



Shire of  
**Perenjori**  
Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting  
**MINUTES**

Thursday 19 December 2024



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Perenjori will be held on Thursday 19 December 2024 in the Shire of Perenjori Council Chambers, Perenjori WA 6620, commencing at 3.00 pm.

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

Paul Anderson

**CHIEF EXECUTIVE OFFICER**

Date: 13 December 2024

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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 Ordinary Meeting of Council held on Thursday, 19 December 2024, at the Shire of Perenjori Council Chambers, Perenjori WA 6620.

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

The Shire President declared the meeting open and welcomed those in attendance at 3.16pm.

#### Acknowledgement of Traditional Custodians: -

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.

***I respectfully acknowledge the past and present traditional owners 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.

Acknowledgment of Pioneers:

***I acknowledge the pioneers who settled this country, developed the land and turned it into the productive country we know today.***

### 3. Disclaimer Reading:

As printed.

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

#### 4.1 ATTENDANCE:

Members:	Cr Jude Sutherland (President) Cr Les Hepworth (Deputy President) Cr Daniel Bradford Cr Andrew Fraser Cr Colin Bryant Cr Brian Campbell Cr Dael Sparkman
Staff:	Paul Anderson (Chief Executive Officer) Nola Comerford (Manager Corporate Community Services) Marty Noordhof (Manager Infrastructure Services)
Distinguished Visitors:	Nil
Members of The Public:	Nil
Leave of Absence:	Nil
Apologies:	Nil

### 5. Public Question Time:

#### 5.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE:

Nil

#### 5.2 QUESTIONS WITHOUT NOTICE:

Nil

**6. Applications for Leave of Absence:**

**6.1 APPLICATION/S FOR LEAVE OF ABSENCE:**

Nil

**7. Confirmation of Minutes of Previous Meetings:**

**7.1 ORDINARY COUNCIL MEETING HELD ON 21 NOVEMBER 2024**

**COUNCIL DECISION**

**Council Resolution Number: 191224.6**

**Moved: Cr Fraser**

**Seconded: Sparkman**

**That the Minutes of the Ordinary Meeting of Council held on 21 November 2024, be confirmed as true and correct subject to no corrections.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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**8. Announcements by Presiding Member Without Discussion:**

Congratulations to the Finance and Administration team on another successful audit.

**9. Petitions/Deputations/Presentations:**

Nil

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

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

*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.*

**Confidential Item 15.2 – Write Off General Rates**

**11. Declaration of Interest:**

Nil

## 12. Finance:

### 12.1 MONTHLY FINANCIAL REPORT – 30 NOVEMBER 2024

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	19 December 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<a href="#">12.1.1 - Monthly Statement of Financial Activity for 30 November 2024</a>

#### Summary

This item recommends that Council receives the Financial Activity Statements for the periods ending 30 November 2024.

#### 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. All reports for 2023-24 to date have 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

#### Consultation

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.

Strategic Objectives

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

#### Officer Comment

The opening surplus for the year prior to the finalisation of the 2023-24 financial statements is \$3,357,709. As previously advised, this surplus is notionally deceiving as the State Government transferred 85% of its 2024-25 financial assistance grants (totalling \$2.496m) to the Shire in June 2024.

Operating revenue YTD is \$5,442,961 over budget by \$194,183.

Operating expenditure YTD is \$5,769,050, under budget by \$172,316.

Key variances between the YTD budget and actuals are explained in the attached report on pages 2-3.

**COUNCIL DECISION**

**Council Resolution Number: 191224.7**

**Moved: Cr Bradford**

**Seconded: Cr Hepworth**

**That the Monthly Financial Report to 30 November 2024 as attached be received.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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## 12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2024

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0082
<b>Report Date:</b>	19 December 2024
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Gypsie Douglas – Finance Officer
<b>Responsible Officer:</b>	Ally Bryant – Finance Manager
<b>Attachments:</b>	<a href="#">12.2.1 - Accounts for Payment 30 November 2024</a> <a href="#">12.2.2 - Corporate Credit Card Statement &amp; Breakdown (NAB)</a>

### 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 \$250,000;

### 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

Ally Bryant – Finance Manager

**Officer Comment**

Accounts paid for the month ending 30 November 2024.

