
 Shire of Perenjori

MINUTES

Ordinary Council Meeting

 Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 21st November 2013, to commenced at 7.05 pm.

Table of Contents

13111	PRELIMINARIES.....	2
13111.1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS.....	2
13111.2	OPENING PRAYER	2
13111.3	DISCLAIMER READING	2
13111.4	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE.....	2
13111.5	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
13111.6	PUBLIC QUESTION TIME	3
13111.7	NOTATIONS OF INTEREST	3
13111.8	APPLICATIONS FOR LEAVE OF ABSENCE	3
13111.9	CONFIRMATION OF MINUTES	3
13111.10	ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION	3
13111.11	PETITIONS / DEPUTATIONS / PRESENTATIONS.....	3
13112	FINANCE	4
13112.1	FINANCIAL STATEMENTS – OCTOBER 2013	4
13112.2	ACCOUNTS FOR PAYMENT	7
13113	COMMUNITY DEVELOPMENT	11
13113.1	BLUES FOR THE BUSH EVALUATION REPORT	11
13114	HEALTH BUILDING & PLANNING	13
13114.1	EXTRACTIVE INDUSTRIES APPLICATION – OAKSTAR ASSET PTY LTD	13
13114.2	AMENDMENT TO LOCAL PLANNING SCHEME NO. 2 – LOTS 95-97 FARRELL STREET, PERENJORI – ADDITIONAL USES.....	17
13115	PLANT AND WORKS	22
13115.1	ROAD MAINTENANCE OCTOBER 2013.....	22
13115.2	CONFIDENTIAL ITEM - TENDER 03/2013 KARARA ACCESS ROAD MAINTENANCE	25
13116	GOVERNANCE	26
13116.1	APPLICATION TO CLEAR NATIVE VEGETATION	26
13116.2	CONFIDENTIAL ITEM - PERENJORI HOUSING PROJECT – DESIGN AND CONSTRUCT RFT 04/2013	28
13117	PROJECT STATUS REPORT	29

13118	STATUS REPORT	29
13119	OTHER BUSINESS	30
13119.1	MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN.....	30
13119.2	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	30
13119.3	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	30
13119.4	DATE OF NEXT MEETING / MEETINGS	30
13119.5	CLOSURE	30

13111 PRELIMINARIES

13111.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Cr C King opened the meeting at 7.05 pm.

13111.2 OPENING PRAYER

Cr C King led Council in the opening prayer.

13111.3 DISCLAIMER READING

Nil

13111.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Cr CR King
Cr LC Butler
Cr GK Reid
Cr JR Cunningham
Cr PJ Waterhouse
Cr JH Hirsch
Cr LJ Smith
Cr HC Wass
Ali Mills –CEO
Ken Markham - MIS
David Fong – SFO (Left at 7.30pm)
Sam Parker - ECDC (Left at 7.51pm)
Carla Parker - EO

Leave of Absence

Nil

Apologies

Cr RP Desmond

13111.5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

13111.6 PUBLIC QUESTION TIME

Nil

13111.7 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A

Proximity Interest – Local Government Act s 5.60B

Interest Affecting Impartiality – Local Government - Code of Conduct.

13111.8 APPLICATIONS FOR LEAVE OF ABSENCE

Cr J Hirsch requested for a Leave of Absence for the Council Meeting being held on Thursday 19th December 2013.

13111.9 CONFIRMATION OF MINUTES

Minutes of Ordinary Council meeting held Thursday 17th October 2013 are attached.

COUNCIL RESOLUTION

Moved: Cr L Smith

Seconded: Cr P Waterhouse

That the minutes from the Ordinary Council Meeting held on Thursday 17th October 2013 be accepted as a true and accurate record.

Carried: 8/0

Minutes of Finance Committee meeting held 15th August 2013 are attached.

COUNCIL RESOLUTION

Moved: Cr L Smith

Seconded: Cr L Butler

That the minutes from the Finance Committee Meeting held on Thursday 15th August 2013 be accepted as a true and accurate record.

