Shire of Perenjori

MINUTES
Special Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 2nd September 2008, to commence at 4.30 pm.

Purpose:

1. To consider A & J Gellatly Planning Consent.

2. To consider the disposal of Lot 91 Perenjori – Commercial Development.

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SP 8081 PRELIMINARIES

SP 8081.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 4.30pm.

SP 8081.2 OPENING PRAYER

Cr Baxter led Council in the opening prayer.

SP 8081.3 DISCLAIMER READING

Nil

SP 8081.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)

Present
Cr B T Baxter
Cr G K Reid
Cr I F West
Cr J A Bensdorp
Cr C R King
Cr J R Cunningham
Cr L C Butler

CEO
Stan Scott

DCEO
Domenica Curtin

MCS
Garry Agnew

Apologies
Cr J H Hirsch
Cr R A Benton

Moved: Cr West                      Seconded: Cr Bensdorp
That Cr Benton and Cr Hirsch be approved a leave of absence for the current meeting.
Carried 7/0

SP 8081.5 PUBLIC QUESTION TIME

Nil
SP 8081.6 DEPUTATIONS / PRESENTATIONS

Nil

SP 8081.7 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A

Proximity Interest – Local Government Act s 5.60B
Cr Baxter – Item SP8082.1 A & J Gellatly Planning Consent
Cr Baxter - Item SP8082.2 Perenjori Roadhouse – Additional Matters
Cr Bensdorp – Item SP8082.3 Disposal of Lot 91 Perenjori – Commercial Development

Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.

SP 8081.8 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION
Nil

SP 8081.9 MATTERS FOR WHICH MEETING MAY GO BEHIND CLOSED DOORS
Nil

SP 8082 PURPOSE OF SPECIAL MEETING

Cr Baxter declared a proximity interest in the following item and left the chambers at 4.31pm. Deputy President, Cr King took the Chair.
Shire of Perenjori Town Planning Scheme No. 1. 

Lot 300 Mullewa Wubin Road is zoned “Town Centre” (commercial) under the Shire of Perenjori Town Planning Scheme No. 1.

Part V – DEVELOPMENT REQUIREMENTS

5.1 Development of Land

5.1.1 Subject to clause 5.1.2 a person shall not commence or carry out development of any
land zoned or reserved under the Scheme without first having applied for and obtained the planning consent of the Council under the Scheme.

Table ‘1’ Zoning Table

The Zoning Table indicates the permitted uses in the Scheme Area in the various zones with such uses being determined by cross reference to a symbol.

<table>
<thead>
<tr>
<th>Class of use</th>
<th>Zone</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Café/Restaurant</td>
<td>Town Centre</td>
<td>‘P’</td>
</tr>
<tr>
<td>Fast Food Outlet</td>
<td>Town Centre</td>
<td>‘AA’</td>
</tr>
<tr>
<td>Residential</td>
<td>Town Centre</td>
<td>‘AA’</td>
</tr>
<tr>
<td>Shop</td>
<td>Town Centre</td>
<td>‘P’</td>
</tr>
</tbody>
</table>

The symbols used in the cross reference in the zoning table have the following meanings:-

‘P’ Means that the use is permitted provided it complies with the relevant standards and the requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

‘AA’ Means that Council may, at its discretion, permit the use.

SCHEDULE 1 – INTERPRETATIONS

Café/Restaurant: means land and buildings used for the sale of prepared food and drinks for consumption.

Fast Food Outlet: means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Residential building: means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto: such building being used or intended, adapted of designed to be used for the purpose of human habitation:-
- temporarily by two of more persons, or
- permanently by seven or more persons.
Health Act 1911 (as amended)

HEALTH (FOOD HYGIENE) REGULATIONS 1993

Part 2 - Division 1

4 (1) A person who –

(a) in premises, stores, keeps, prepares, manufactures, processes, cooks, serves or otherwise deals with food for subsequent sale to the public, either directly or indirectly; or

(b) in a vehicle, keeps, prepares, packs, stores, handles, serves, supplies or conveys food for sale to the public, where the premises or vehicle are not classified under Schedule 3, commits an offence.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 –