<b>Municipal Account</b>	
EFT 18160 - 18267	\$2,014,332.72
Direct Debits	\$167,239.57
Cheques	\$0.00
Corporate MasterCard	\$5,433.06
Bank Fees	\$ 0.00
<b>Total</b>	<b>\$2,187,005.35</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 **\$2,187,005.35** from *Municipal* and *Trust Accounts* for the month ending **30 November 2024**.

**COUNCIL DECISION**

**Council Resolution Number: 191224.8**

**Moved: Cr Fraser                      Seconded: Cr Campbell**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$2,187,005.35 (Two million, one hundred and eighty-seven thousand, and five dollars and thirty five cents) be accepted.**

**Motion put and carried 7/0**  
**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**  
**Against: Nil**

### 13. Community Development and Services:

#### 13.1 QUARTERLY REPORT – COUNCIL PLAN

Applicant:	Shire of Perenjori
File:	ADM 0618
Date:	19 December 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford – Manager Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<a href="#">13.1.1 – Quarterly Report – Council Plan</a>

#### Summary

For Council to consider endorsement of the Strategic Community Plan/Corporate Business Plan (Council Plan) quarterly report.

#### Background

Council adopted the Strategic Community Plan and Corporate Business Plan (Council Plan) at the August 2022 Ordinary Council Meeting.

Section 5.56(1) of the *Local Government Act 1995* requires all local governments to have a plan for the future of the district, and under the Local Government (Administration) Regulations 1996, all local governments are required to have adopted two key documents – a Strategic Community Plan and a Corporate Business Plan. Together these documents drive the development of the local government’s budget.

The Integrated Planning and Reporting Framework and Operational Guidelines (2016) issued the Department of Local Government, Sport and Cultural Industries (DLGSC), which guide the Strategic Community Plan and Corporate Business Plan process, require that regular monitoring and reporting of these plans are undertaken. Quarterly updates form part of this key reporting process.

#### Statutory Environment

*Local Government Act 1995 s5.56:*

5.56 Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

*Local Government (Administration) Regulations 1996*

(3) A local government is to review the current strategic community plan for its district at least once every 4 years.

#### Policy Implications

Nil

#### Consultation

Paul Anderson – Chief Executive Officer

Marty Noordhof – Manager Infrastructure Services

Ally Bryant – Finance Manager

#### Financial Implications

The cost of projects and actions contained within the Quarterly Report are as per the Annual Budget 2024/25.

#### 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.

**Officer Comment**

The Quarterly Report is designed to provide information on the progress and milestones of key goals in the Council Plan 2022-2032.

**COUNCIL DECISION**

**Council Resolution Number: 191224.9**

**Moved: Cr Hepworth**

**Seconded: Cr Sparkman**

**That Council receives the achievements against the actions in the Quarterly Council Plan for the period ending 31 December 2024.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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## 14. Governance:

### 14.1 AUDIT FOR THE YEAR ENDED 30 JUNE 2024 – OFFICE OF THE AUDITOR GENERAL

Applicant:	Shire of Perenjori
File:	ADM 0339
Date:	19 December 2024
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Bianca Plug – Governance & Executive Support Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<a href="#">14.1.1 – Findings Identified During the Final Audit 30 June 2024</a> <a href="#">14.1.2 – Closing Independent Auditor's Report 2024</a> <a href="#">14.1.3 – Signed Financial Statements 30 June 2024</a> <a href="#">14.1.4 – OAG Letter CEO</a> <a href="#">14.1.5 – OAG Letter Shire President</a>

#### Summary

This report presents the closing Audit Reports for the 2023/24 financial year from the Office of the Auditor General.

#### Background

Audits are conducted annually and are presented to the Audit Committee prior to consideration by Council.

The Audit Committee plays an important role in advising Council on the conduct of the audit to ensure the proper financial management of the organisation.

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

#### Statutory Environment

Local Government Act 1995

7.12A. Duties of local government with respect to audits

(4) A local government must –

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

#### Financial Implications

Nil

#### Strategic Community Plan

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

4.1. The community is well-informed and engaged

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

#### Consultation

Paul Anderson – Chief Executive Officer

Ally Bryant – Finance Manager

Auditor General's Office

Nexia Australia

#### Officer Comment

The Audit has been completed and the findings identified in the Auditor's Management Letter.

The Auditor General's Report highlights 4 finds that have been identified in the Auditor's Management Letter.