Carried: 8/0

13111.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION

Nil

13111.11 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

13112 FINANCE**13112.1 FINANCIAL STATEMENTS – OCTOBER 2013**

APPLICANT:	SHIRE OF PERENJORI
FILE:	ADM 0081
DISCLOSURE OF INTEREST:	0
AUTHOR:	DAVID FONG – SENIOR FINANCE OFFICER
RESPONSIBLE OFFICER	PETER MONEY - MCDS
REPORT DATE:	11 Nov 2013
ATTACHMENTS	MONTHLY FINANCIAL REPORT

Executive Summary

The Financial Activity Statement Report is presented for the Month of 31 October 2013. The report complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.

Background

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

Details

Presented is the Financial Activity Statement Report – 31 October 2013.

The following statements are presented to Council:

- Statement of Financial Activity (Statutory Reporting by Program) - This provides the budget and actual income and expenditure for operating and non- recurrent as well and the closing surplus to date. (FM Reg 34(1))
- Net Current (Assets) Funding Position (Note 3.)-This provides the amount of assets over liabilities within the Balance Sheet. (FM Reg 34 (1)(e))
- Notes to the Financial Statements include:
 - Note 1.- Significant Accounting Policies
 - Note 2. - Graphical Representation
 - Note 3. – Net Current Funding Position
 - Note 4. – Cash & Investments
 - Note 5. – Major Variances
 - Note 6. – Budget Amendments
 - Note 7. – Receivables & Rates Information
 - Note 8. – Payables - Borrowings

- Note 9. – Grants and Contributions
- Note 10. – Cash Back Reserves
- Note 11. - Capital Disposals and Acquisitions
- Note 12.- Trust Fund

Legal Compliance

Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996 states –

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –
 - (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing –
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1) (d); and (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown –
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be –
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Section 6.8 of the Local Government Act 1995 (Expenditure from municipal fund not included in annual budget) states –

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- a. is incurred in a financial year before the adoption of the annual budget by the local government; or
 - b. is authorised in advance by resolution*; or
 - c. is authorised in advance by the mayor or president in an emergency.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire’s position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership.

Consultation

Liaison with CEO, MIS, and External Contractor.

Voting Requirements - Absolute Majority

Officers Recommendation – Item 13112.1

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report – 31 October 2013.

COUNCIL RESOLUTION – ITEM 13112.1
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Moved: Cr H Wass

Seconded: Cr L Smith

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report – 31 October 2013.

Carried: 8/0 by Absolute Majority

13112.2 ACCOUNTS FOR PAYMENT

APPLICANT:	SHIRE OF PERENJORI
FILE:	1306P
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	DAVID FONG – SFO
RESPONSIBLE OFFICER:	PETER MONEY - MCDS
REPORT DATE:	11 November 2013
ATTACHMENTS:	ACCOUNTS FOR PAYMENT

Executive Summary

Recommendation - The Schedule of Accounts for 31 October 2013 be confirmed.

The Schedule of Accounts is presented pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

The report identifies payments made from the Municipal and Trust Fund.

Background

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the Local Government (Financial Management) Regulations 1996.

Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

- a) The payee's name;
- b) The amount of the payment
- c) The date of the payment; and
- d) Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

Legal Compliance

Section 6.10 (d) of the Local Government Act 1995 refers, i.e.-

6.10. financial management regulations

Regulations may provide for —

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, i.e. -

13. Lists of Accounts

(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;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) 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

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures.

Financial Implications

Ongoing management of Council funds by providing Council with sufficient information to monitor and review payments made.

Strategic Implications

Area 5: Investing in Councils Leadership

Goal: Strengthen the Shire's position as an innovative, independent local Government providing excellence in all areas of governance, management and leadership

Consultation

Nil

Comment

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as contained within the Appendices, be confirmed.

Voting Requirements - Simple Majority

Officer Recommendation – Item 13112.2

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for 31 October 2013 as attached to and forming part of this report.