Section 374

No person shall –

(a) lay out for a building, or commence or proceed with a building on, land in a district; or

(b) in respect of the structure of a building already erected on land in a district, amend, alter, extend, or enlarge, or commence or proceed with the amendment, alteration, extension, or enlargement of the structure of the building, until he has caused to be submitted to the local government, and the local government has approved by the issue to the person of a building licence in the prescribed form and on payment of the prescribed fee, a copy of the specifications of, and a plan showing clearly, the building or the buildings proposed to be built, or the amendment, alteration, extension, or enlargement proposed to be made, as the case may be, and the area of land to be occupied by each building, or by the amendment, alteration, extension or enlargement of the existing buildings, as the case may be, and the position of the privies and drains and unless he complies with the conditions, if any, that are specified in the licence.

Penalty: Maximum penalty of $5,000 and in addition a maximum daily penalty of $100 for each day during which the offence continues; minimum penalty of $200 and in addition a minimum daily penalty of $20 for each day during which the offence continues.

Conclusion”

Considering the above statutory requirements it is clear that the application to develop a kitchen (food premise) within the existing building at Lot 300 Mullewa Wubin Road Perenjori is permitted under the Shire of Perenjori Town Planning Scheme No. 1; conditional upon the submission of an application for and the issue of a Building Licence; and that the kitchen must not commence operation until/unless it is found to be in compliance with the requirements of the Health (Food Hygiene) Regulations 1993 and has been Registered as a Food Premise under the Food Standards Code.
In terms of the application for an accommodation facility at the rear of the existing building Council may at its discretion permit the use.

**Statutory Environment:**
Shire of Perenjori Town Planning Scheme No.1
Health Act 1911
Health (Food Hygiene) Regulations 1993
Food Standards Code

**Policy Implications:** Nil
**Financial Implications:** Nil
**Voting Requirements:** Simple Majority

**Officers Recommendation:**

1. Planning consent is granted to Alan and Janice Gellatly for the development of a food premise within the existing commercial building at Lot 300 Mullewa Wubin Rd Perenjori; conditional upon –
   (a) the submission of a formal building application and the issue of a Building Licence prior to any development work being commenced; and
   (b) that the food premise is not to open for commercial operation until it has been Registered as a compliant Food Premise under the Food Standards Code.

2. Conceptual planning approval only is granted to Alan and Janice Gellatly for the development of an accommodation facility at the rear of the existing commercial building at Lot 300 Mullewa Wubin Road.

Final Planning Consent will only be considered following the submission to Council of a detailed scaled site layout plan together with the design, structural specifications and development quality (new or second-hand) of the proposed short term accommodation facility.

**Committee Recommendation:**

1. Planning consent is granted to Alan and Janice Gellatly for the development of a food premise within the existing commercial building at Lot 300 Mullewa Wubin Rd Perenjori; conditional upon –
   a. the submission of a formal building application and the issue of a Building Licence prior to any development work being commenced; and;
   b. that the food premise is not to open for commercial operation until it has been Registered as a compliant Food Premise under the Food Standards Code.

2. Conceptual planning approval only is granted to Alan and Janice Gellatly for the development of an accommodation facility at the rear of the existing commercial building at Lot 300 Mullewa Wubin Road.
3. Final Planning Consent will only be considered following the submission to Council of a detailed scaled site layout plan together with the design, structural specifications and development quality (new or second-hand) of the proposed short term accommodation facility.

Council Resolution:

Moved: Cr Bensdorp    Seconded: Cr Reid

1. Planning consent is granted to Alan and Janice Gellatly for the development of a food premise within the existing commercial building at Lot 300 Mullewa Wubin Rd Perenjori; conditional upon –
   a. the submission of a formal building application and the issue of a Building Licence prior to any development work being commenced;
   and;
   b. that the food premise is not to open for commercial operation until it has been Registered as a compliant Food Premise under the Food Standards Code.

2. Conceptual planning approval only is granted to Alan and Janice Gellatly for the development of an accommodation facility at the rear of the existing commercial building at Lot 300 Mullewa Wubin Road.