The manner in which the administration plans to address the issues raised in the Auditor General's Report and the Auditor's Management Comment are in the attached Auditor's Management Letter.

**COMMITTEE DECISION / RECOMMENDATION**

**Audit Committee Resolution Number: 191224.2**

**Moved: Cr Hepworth**

**Seconded: Cr Fraser**

**The Audit Committee recommends that Council:**

- 1. Accepts the Auditor's Financial Report for the financial year ending 30 June 2024.**
- 2. Notes the findings identified in the Auditor's Management Letter and the Officers responses to the issues raised.**
- 3. Notes the opinions expressed in the Independent Auditor's Report and the Officers responses to the issues raised.**
- 4. That a copy of the finalised Audit Committee Minutes be presented to the Minister and Auditor General.**

**Motion put and carried 7/0 by Absolute Majority**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

**COUNCIL DECISION**

**Council Resolution Number: 191224.10**

**Moved: Cr Bradford**

**Seconded: Cr Hepworth**

**The Audit Committee recommends that Council:**

- 1. Accepts the Auditor's Financial Report for the financial year ending 30 June 2024.**
- 2. Notes the findings identified in the Auditor's Management Letter and the Officers responses to the issues raised.**
- 3. Notes the opinions expressed in the Independent Auditor's Report and the Officers responses to the issues raised.**
- 4. That a copy of the finalised Audit Committee Minutes be presented to the Minister and Auditor General.**

**Motion put and carried 7/0 by Absolute Majority**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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## 14.2 ACCEPTANCE AND ADOPTION OF ANNUAL REPORT – 2023/24

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0339
<b>Date:</b>	19 December 2024
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Author:</b>	Bianca Plug – Governance & Executive Support Officer
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	<a href="#">14.2.1 – Annual Report 2023/24</a>

### Summary

The Annual Report 2023/24 is attached for Council adoption.

### Background

An Annual Report is required to be produced every year after the audit has been completed and upon receipt of the Audit Report.

The Annual Report is prepared in accordance with Section 5.53 of the Local Government Act, 1995 and includes:

- A report from the Shire President;
- A report from the CEO;
- The Annual Financial Report;
- The Auditor's Report;
- Disability Report;
- Complaints Report;
- Information on payments to employees;
- Information on statistics and other payments (in relation to Councillors);
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or continue in the next financial year;
- Freedom of Information Act 1992 – information as required;
- State Records Act 2000 – information in relation to record keeping systems; and
- National Competition Policy Report.

Advice has been received from the Financial Auditors advising that the Auditor's Report has been finalised.

### Statutory Environment

Local Government Act, 1995.

*Section 5.27(1) states: A general meeting of electors of a district is to be once every financial year.*

*Section 5.27(2) states: A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the Annual Report for the previous financial year.*

*Section 5.29(1) states: The CEO is to convene an elector's meeting by giving –*

*(a) at least 14 days local public notice; and*

*(b) each council member at least 14 days' notice of the date, time, place and purpose of the meeting.*

Acceptance of annual reports 5.54.

*(1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after the financial year.*

*(2) If the auditor's report is not available in time for the annual report to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.*

Notice of annual reports 5.55.

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

### **Policy Implications**

Nil

### **Consultation**

Paul Anderson – Chief Executive Officer

Jude Sutherland - Shire President

Ally Bryant - Finance Manager

Nola Comerford – Manager Corporate and Community Services

Marty Noordhof – Manager Infrastructure Services

### **Financial Implications**

Nil

### **Strategic Community Plan**

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

4.1. The community is well-informed and engaged

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

### **Officer Comment**

The Annual Report provides the opportunity for the Shire to summarise to the community the achievements of the Local Government and provide the community with an opportunity to review the outcome of the annual audit.

It is to be noted that the Annual Electors Meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the Annual Report for the previous financial year.

