



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Special Meeting of Council

MINUTES

Thursday 12 October 2023

Shire of Perenjori Council Chambers,
56 Fowler Street, Perenjori WA, 6620



NOTICE OF A SPECIAL MEETING OF COUNCIL

Dear Council Member

Pursuant to *Section 5.25(1)(g) of the Local Government Act 1995* and *Regulation 12(3) of the Local Government (Administration) Regulations 1996*, Public Notice is hereby given that:

A Special Meeting of Council will be held on Thursday 12 October 2023 at 3.00 pm in the Shire of Perenjori Council Chambers, 56 Fowler Street Perenjori.

The purpose of the meeting is:

1. To consider a confidential item relating to the employment of a designated senior employee;
2. To consider a confidential item relating to a matter before the State Administrative Tribunal; and
3. To consider a route determination request for support.

A handwritten signature in black ink, appearing to read 'Paul Anderson', is positioned above the printed name.

Paul Anderson

CHIEF EXECUTIVE OFFICER

Date: 4 October 2023

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Council Roles

Advocacy:

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

Executive/Strategic:

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

Legislative:

Includes adopting local laws, town planning schemes and policies.

Review:

When Council reviews decisions made by Officers.

Quasi-Judicial:

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

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

Disclaimer

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

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

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

Shire of Perenjori

Minutes for the Shire of Perenjori Special Meeting of Council held on Thursday 12 October 2023, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620 which commenced at 3.00 pm.

1. Declaration of Opening/Announcement Of Visitors:

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

Acknowledgement of Traditional Custodians: -

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

The Shire of Perenjori would like to respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badimia people. It is a privilege to be standing on Badimia country.

2. Opening Prayer:

The Shire President read the opening prayer.

Acknowledgement of Pioneers: -

The Shire of Perenjori acknowledges the pioneers who settled this country, developed the land and turned it into the productive country that we know today.

3. Disclaimer Reading:

As printed.

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

4.1 Attendance:

Members:

Cr Chris King (President)
Cr Jude Sutherland (Deputy President)
Cr Andrew Fraser
Cr Les Hepworth
Cr Daniel Bradford
Cr Dael Sparkman
Cr Colin Bryant

Staff:

Paul Anderson (Chief Executive Officer)
Nola Comerford (Manager Corporate & Community Services)
Marty Noordhof (Manager Infrastructure Services)
Elinor Pitts (Executive Assistant)

Distinguished Visitors:

Nil

Members of The Public:

Nil

Leave of Absence:

Nil

Apologies:

Nil

9. Public Question Time:

9.1 Response to Questions Taken on Notice:

Nil

9.2 Questions Without Notice:

Nil

10. Declaration of Interest:

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

Cr Hepworth declared an impartiality interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to his Brother-In-Law owning land neighbouring the proposed tree farm.

Cr Sparkman declared an impartiality interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to being a relative of the vendor.

Cr King declared a proximity interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to his business partner purchasing adjoining land.

Cr Bryant declared a proximity interest in agenda item 11.2, pursuant to sections 5.60B of the Local Government Act 1995, due to his farm neighbouring the vendors farm.

11. Confidential Reports

11.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS PROCEDURAL MOTION

Council Resolution: 121023.1

Moved: Cr Hepworth

Seconded: Cr Fraser

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 7/0

For: Cr King, Cr Hepworth, Cr Fraser, Cr Bryant, Cr Sparkman, Cr Sutherland, Cr Bradford

Against: Nil

Cr King and Cr Bryant, having declared proximity interests in item 11.2, left the chambers at 3.03 pm.

11.2 *CONFIDENTIAL ITEM* PROPOSED TREE FARM – LOTS 8 & 11 BAXTER ROAD, PERENJORI COUNCIL DECISION

Council Resolution Number: 121023.2

Moved: Cr Sparkman

Seconded: Cr Hepworth

That Council consider the officer's recommendation as contained within the confidential report 11.2, Proposed Tree Farm – Lots 8 & 11 Baxter Road Perenjori.

