5.4.3-Outbuildings.

### **Consultation**

Schedule 2 Part Division 2 Clauses 4 & 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council advertise a proposed Local Planning Policy for a minimum period of 21 days.

The policy provided as **attachment 14.1** proposes that applications seeking variation may be advertised by the Shire for comment to surrounding landowners, prior to the application, and any received submissions, being placed before a meeting of Council for consideration.

The advertising of the draft Outbuildings Policy commenced on 23 August 2022 with a copy being placed on the Shire website, displayed at the Shire office and placed in the Bush Telegraph community newspaper, and concluded on 30 September 2022. At the conclusion of the advertising period no submissions had been received.

Having concluded the required advertising, Council may now wish to proceed with the policy with/without modification, or not proceed with the policy.

It is also noted that Council may at any stage review the Outbuildings Policy if it considers that it is not meeting its requirements and serving its community.

### **Financial Implications**

Nil

### **Strategic Community Plan**

The draft Outbuildings Local Planning Policy is intended to balance the expectations of the community on what is an appropriate standard of amenity, and the requirements for general domestic storage in a regional and rural-residential setting. This can often include larger items that the landowner seeks to have stored securely, and out of the elements, and it may also be preferable from an amenity viewpoint to have them stored out-of-sight within a shed rather than scattered about the yard.

It is always good practice for Council to review its policies be they procedural, financial or planning on a regular basis to ensure they are current, address changing circumstances, current and evolving development trends, community demands and meet Council's expectations.

The adoption of an Outbuildings Local Planning Policy would align with the following goals of the Strategic Community Plan:

*Area 1: Infrastructure and Natural Assets*

*Natural and Built Environment*

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

*Area 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.*

*This strategy area will build the capacity of the Council to undertake ongoing planning, reviews and report on progress and develop leadership and management capacity within Council and staff. It will also ensure Council strategically targets fundraising strategies to achieve key projects.*

**Officer Comment**

The draft Shire of Perenjori Local Planning Policy has been prepared with regard for the policies of neighbouring local governments in an attempt to achieve a level of regional consistency. A summary of several other Mid-West Councils' policy requirements are provided below:

Maximum standards	Shire of Mingenew	Shire of Three Springs	Shire of Coorow	City of Greater Geraldton	Shire of Northampton* & Shire of Chapman Valley
<b>Residential &amp; Townsite (R10 and higher density) (i.e. lots generally &lt; 2,000m<sup>2</sup>)</b>					
Area (total aggregate)	80m <sup>2</sup>	80m <sup>2</sup>	120m <sup>2</sup>	150m <sup>2</sup> (120m <sup>2</sup> enclosed/30m <sup>2</sup> open)	120m <sup>2</sup>
Wall Height	4m	4m	4m	3.6m	3m
Overall Height	5m	5m	4.5m	4.5m (with 5m being permitted subject to conditions e.g. not being higher than dwelling)	4.5m (*with 5m being permitted subject to conditions e.g. not being higher than dwelling)
<b>Residential (R5 and lower density) (i.e. lots generally &gt; 2,000m<sup>2</sup>)</b>					
Area (total aggregate)	200m <sup>2</sup>	80m <sup>2</sup>	180m <sup>2</sup>	270m <sup>2</sup> (210m <sup>2</sup> enclosed/60m <sup>2</sup> open)	180m <sup>2</sup> *240m <sup>2</sup> (lots 2,000m <sup>2</sup> +) )
Wall Height	4m	4m	4.5	4.2m	4m
Overall Height	5m	5m	5m	5m (with 5.5m being permitted subject to conditions e.g. not being higher than dwelling)	5m *(with 5.5m being permitted subject to conditions e.g. not being higher than dwelling & 6.5m on lots 2,000m <sup>2</sup> +) )
<b>Rural Residential / Rural Smallholding (Lots &lt; 4 ha)</b>					
Area (total aggregate)	Exempt from the area and height requirements of the policy	240m <sup>2</sup>	200m <sup>2</sup>	420m <sup>2</sup> (300m <sup>2</sup> enclosed/120m <sup>2</sup> open)	360m <sup>2</sup> (240m <sup>2</sup> enclosed/120m <sup>2</sup> open)
Wall Height		4.5m	5m	4.8m	4m
Overall Height		5.5m	6.5m	6.5m	5.5m 6.5m (double storey barn)
<b>Rural Residential / Rural Smallholding (Lots &gt; 4 ha)</b>					
Area (total aggregate)	Exempt from the area and height requirements of the policy	240m <sup>2</sup>	240m <sup>2</sup> (less than 20ha) Exempt if greater than 20ha	420m <sup>2</sup> (300m <sup>2</sup> enclosed/120m <sup>2</sup> open)*	360m <sup>2</sup> (240m <sup>2</sup> enclosed/120m <sup>2</sup> open)
Wall Height		4.5m	5m (less than 20ha) Exempt if greater than 20ha	4.8m*	4m
Overall Height		5.5m	6.5m (less than 20ha) Exempt if greater than 20ha	6.5m* * applies for Rural Residential lots, Rural Smallholding lots are exempt from the policy	6.5m

**OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

**That Council resolve, pursuant to Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt the Shire of Perenjori 'Outbuildings' Local Planning Policy as contained in attachment 14.1 and proceed to give notice to this effect.**

**Motion put and carried / lost**



## 14.2 AMENDMENT TO HOUSING ALLOWANCE

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0311
<b>Date:</b>	10 <sup>th</sup> October 2022
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Stacey Anderson – Project Management Officer
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	Nil

### Summary

For Council to consider an amendment to the Housing Policy to ensure consistency throughout the Shire for all members of staff.

### Background

Council provides a housing allowance to staff as an incentive to attract and retain staff.

Council's Housing Policy is not correctly reflective of the Shire of Perenjori Enterprise Agreement 2019 (the Agreement), resulting in some inconsistency between the two documents. A policy that clearly articulates the intent and priorities of Council reduces the risk of inequitable or unjustifiable decisions and improved transparency. In August 2021, it was adopted by council that the Administration staff will receive a housing allowance equivalent to \$150 per week to full-time employees.

As per the Agreement, Outside Works employees are eligible for a Housing Allowance of \$4.43 per ordinary hour (not including overtime) for staff who reside in their own, or privately rented, accommodation.

*As per the 2019 Shire of Perenjori Enterprise Agreement, Outside Works Employees are defined by Employees who work at the depot and are involved in outside operations such as road and asset maintenance, parks and reserve maintenance and gardening along with mechanical maintenance of plant. These employees are also managed by the Works Supervisor.*

Section 16 of the Shire of Perenjori Enterprise Agreement 2019:

### **16. – HOUSING**

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

16.6 *The Employer will waive rubbish collection charges for Employees for their principal residence and apply a pro rata waiving for permanent part time Employees.*

16.7 *This clause does not apply to casual Employees.*

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### **Statutory Environment**

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

### **Policy Implications**

Shire of Perenjori Policy Manual – 2022

Policy number 5002 and 5005 in relation to housing:

## **5002 – EMPLOYEES RENTAL SUBSIDY FOR PRIVATE RENTALS**

### **POLICY STATEMENT:**

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

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

### **POLICY ADMINISTRATION**

**Date Adopted:** Item N<sup>o</sup> 14042.5 17<sup>th</sup> April 2014

**Reviews/Amendments:** Item N<sup>o</sup> 17032.5 16<sup>th</sup> March 2017

## 5005 – STAFF HOUSING

### POLICY STATEMENT:

#### Objectives

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

#### Policy

Employee housing shall be based on the following principals:

- The requirements of the *Residential Tenancies Act 1987* are met.
- The requirements of the Shire of Perenjori Enterprise Agreement 2019 are met.
- All housing allocations are approved by the CEO as determined by staff requirements in relation to housing availability at any given time.
- This policy does not apply to Managers or employees where housing is negotiated as part of their employment terms and conditions.
- That where a Manager relinquishes their negotiated housing as per the above point, then this policy will apply.
- Council staff housing, when available, will be provided to full time employees at a subsidy of 50% of the market rental value, and pro rata to part time employees.
- A permanent part-time employee is classified as:
  - Working less than 38 ordinary hours per week;
  - Has reasonably predictable hours of work; and
  - Receives, on a pro rata basis, pay and conditions equivalent to those of full-time employees who do the same kind of work.Local Government Industry Award 2020
- Where an Outside Works employee is entitled to a Council house but has alternative housing arrangements, Council will pay a Housing Allowance of \$4.43 per standard hour (*Shire of Perenjori Enterprise Agreement 2019 16.3*).
- Where an Administration employee is entitled to a Council house but has alternative housing arrangements, Council will pay a Housing Allowance of \$150 per week to full-time employees working 38 hours per week, and pro-rata for permanent part-time employees.
- Should the Council housing not be maintained to an acceptable standard (both inside and outside), the Chief Executive Officer reserves the right to discontinue the weekly rental subsidy.
- All employees shall sign a Residential Tenancy Agreement at the commencement of any rental arrangement.
- The employee is responsible for all utility costs.
- It is the responsibility of the tenant to regularly water and maintain gardens to an acceptable standard.