### **COMMITTEE DECISION / RECOMMENDATION**

#### **Audit Committee Resolution Number: 191224.5**

**Moved: Cr Bradford**

**Seconded: Cr Hepworth**

#### **The Audit Committee recommends that Council:**

- 1. Accepts the 2023/24 Annual Report containing the Annual Financial Report and Auditor's Report for the financial year ending 30 June 2024.**
- 2. Adopts the 2023/24 Annual Report, containing the Annual Financial Report and the Auditor's Report for the financial year ending 30 June 2024.**
- 3. Confirms the date for the Annual Electors Meeting to be held at 5.00 pm on Thursday 13 February 2025 at the Latham Community Centre and authorise the required statutory advertising.**

**Motion put and carried 7/0 by Absolute Majority**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**



## **COUNCIL DECISION**

**Council Resolution Number: 191224.11**

**Moved: Cr Fraser**

**Seconded: Cr Bryant**

**The Audit Committee recommends that Council:**

- 1. Accepts the 2023/24 Annual Report containing the Annual Financial Report and Auditor's Report for the financial year ending 30 June 2024.**
- 2. Adopts the 2023/24 Annual Report, containing the Annual Financial Report and the Auditor's Report for the financial year ending 30 June 2024.**
- 3. Confirms the date for the Annual Electors Meeting to be held at 5.00 pm on Thursday 13 February 2025 at the Latham Community Centre and authorise the statutory advertising.**

**Motion put and carried 7/0 by Absolute Majority**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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### 14.3 DESIGN AND CONSTRUCT 2 X GROH HOUSES - UPDATE

Applicant:	Shire of Perenjori
File:	RFT01-24/25
Date:	19 December 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Paul Anderson – Chief Executive Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

#### Executive Summary

This report provides an update to the Council regarding the design and construction of two three-bedroom, two-bathroom houses to be constructed in accordance with the Government Regional Officers Housing (GROH) specifications.

#### Background

At the Ordinary Council Meeting held 29 August 2024, Council resolved the following:

Council Resolution Number: 290824.20

Moved: Cr Hepworth

Seconded: Cr Bradford

That Council:

1. Subject to a commitment and agreed terms of a 10 year lease with GROH, Modular WA be appointed as the preferred contractor that presented the most advantageous and compliant option to design and construct up to two, 3 bedroom 2 bathroom dwellings in Perenjori.
2. Authorise the CEO to execute the contract with Modular WA to construct up to two 3-bedroom 2-bathroom dwellings following the successful lease arrangements with GROH.

Motion put and carried 6/0

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

Against: Nil

Negotiations have been ongoing with GROH regarding the provision of the houses in accordance with the above Council Resolution.

As of 5 December 2024, GROH have now advised that the two new houses are not required.

GROH have also been leasing 9 Hirshauer Street since February 2024 (expires on 18 February 2028) with a rental of \$450 per week in anticipation of requiring premises for a replacement police officer.

It is understood that the existing GROH property at 30 Livingstone Street previously used by the police department has been reallocated to another government department.

Negotiations have also been underway through GROH to lease the Council's new building at 25 Timmings Street for the Education Department as it was advised accommodation may be needed in early 2025.

#### Statutory Environment

Tenders were conducted in accordance with Part 4 *Local Government (Functions and General) Regulations 1996* ("the Regulations").

#### Policy Implications

Nil

#### Financial Implications

The Council has allocated loan funding of \$1.2 million in the 2024/25 budget for the construction of two houses for GROH with repayments of the loan commencing in the 2025/26 financial year for a 20-year period.

The repayments on the loan to be taken out were to be offset by the rental income from GROH.

The Council built two houses in the 2023/24 financial year with repayments of \$87,799 included in the budget. One property is leased to a staff member, and it is proposed now to lease the property at 25 Timmings Street to GROH for \$1,050 per week for a 10-year period.

The proposal is now to only build one house in 2024/25 financial year and reduce the loan funding to \$600,000 over a ten-year repayment schedule for staff/GROH rental.

The rental from the house at 25 Timmings Street would then offset the loan repayments.

### **Strategic Implications**

Goal 2: Eco-friendly, attractive, and well-maintained towns, surrounded by outstanding natural beauty, landscapes, flora and fauna to be protected and enjoyed.

2.2. Land use and building regulations are designed and administered to meet the current and future needs of the community.

### **Consultation**

Nil

### **Comment**

The provision of quality housing is strategically important to Perenjori. Essential workers require accommodation and since the State Government has shifted the responsibility to housing its employees to local government, it has been a significant financial burden for Councils to fund the construction of new dwellings.

Recent advice from GROH is *now we have now been advised that workforce requirements have changed, and an additional dwelling will not be required in the immediate future.*

This is an unfortunate development, however as the 9 Hirshauer lease expires in 2028, there will be a requirement for GROH housing if the Council does not extend this lease.