Motion put and carried 5/0

For: Cr Hepworth, Cr Fraser, Cr Sparkman, Cr Sutherland, Cr Bradford

Against: Nil

PROCEDURAL MOTION

Council Resolution Number: 121023.3

Moved: Cr Sparkman

Seconded: Cr Fraser

That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches to be suspended at 3.04 pm for open discussion on item 11.2 of these minutes.

Motion put and carried 5/0

For: Cr Hepworth, Cr Fraser, Cr Sparkman, Cr Sutherland, Cr Bradford

Against: Nil

PROCEDURAL MOTION

Council Resolution Number: 121023.4

Moved: Cr Fraser

Seconded: Cr Bradford

That Council reinstates Standing Orders at 3.11 pm.

Motion put and carried 5/0

For: Cr Hepworth, Cr Fraser, Cr Sparkman, Cr Sutherland, Cr Bradford

Against: Nil

COUNCIL DECISION

Council Resolution Number: 121023.5

Moved: Cr Bradford

Seconded: Cr Fraser

That planning approval be granted for a Tree Farm upon Lots 8 & 11 Baxter Road, Perenjori as contained in the application dated 10 February 2023 and amendments to the application dated 28 August 2023 subject to the following:

Conditions:

- 1 The approved development shall be undertaken in accordance with the approved plans unless expressly altered by a condition attached to the approval.**
- 2 Within 30 days following the date of this approval the applicant is to submit a Management Plan consistent with the 'Code of Practice for Timber Plantations in Western Australia' (Forest Industries Federation WA, 2014) to the Shire of Perenjori for approval. The development must thereafter be carried out in accordance with the approved Management Plan.**
- 3 The applicant must submit to the Shire a draft fire management plan by 30 June 2024. The fire management plan must include (without limitation) details of proposed access and egress, fire breaks, water supplies and contact details for the local farm manager and company. The development must thereafter comply with the approved fire management plan.**
- 4 Following the expiry of 3 years after the date trees are first planted, the tree farm must thereafter be subject to managed grazing in accordance with a grazing management plan approved by the Shire. The applicant must submit a grazing management plan to the Shire for approval by 30 June 2024. The grazing management plan must provide for grazing in a sustainable manner, and may have regard to livestock density, seasonal outlook, available feed and other relevant matters**

- 5 The fencing around the tree farm must at all times be maintained to a standard adequate to effectively contain livestock.
- 6 The water infrastructure on the tree farm (both existing and any additional infrastructure that may be required for fire management purposes) must at all times be maintained to a standard satisfactory to the Shire of Perenjori.
- 7 Water adequate for both the managed grazing of the tree farm and fire management must be provided at all times.

Advice Note:

- (a) In relation to condition 2 the management plan should also have regard to the 'Code of Practice for the use of agricultural and veterinary chemicals in WA' (Department of Primary Industries & Regional Development, 2005).
- (b) In relation to condition 3, the fire management plan must display due regard for the 'Guidelines for Plantation Fire Protection' (Department of Fire & Emergency Services, 2011).
- (c) In accordance with the amended application dated 28 August 2023, prior to finalising the tree farm footprint, Carbon Neutral should engage with neighbouring and nearby landowners to confirm the level of interest in retaining up to 250ha of land for cropping purposes.
- (d) Any additions to or change of use of any part of the land or building(s) (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- (e) 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.

Motion put and carried 4/1

For: Cr Hepworth, Cr Fraser, Cr Sutherland, Cr Bradford

Against: Cr Sparkman

Cr King and Cr Bryant returned to the chambers at 3.13 pm.

11.3 ***CONFIDENTIAL ITEM*** CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW - 2023

COUNCIL DECISION

Council Resolution Number: 121023.6

Moved: Cr Bradford

Seconded: Cr Hepworth

That Council consider the officer's recommendation as contained within the confidential report 11.3, Chief Executive Officer Performance Review – 2023.