#### Housing Inspections

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

#### Consultation

Paul Anderson, Chief Executive Officer

Nola Comerford, Manager of Corporate and Community Services

Stacey Anderson, Project Management Officer

#### Financial Implications

Administration staff currently receive a housing allowance equivalent to \$150 per week for full-time employees (pro rata for part time). If the recommended changes are adopted, the housing allowance will

increase to \$168.34 which is an increase of \$18.34 per week/\$953.68 per annum for a full time Administration staff member. Currently this would be payable to 6 administration staff members.

### **Strategic Community Plan**

N/A

### **Officer Comment**

A lack of understanding and knowledge around the Shire of Perenjori Enterprise Agreement 2019 has resulted in incorrect implementation of policies and procedures which has led to inconsistency in the way housing incentives are allocated. In our current pay cycle, this has resulted in a number of overpayments being made to Outside Works Employees. Current wording of the Enterprise Agreement does not stipulate the housing allowance to increase with CPI but due to incorrect application of including the allowance in the hourly rate of pay the allowance this has been the case. This will be corrected by paying the allowance of \$4.43 per hour over the standard hours of 76 hours per fortnight.

There are a number of legal implications involved to recover overpayments and under the Fair Work Act 2009, employees are not legally obligated to return overpaid monies.

As part of the first overhaul of our Payroll and HR Processes, it is proposed the following amendments to the Housing Policy No. 5005, as well as combining Policy numbers 5002 and 5005. This is in line with the Shire of Perenjori Enterprise Agreement 2019. Irrespective of staff owning their own home, residing in a council house or private renting all staff members will be entitled to an hourly housing allowance.

In avoidance of doubt, the proposed amendment provides clear and concise guidelines to ensure transparency and consistency for all employees.

### **Remove**

- Council staff housing, when available, will be provided to full time employees at a subsidy of 50% of the market rental value, and pro rata to part time employees.
- A permanent part-time employee is classified as:
  - Working less than 38 ordinary hours per week.
  - Has reasonably predictable hours of work; and
  - Receives, on a pro rata basis, pay and conditions equivalent to those of full-time employees who do the same kind of work.
- Where an outside works employee is entitled to a Council house but has alternative housing arrangements, Council will pay a Housing Allowance of \$4.43 per standard hour (*Shire of Perenjori Enterprise Agreement 2019 16.3*)
- Where an Administration employee is entitled to a Council house but has alternative housing arrangements, Council will pay a Housing Allowance of \$150 per week to full-time employees working 38 hours per week, and pro-rata for permanent part-time employees.
- The employee is responsible for all utility costs.

### **Add**

- Council staff housing, when available, will be allocated and prioritised for full time employees.
- Council shall set the market value of the rental properties annually throughout the budget process.
- A housing allowance in accordance with the 2019 Shire of Perenjori Enterprise Agreement will apply to **all** full time and part time employees (currently \$4.43 per ordinary hour, not applied to overtime) and be incorporated into Council's budget.
- A permanent part-time employee is classified as:
  - Working less than 38 ordinary hours per week.
  - Has reasonably predictable hours of work; and
  - Receives, on a pro rata basis, pay and conditions equivalent to those of full-time employees who do the same kind of work.

**OFFICER RECOMMENDATION**

**Council Resolution Number:**

**Moved:**

**Seconded:**

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

**Motion put and carried / lost**

## 15. Confidential Reports:

### 15.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

#### PROCEDURAL MOTION

**Council Resolution:**

**Moved:                      Seconded:**

**That, in accordance with section 5.23 of the Local Government Act 1995, Council accept that the meeting is to be closed to all members of the Public.**

**Motion put and carried / lost**

### 15.2 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

#### PROCEDURAL MOTION

**Council Resolution:**

**Moved:                      Seconded:**

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

**Motion put and carried / lost**

## 16. Ordering the Common Seal:

Document	Organisation	Purpose	Date

## 17. Reports of Committees and Members:

## 18. Motions of Which Previous Notice Has Been Given:

## 19. Notice of Motions:

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

## 21. Closure of Meeting:

The Shire President to declare the meeting closed and thank those in attendance.

## 22. Next Meeting:

The Shire President advises that the date of the next Ordinary Meeting of Council will be held on Thursday 17<sup>th</sup> November 2022 commencing at 3:00 pm Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620.