The Council built two houses in the 2023/24 financial year and took out a loan of \$1,000,000 with repayments of \$86,790 (\$28,456 interest + \$58,334) included in the 2024/25 budget. These properties were situated at 5 Hirshauer (tenanted by staff) and 25 Timmings Street, which is still vacant.

Prior to the latest advice from GROH, negotiations have been ongoing for GROH to lease the new Shire property at 25 Timmings Street for a 10-year period for \$1,050 per week providing income of \$54,600 per annum to offset the existing Council loan. This was in response to GROH advising an additional property was required in the 2025 calendar year.

The Council, if the negotiations with GROH eventuate into a lease for 25 Timmings Street, could use this unbudgeted rental income to offset the current loan while taking out another loan to build an additional property for staff/GROH rental in the future.

Tender prices previously submitted by Modular WA were \$1,127,764 Gst Ex for two houses (\$563,882 Gst Ex each), Modular WA have advised that there has been an increase in pricing in the vicinity of 1-2% and a revised quote has been supplied for one house that will now cost \$568,771.82 Gst Ex (\$625,649 Gst inc)

The houses that tenders were called for previously were detailed to GROH specifications which is higher than the houses Council previously built. It would be advantageous to maintain this standard if GROH has a future requirement for housing.

In discussions with modular WA regarding building time it is anticipated that commencement of any building may commence in late February 2025 with a completion date of December 2025 or early 2026.

### **PROCEDURAL MOTION**

**Council Resolution Number: 191224.12**

**Moved: Cr Campbell**

**Seconded: Cr Fraser**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.24 pm to allow for open discussion of Item 14.3.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

## **PROCEDURAL MOTION**

**Council Decision Number: 191224.13**

**Moved: Cr Campbell**

**Seconded: Cr Bryant**

**That Council reinstate Standing Orders at 3.35 pm.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

## **COUNCIL DECISION**

**Council Resolution Number: 191224.14**

**Moved: Cr Fraser**

**Seconded: Cr Campbell**

**That Council:**

- 1. Note the advice from GROH that their workforce requirements have changed, and an additional dwelling will not be required in the immediate future.**
- 2. Note the leasing arrangements for 9 Hirshauer Street to GROH for a term of 4 years expiring on 18 February 2028.**
- 3. Note and endorse the Chief Executive Officer's actions in undertaking negotiations with GROH to lease 25 Timmings Street for a 10-year period.**
- 4. Subject to a commitment and agreed terms of a 10-year lease with GROH for a lease on 25 Timmings Street Perenjori, Modular WA as the preferred contractor be engaged to construct one only 3-bedroom x 2-bathroom dwelling at 3 Hirshauer Road, Perenjori for possible Staff/GROH rental.**
- 5. Following confirmation of viable loan funding and repayments from Treasury WA and confirmed lease arrangements with GROH for 25 Timmings Street the CEO be authorised to execute the contract with Modular WA to construct one only 3-bedroom 2-bathroom dwelling.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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#### 14.4 LEASE AND OPERATION OF A SUPERMARKET

Applicant:	Shire of Perenjori
File:	EOI-01-2024
Date:	19 December 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Paul Anderson – Chief Executive Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<a href="#">14.4.1 – Draft Lease Agreement – Morawa WA Pty Ltd</a>

#### Executive Summary

This report presents the outcome of the draft lease discussions held with Morawa WA Pty Ltd in regard to the operations and lease of a supermarket in Perenjori.

#### Background

At the Ordinary Council Meeting held on 29 August 2024, Council resolved the following:

Council Resolution Number: 290824.23

Moved: Cr Fraser

Seconded: Cr Bradford

That Council:

1. Note the Expression of Interest from Morawa WA Pty Ltd for the lease and operation of a supermarket.
2. Grant delegated authority to the CEO to negotiate the details of the draft lease terms with Morawa WA Pty Ltd and undertake the Public Notice process seeking submissions as required under section 3.58 of the *Local Government Act 1995*.

Motion put and carried 6/0

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

Against: Nil

The public notice process in accordance with section 3.58 of the Local Government Act has been undertaken calling for submissions to the proposed lease.