Motion put and carried 7/0

For: Cr King, Cr Hepworth, Cr Fraser, Cr Bryant, Cr Sparkman, Cr Sutherland, Cr Bradford

Against: Nil

COUNCIL DECISION

Council Resolution Number: 121023.7

Moved: Cr Sparkman

Seconded: Cr Sutherland

That Council:

- 1. Receives the report from the external facilitator, Garry Hunt Consulting Group, for the Chief Executive Officer performance review for the period ending 30 June 2023.**
- 2. Notes the outcomes of the Councillor performance review survey. The Chief Executive Officer has been assessed as "meets expectations" for the performance review for the period ending 30 June 2023 as outlined in section 5.3 of this report.**
- 3. Notes that in the results of the survey outlined in recommendation 2 above, the Chief Executive Officer has achieved all KRAs, except one, a level of "meets expectations" or higher.**
- 4. Adopts the proposed key result areas and key performance indicators for the 2023-2024 performance review period as outlined in section 5.5 of this report.**
- 5. Adopts the proposed amended Policy 8002 – Chief Executive Officer – Performance Review (Attachment 7 refers).**
- 6. Schedules the 2023-2024 performance review of the Chief Executive Officer and total remuneration package for consideration by Council not later than July 2024.**
- 7. Schedules a mid-year Chief Executive Officer performance review to ensure alignment between Council/Committee and the Chief Executive Officer on the performance expectations as outlined in the 2023-2024 proposed key performance indicators (section 5.5 of this report) adopted by Council.**

8. In compliance with Division 3, Schedule 2, Clause 7 of the *Local Government (Administration) Regulations 1996* (Attachment 3 refers) adopts by absolute majority the 2023 Chief Executive Officer Performance Review.
9. In compliance with Division 3, Schedule 2, Clause 19 of the *Local Government (Administration) Regulations 1996* (Attachment 3 refers), notifies the Chief Executive Officer of the results of the 2023 Chief Executive Officer Performance Review.
10. Notes the Salaries and Allowances Tribunal determination of April 2023 that stipulates a maximum Total Reward Package of \$213,356 (Attachment 6 refers) effective from 1 July 2023.
11. Notes that the current Total Reward Package paid to the Chief Executive Officer is at the top of Band 4 as outlined in the Salaries and Allowances Tribunal determination of April 2022, being \$206,141 (*Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members* (accessed July 2022) refers).
12. Adopts a Total Reward Package of \$213,356, effective from 1 July 2023, based on the Chief Executive Officer performance for the period to 30 June 2023 as stipulated in the Salaries and Allowances Tribunal determination of April 2023 (Attachment 6 refers).
13. Notes that the current Regional /Isolation allowance paid to the Chief Executive Officer is at the maximum as outlined in the Salaries and Allowances Tribunal determination of April 2022, being \$30,000 (*Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members* (accessed July 2022) refers).
14. Adopt a Regional/Isolation Allowance of \$38,600, effective from 1 July 2023, based on the Chief Executive Officer performance for the period to 30 June 2023 as stipulated in the Salaries and Allowances Tribunal determination of April 2023 (Attachment 6 refers).
15. Thanks, the Chief Executive Officer for his contribution and dedication to the Shire of Perenjori for the period to 30 June 2023, noting his efforts to stabilise and improve the governance and general activity services previously identified for improvement.

Motion put and carried 7/0 by absolute majority

For: Cr King, Cr Hepworth, Cr Fraser, Cr Bryant, Cr Sparkman, Cr Sutherland, Cr Bradford

Against: Nil

**11.4 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS
PROCEDURAL MOTION**

Council Resolution Number: 121023.8

Moved: Cr Bradford

Seconded: Cr Fraser

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

Motion put and carried 7/0

For: Cr King, Cr Hepworth, Cr Fraser, Cr Bryant, Cr Sparkman, Cr Sutherland, Cr Bradford

Against: Nil

13. Closure of Meeting:

The Shire President declared the meeting closed at 3.31 pm and thanked those in attendance.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 12 October 2023.

Signed: 
Shire President

Date: 26/10/23