3. Final Planning Consent will only be considered following the submission to Council of a detailed scaled site layout plan together with the design, structural specifications and development quality (new or second-hand) of the proposed short term accommodation facility.

CARRIED 6/0
LOT 300 MULLEWA RD PERENJORI

PROPOSED ACCOM BLOCK

PROPOSED ABLUTIONS & LAUNDRY

EXISTING BUILDING

PROPOSED KITCHEN/DINING AREA

EXISTING SEPARATION WALL

EXISTING GENERAL AREA

EXISTING LEACH DRAIN & SEPTICS

FUEL BOWSER

MULLEWA RD
Cr Baxter declared a proximity interest on the following item and remained outside the chambers.

**SP8082.2  PERENJORI ROADHOUSE – ADDITIONAL MATTERS**

**APPLICANT:** A & J GELLATLY

**FILE:** 0

**DISCLOSURE OF INTEREST:** 0

**AUTHOR:** STAN SCOTT – CEO

**RESPONSIBLE OFFICER** STAN SCOTT – CEO

**REPORT DATE:** 19 AUGUST 2008

**ATTACHMENTS** LETTERS FROM A & J GELLATLY

**Executive Summary:**

Some additional requests have been raised by A & J Gellatly in to support the development of the Perenjori Roadhouse.

**Applicants Submission:**

See full details in attached correspondence. The specific matters not dealt with in the report by the Manager Community Services are set out below:

Would council consider selling the unused transportable ablution block at the rear of the Shire?

As per the attached letter, we asked if the shire could offer us any help with site works or sewage works if that is needed. We do not know what sort of things the shire can help us with but have been told we need to put forward what it is we need, which leaves us a little confused. Basically we need to tidy the rear of the block up which would be loads of gravel and grading, after the recent rain the front between the shop and the road also needs repairs. If the approval is given for the portable accommodation unit and the ablution block, depending on health regulations, we may need more septic tanks and assistance with that would be required.

Perhaps if council could advise us of any other means of support they can offer, this would be greatly appreciated.

**Background:**

The CEO met with the proponents following the initial letter and advised that for assistance beyond a general expression of support Council would need to consider a specific request which has now been set out in a separate letter.

The intention had been to deal with all issues in a single item, but some issues were not fully addressed in the Health Building and Planning Agenda Item

**Statutory Environment:**

*Local Government Act 1995 S3.1* – the general Function of Local Government is to provide for the good government of people in its district.
Policy Implications: Nil

Financial Implications:
Any offer of in kind support would need to be recognised in expenditure reports.

Strategic Implications:
Council’s strategy includes the encouragement of new businesses within the town. Council also has the challenge of maintaining consistency so that it can behave consistently with other new businesses that may be established.

Consultation:
Mr & Mrs Gellatly met separately with the CEO, Economic Development Officer and Manager Community Services. The CEO understands that the proponents also wrote in individual elected members.

Comment:
The proposed development involves a considerable investment by the proponents, which development will increase the range of services available to residents and visitors.

Dealing with the specific issues raised:
1. Sale of the ablution donga from the old depot site.
   This building is not presently used. It is in fair condition, but would need substantial work before it could be considered as suitable for incorporation in a new development. More importantly it is a critical part of the old depot site. There have been a number of suggestions on how this site might be used in the future, including as an aquaculture facility, a commercial laundry or a business incubator. Regardless of what purpose it is finally used for, that purpose will require access to toilet facilities.

   Due to the uncertainty surrounding the old depot site the CEO does not support sale of the ablution block.

2. Assistance with works associated with the development of the roadhouse.
   Clearly there are a number of tasks associated with the roadhouse development for which Shire services could be used. This particularly includes utilisation of Shire plant and supply of materials such as gravel, sand of blue metal.

   To support the development Council could offer to undertake particular tasks, offer miscellaneous services for a capped value or offer a general discount on shire services during the development.