The advertisement was as follows:

*The Shire of Perenjori hereby gives notice in accordance with Section 3.58 of the Local Government Act 1995 of the proposed disposal of property by way of a lease; as described below for an initial term of two years.*

**Property:** Supermarket building located at 30 Fowler St, Perenjori (lot 100 on DP226908).

**Lessor:** Shire of Perenjori

**Lessee:** Morawa WA Pty Ltd

**Consideration:** Initial term, rent free period of two years plus outgoings. Second and third further terms 2% of Gross Sales contingent on the Lessee achieving a minimum of \$40,000.00 (exclusive of GST) per week payable annually in arrears.

**Market Rental:** \$50,000 per annum as ascertained by a licensed valuer on 1 October 2024.

*Submissions in respect of the proposed disposal of the property may be made to the Chief Executive Officer before 4.00pm 25 November 2024. Submissions should be in writing and marked "Submission: Supermarket, 30 Fowler St".*

The Council must consider any submissions received in response to the advertisement.

No submissions have been received to consider in accordance with the *Local government Act*.

Morawa WA Pty Ltd requested an initial rent-free period of two years after which the lease payment would be 2% of turnover, with a turnover threshold of at least \$40k per week. Morawa WA Pty Ltd will provide initial stock for the supermarket, staff the premises and be responsible for outgoing to operate the business.

The Draft lease is attached for Council's consideration.

### **Statutory Environment**

The lease of property is covered under the Local Government Act in Section 3.58 Disposal of Property as follows:

3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision, and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

### **Policy Implications**

Nil

### **Financial Implications**

The Council amended the 2024/2025 budget for the supermarket build to \$4,011,000 (previously \$3,503,070) at the Special Meeting held on 5 September 2024.

This is to be funded from the following sources funded comprising of funding from reserves \$1,550,000 Grants \$1,071,756, an increased loan funding of \$1,500,000 (previously \$800,000) and own source funding of \$81,314.

### **Strategic Implications**

Goal 3: A diverse economy, with flourishing businesses offering a suite of trades, services and retail offerings.

3.1. Opportunities are maximised to promote economic growth and local development.

### **Consultation**

Paul Anderson – Chief Executive Officer  
GFG Consulting

### **Comment**

The requirements in the negotiation from Morawa WA were not unexpected. There is considerable economic risk associated with establishing a new business venture in a town the size of Perenjori. While the proposal requires Council to bear the financial cost of establishing the facility, there is still a substantial financial commitment required from the operator in the form of stock, staffing and the operating expenses associated with the operations of the business.

The Council has resolved to provide a facility to be used as a supermarket. The goal is to provide a community benefit rather than an immediate economic return.

Other options to operate a supermarket include the Council taking it on itself or attempting to establish a community co-operative. Neither of these options would provide an immediate economic benefit in terms of rental return.

Any potential economic benefit in the form of profits would need to be balanced against the risk associated with the lack of experience in running such a facility and the ability to be able to enter into a franchise arrangement with a wholesale distributor, such as Metcash.

Leasing the facility to an experienced operator is the lowest risk option for Council. Risk is limited to having a vacant building.

Morawa WA is an experienced operator of supermarkets including knowledge of the local market. Being an established franchisee of Metcash is also of considerable benefit.

The lease is for an initial two-year period with two three-year options.

The lease also contains a clause 8.3 requirements for minimum hours of operation Morawa WA Pty Ltd have indicated they will operate 7am-5pm Monday to Friday and 8am-12 noon on Saturdays with no trade on Sundays.

#### **PROCEDURAL MOTION**

**Council Resolution Number: 191224.15**

**Moved: Cr Hepworth**

**Seconded: Cr Bradford**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.36 pm to allow for open discussion of Item 14.4.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

#### **PROCEDURAL MOTION**

**Council Decision Number: 191224.16**

**Moved: Cr Sparkman**

**Seconded: Cr Fraser**

**That Council reinstate Standing Orders at 3.57 pm.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

## COUNCIL DECISION

**Council Resolution Number: 191224.17**

**Moved: Cr Bryant**

**Seconded: Cr Hepworth**

**That Council:**

1. Note that no submissions were received to consider by the due date of 25 November 2024 in regard to the public notice in regard to the disposal of property by way of a lease as follows

*The Shire of Perenjori hereby gives notice in accordance with Section 3.58 of the Local Government Act 1995 of the proposed disposal of property by way of a lease; as described below for an initial term of two years.*

*Property: Supermarket building located at 30 Fowler St, Perenjori (lot 100 on DP226908).*

*Lessor: Shire of Perenjori*

*Lessee: Morawa WA Pty Ltd*

*Consideration: Initial term, rent free period of two years plus outgoings. Second and third further terms 2% of Gross Sales contingent on the Lessee achieving a minimum of \$40,000.00 (exclusive of GST) per week payable annually in arrears.*

*Market Rental: \$50,000 per annum as ascertained by a licensed valuer on 1 October 2024.*

*Submissions in respect of the proposed disposal of the property may be made to the Chief Executive Officer before 4.00pm 25 November 2024. Submissions should be in writing and marked "Submission: Supermarket, 30 Fowler St".*

2. Grant delegated authority to the CEO to negotiate the final detail of the supermarket lease terms and condition with Morawa WA Pty Ltd and authorise the Chief Executive Officer and Shire President to execute the lease and affix the common seal.

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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## 14.5 TERRA MINING ROAD USER, CONTRIBUTION AND UPGRADE AGREEMENT

<b>Applicant:</b>	Terra Mining
<b>File:</b>	ADM 0901
<b>Date:</b>	19 December 2024
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Paul Anderson – Chief Executive Officer
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	<a href="#">14.5.1 – Road User, Contribution and Upgrade Agreement – Terra Mining Pty Ltd</a> <a href="#">14.5.2 – Overview of Commercial Goods Vehicle Licences</a>

### Summary

For Council to consider an extension to the existing Road User, Contribution and Upgrade Agreement for the proponents of the Extension Hill Mining Project Terra Mining.

### Background

The Shire was approached by Terra Mining regarding the recommencement of mining operations at Extension Hill and a Road user agreement was entered into a 12-month agreement with an expiry date of 26 December 2024.

The agreement was to utilise the following roads to access the Wubin Mullewa Highway south of Perenjori, Wanarra East, Wanarra, Perenjori Rothsay Rd.

The agreement at clause 23 further term states

The Shire and Terra Mining agree that prior to the expiration of the Term:

(a) the Shire and Terra Mining shall negotiate in good further to renew this Agreement, noting that the entry of the Shire into any renewed agreement will be subject to the approval of the Council of the Shire;

(b) if the Agreement is renewed, it will be a term of any renewed agreement that the Road Use shall only be permitted outside of School Hours, the Community Infrastructure Fund Contribution will be renegotiated and speed limits through the Perenjori townsite will be imposed as part of the conditions on any Road Use.

Terra Ming have now requested an extension to the agreement.

Terra mining was also required to obtain a Commercial Goods Vehicle License from the Department of Transport, to transport ore on roads under the jurisdiction of the Main Roads department and other Shires to the Geraldton Port.

The Commercial Goods Vehicle License expires on the 31 March 2025.

### Statutory Environment

Main roads act 1930, Road Traffic act (administration) Act 2008 section 132

public works act 1902

Land administration Act 1997 section 55(2) Section 3.57 of the Local Government Act 1995

### Policy Implications

Nil

### Consultation

Councillors

### Financial Implications

The road agreement on place places the costs associated with maintaining the road to an acceptable standard with the proponent while they are operating and utilising the affected roads.

The agreement also includes a bank guarantee that is required to be provided so that the Shire can draw upon these funds if the conditions to maintain the road contained within the agreement are not met.

The agreement also includes the provision for a community infrastructure fund contribution per tonne of product from the mining operations.

The Council in only authorising use for a 12-month period can include a provision in future agreements for an increase in the community contribution.

### **Strategic Community Plan**

Area 2: Industry and Business Development – Our Economy

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

#### **Officer Comment**

The Road User Agreement (attached) has been structured to ensure that the Council road assets are maintained in an acceptable condition to ensure the safety of all road users.

As such, Council may consider including this portion of the road in the Road User Agreement. It should be confirmed with the proponent whether they intend to apply to add this section of road to the relevant MRWA RAV network.

Terra Mining have advised that they are proposing to use vehicles that comply with the RAV ratings for Wubin-Mullewa Highway. Subject to the Minister for Transport's approval, the required Commercial Goods Vehicle License and Main Roads conditions, this will enable Terra Mining to utilise the Wubin-Mullewa Highway and possibly roads through to the Geraldton port.