   Should Council wish to provide practical support in this way the CEO would prefer that this took the form of in kind works to a capped value. This way the proponents could select the elements of the project for which this would provide the best val

Voting Requirements:
Absolute Majority

Officers Recommendation:
That Council NOT sell the ablution block at the old Shire Depot
That Council offer in kind support in the form of private works to a maximum value of $2,500.
Council Resolution:
Moved: Cr West  Seconded: Cr Bensdorp
That Council offer in kind support in the form of private works to a maximum value of $2,500.

Carried 6/0

It was discussed that item one can be dealt with by management.

5th August 2008

Alan and Janice Gellatly
PO Box 47
Perenjori WA 6620

Shire of Perenjori
Fowler St
Perenjori WA 6620

Attn: Shire councilors
Re: Roadhouse in Perenjori

We would like this letter to be addressed at the next shire council meeting. We forwarded the attached letter on the 30th June assuming it would have gone to the previous meeting, we have now been told by Stan we didn't word our letter correctly so he didn't forward it to the council meeting.

As most people know we have purchased the property at Lot 300 Mullewa Road, which was previously owned by Don and Maria Morgan, who ran the Elders branch from there.

We have opened and run many businesses in Geraldton prior to moving to Perenjori and we never envisaged coming across so many problems in attempting to start up a new business in a small remote town that lacks essential business providers.

As we are having difficulties getting information from the Perenjori Shire we put forward the following items that require immediate attention at the next council meeting.

1. We seek council approval to open a roadhouse where the fuel facilities are currently located. Obviously all health regulations will be met and we have discussed these with Gary Agnew.

2. We seek council approval to place portable accommodation units at the roadhouse to enable accommodation for short term workers and visitors to our town. Obviously all health regulations will be met for this also.
We plan to have these placed at the rear of the existing building, there will be
an under cover patio style barbecue area with table, seating, power and sink
available. There will be ample parking areas, suitable for cars and larger
service vehicles.
The area would be landscaped with trees and shrubs planted.
Should extra septic be required there is plenty of room on the block for this
to happen.

3. Would council consider selling the unused transportable ablution block at the
rear of the Shire?

We have been communicating with Garry Agnew, the Health Inspector, regularly in
regards to opening the roadhouse. Now that settlement has gone through we are
obviously in a position where we need to be operational and earning an income as soon as
possible.

As per the attached letter, we asked if the shire could offer us any help with site works or
sewage works if that is needed. We do not know what sort of things the shire can help us
with but have been told we need to put forward what it is we need, which leaves us a little
confused. Basically we need to tidy the rear of the block up which would be loads of
gravel and grading, after the recent rain the front between the shop and the road also
needs repairs. If the approval is given for the portable accommodation unit and the
ablution block, depending on health regulations, we may need more septic tanks and
assistance with that would be required.

Perhaps if council could advise us of any other means of support they can offer, this
would be greatly appreciated.

We hope to have a reply in the near future as we would like to be up and running to
service the tourists brought to the area with the wild flower season and also the numerous
contractors servicing the town, as well as the local people.

Copies of this letter are being sent to all councilors in the hope that if something isn’t
worded correctly perhaps we could be contacted before the meeting so it can be dealt
with and not held up any further.

Yours sincerely

Alan and Janice Gellatly
30th June 2008

Alan & Janice Gellatly
PO Box 47
Perenjori WA 6620

Shire of Perenjori
Fowler St
Perenjori WA 6620

Attn: Stan Scott

As you would probably be aware, we are currently waiting for settlement on purchase of the property of the Elders premises from Don and Maria Morgan, this is due on the 11th July 2007.

Our plans are to use part of the existing building to build a commercial kitchen and run a roadhouse/café from the outlet. We would also like to place dongar style buildings, probably each one would be 4 bedrooms with ensuites, at the rear of the property to accommodate the extra work force and tourists passing through Perenjori, needing short term accommodation.

We asked at the shire for any information about financial help or assistance and we where referred to Phil Cleaver, we had a meeting with Phil and he has suggested the Shire would do what they could to help, as our finances will be limited, he suggested the Shire will help out with site works (gravel and grading of the block), sewerage works and a truck bay facility on the opposite side of the road. We have had numerous people tell us this probably won’t happen. Could you please confirm if what Phil Cleaver is telling us is correct, as we will be creating employment and encouraging more people to stop in our town, to be able to do this we need all the help we can get and would like to think the Shire would be happy to help out as much as possible.