As Council is aware, the CGVL condition (copy attached), specific to cartage of iron ore or any mining product from which iron is to be extracted, within the defined areas previously indicated requires the Minister for Transport to grant authority (with or without variation) or refuse the application for a CGVL.

The inclusion of this section of the Perenjori-Rothsay Road would enable CGVL vehicle owners, with approval from the Minister, to access the Wubin-Mullewa Highway and other roads under the care and control of Main Roads.

Terra mining ceased transporting ore to the Geraldton port in October 2024 and have not commenced transportation to the Karara Minesite at this stage.

Terra has paid one instalment (\$100,000) of the \$500,000 guarantee required as part of the agreement.

The Shire Council can consider the following options

1. Refuse the request for an extension to the road agreement
2. Approve the extension to the road agreement for a period of 3 months to the 31 March 2025 aligning with the Commercial Goods Vehicle Licence
3. Approve an extension for a period the Council sees fit with the amendments as determined by Council to be negotiated with Terra Mining

The overall premise of the agreement is that Terra Mining are fully responsible for maintaining the road in an agreed acceptable condition and have a legal responsibility regarding road use whilst they are carting ore from Extension Hill Minesite.

#### **PROCEDURAL MOTION**

**Council Resolution Number: 191224.18**

**Moved: Cr Fraser**

**Seconded: Cr Bradford**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.59 pm to allow for open discussion of Item 14.5.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

### PROCEDURAL MOTION

**Council Decision Number: 191224.19**

**Moved: Cr Bryant**

**Seconded: Cr Hepworth**

**That Council reinstate Standing Orders at 4.05 pm.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

### OFFICER RECOMMENDATION

**That Council:**

**1. Advise Terra Mining that it will not consider any extension to the Road User Agreement until all conditions including but not limited to the payment of all monies outstanding in accordance with the existing Road User Agreement that expires on 26 December 2024 are met.**

**OR**

**2. Approve the extension to the existing Road User Agreement for a period of 3 months to the 31 March 2025 aligning with the Commercial Goods Vehicle Licence.**

**OR**

**3. Approve an extension to the Road User Agreement for a period of xxx months/years with the following amendments (to be included by Council).**

### COUNCIL DECISION

**Council Resolution Number: 191224.20**

**Moved: Cr Fraser**

**Seconded: Cr Sparkman**

**That Council:**

**2. Approve the extension to the existing Road User Agreement for a period of 3 months to the 31 March 2025 aligning with the Commercial Goods Vehicle Licence.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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**15. Confidential Reports:**

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

**PROCEDURAL MOTION**

**Council Resolution: 191224.21**

**Moved: Cr Fraser**

**Seconded: Cr Hepworth**

**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 to consider confidential item 15.2.**

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

**15.2 CONFIDENTIAL ITEM – WRITE OFF GENERAL RATES**

Applicant:	Shire of Perenjori
File:	ADM 0088
Date:	19 December 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Domenica Curtin – Senior Finance Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

**COUNCIL DECISION**

**Council Resolution Number: 191224.22**

**Moved: Cr Hepworth**

**Seconded: Cr Fraser**

**That Council consider the officer recommendation as contained within the confidential report 15.2, Write Off General Rates.**

**Motion put and carried / lost**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

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

**PROCEDURAL MOTION**

**Council Resolution: 191224.26**

**Moved: Cr Bradford**

**Seconded: Cr Hepworth**

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

**Motion put and carried 7/0**

**For: Cr Sutherland, Cr Hepworth, Cr Bryant, Cr Sparkman, Cr Bradford, Cr Fraser, Cr Campbell**

**Against: Nil**

**16. Ordering the Common Seal:**

Nil

**17. Reports of Committees and Members:**

Nil

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

Nil

**19. Notice of Motions:**

Nil

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

Nil

**21. Closure of Meeting:**

The Shire President declared the meeting closed at 4.13 pm.

**22. Next Meeting:**

The Shire President advised that the next Ordinary Meeting of Council will be held on Thursday, 20 February 2025 at Council Chambers, 56 Fowler St, Perenjori WA 6620, commencing at 3.00 pm.

**I certify that this copy of the Minutes is a true and correct record of the meeting held on 19 December 2024.**

**Signed:** \_\_\_\_\_

**Shire President**

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