We were wondering if the Shire would be interested in selling the unused transportable ablation block which is sitting in the corner of the block behind the shire office and move it to the site for us, this would also be a huge cost saving.

Looking forward to your reply.

Yours sincerely
Alan and Janice Gellatly

Cc: Ian West
Cc: John Bensdorp
Cr Baxter re-entered the chambers at 4.42pm and resumed the chair. Cr Bensdorp declared a proximity interest in the following item and left the chambers at 4.43pm.

**SP8082.3 DISPOSAL OF LOT 91 PERENJORI – COMMERCIAL DEVELOPMENT**

**APPLICANT:** SHIRE OF PERENJORI  
**FILE:** 0  
**DISCLOSURE OF INTEREST:** 0  
**AUTHOR:** STAN SCOTT – CEO  
**RESPONSIBLE OFFICER:** STAN SCOTT – CEO  
**REPORT DATE:** 26th August 2008  
**ATTACHMENTS** Map

**Executive Summary:**
State Land Services has written to the Shire seeking its views on the remaining parcels of unallocated crown land (UCL) in the Perenjori townsite.

**Applicants Submission:**
The State Land Services correspondence included the following:

Perenjori unallocated Crown land lot 91 is zoned Parks and Recreation under the Shire of Perenjori Town Planning Scheme No 1. Would you please advise if the Shire would support a rezoning of the lot to Commercial.

Please be advised that any release of the lot would be subject to satisfactory completion of a Native Title future act process, this process can take anywhere between 12 – 24 months to complete and may involve the need for a heritage survey to be conducted over the land.

Past dealings with Lot 91 identified that run-off from Fowler Street was being directed onto the land. This may be resolved by a larger truncation at the corner, increasing it from 6 metres to 14 metres. It would be appreciated if you could advise this office if the Shire would accept a wider truncation of 14 metres.

**Background:**
The State Land Services visited included discussion of the potential for the development of additional commercial land in the Perenjori CBD, including the railway reserve.

**Statutory Environment:**
*Local Government Act 1995 S3.1 –* the general Function of Local Government is to provide for the good government of people in its district.

The land would require Native Title clearance which could take up to 2 years.

**Policy Implications:**
The land is presently zoned parks and gardens.
Financial Implications:
The Shire would be able to seek first option to purchase the lot.

Strategic Implications:
The Shire’s Town Planner will be attending the forum session today, and the strategic planning implications could be discussed at that meeting.

Consultation:
Nil

Comment:
There is extensive public open space on the opposite side of Fowler Street, and the Skate Park is also very nearby. There would be no significant loss of amenity for the townsite, and it would create the potential for additional commercial development. The site in question is over 2500 square metres, and even after truncation would still be a reasonable block for commercial development.

Voting Requirements:
Simple Majority

Officers Recommendation:
1. That Council supports the rezoning of Lot 91 from Parks and Recreation to Commercial
2. That Council supports the increased truncation to accommodate run off from Fowler Street
3. That Council would like to be given the first option to purchase Lot 91 if it becomes available.

**Council Resolution:**

Moved: Cr West  Seconded: Cr King

1. That Council supports the rezoning of Lot 91 from Parks and Recreation to Commercial
2. That Council supports the increased truncation to accommodate run off from Fowler Street
3. That Council would like to be given the first option to purchase Lot 91 if it becomes available.

Carried 6/0

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**SP8082.4 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN**

Nil

**SP8082.5 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**SP8082.6 MATTERS BEHIND CLOSED DOORS**

Nil

**SP8082.7 DATE OF NEXT MEETING / MEETINGS**

Next ordinary meeting of Council is to be held on Thursday 18th September 2008.

**SP8082.8 CLOSURE**

There being no further business the meeting was closed at 5.46pm.

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I certify that this copy of the Minutes is a true and correct record of the meeting held on 2nd September 2008.

Signed: ____________________

Presiding Elected Member

Date: _____________________