That the accounts paid to 31 October 2013 as listed in Schedule covering vouchers numbered from –

Municipal Account	
EFT	\$527,620.40
Direct Debits	\$16,121.18
Cheques	\$92,262.70
Corporate MasterCard	\$1,129.98
Bank Fees	\$421.08
Total	\$637,555.34

Trust Account	
EFT	\$600.00
Cheques	\$0
Bank Fees	\$0
Total	\$600.00

Totalling \$638,155.34 from Muni and Trust Account for the month of October 2013.

..... (Author).

.....(Manager/CEO)

COUNCIL RESOLUTION - ITEM 13112.2

Moved: Cr J Cunningham

Seconded: Cr G Reid

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for 31 October 2013 as attached to and forming part of this report

That the accounts paid to 31 October 2013 as listed in Schedule covering vouchers numbered from –

Municipal Account	
EFT	\$527,620.40
Direct Debits	\$16,121.18
Cheques	\$92,262.70
Corporate MasterCard	\$1,129.98
Bank Fees	\$421.08
Total	\$637,555.34

Trust Account	
EFT	\$600.00
Cheques	\$0
Bank Fees	\$0
Total	\$600.00

Totalling \$638,155.34 from Muni and Trust Account for the month of October 2013.

..... (Author).

.....(Manager/CEO)

Carried: 8/0

David Fong, SFO left the Council meeting at 7.30pm.

13113 COMMUNITY DEVELOPMENT**13113.1 BLUES FOR THE BUSH EVALUATION REPORT**

APPLICANT:	SHIRE OF PERENJORI AND BUSH HERITAGE AUSTRALIA
FILE:	ADM0469
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	SAM PARKER – ECDC
RESPONSIBLE OFFICER:	SAM PARKER – ECDC
REPORT DATE:	11 November 2013
ATTACHMENTS:	EVALUATION REPORT AND PROMOTIONAL VIDEO

Executive Summary

In June 2013, Council endorsed the motion to partner with Bush Heritage Australia to organize a music event on 5th October 2013. This item seeks Council acknowledgement of the success of the event and contributions from key individuals, and of the report presents.

Background

The Shire commissioned Left of Centre Concepts to undertake a feasibility study into the running of a major event in Perenjori as per the Corporate Business Plan. Conversations with Luke Bailey from Bush Heritage Australia lead to a proposal, agreed by Council at the June 2013 Council meeting, giving authorization for the Shire to go ahead with the organising and running of the event with Bush Heritage Australia instead of undertaking a feasibility study.

The Shire of Perenjori and Bush Heritage Australia partnered and undertook the organizing and running of the event held at the Charles Darwin Reserve on Saturday 5th October 2013. The event sold out, with 700 tickets purchased for the Blues for the Bush music event, whilst 250 people came to visit the site for the Open Day. The attachment for this agenda point provides statistical information for the event and provides a summary of some of the lessons learned from the running of the event, which have been collected from various sectors of the community.

It is proposed to present to Council a plan in December to enable the continuation of this event based on the success of this years event and the lessons learnt.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Area 4: Investing in Community Capacity – Civic Leadership

Goal: *Supporting community's strong volunteering culture and supporting community leaders to grow and develop.*

PJ Mojo 4.2

Consultation

Councillors, staff, community, service providers at the event and attendees,

Comment

This item is to provide structured feedback to council, providing some statistical information in order for councillors to review and determine whether the Shire of Perenjori should organise future events.

Voting Requirements – Simple Majority

Officers Recommendation – Item 13113.1

That Council receive the report concluding of the Inaugural Blues for the Bush and Charles Darwin Reserve Open Day event, for 2013.

COUNCIL RESOLUTION – ITEM 13113.1
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Moved: Cr J Hirsch

Seconded: Cr J Cunningham

That Council receive the report concluding of the Inaugural Blues for the Bush and Charles Darwin Reserve Open Day event, for 2013.

Carried: 8/0

Sam Parker, ECDC left the Council meeting at 7.51pm.

Declaration of Interest

Cr C King, Cr J Cunningham and Cr L Butler declared an Impartiality Interest in item 13114.1 Extractive Industries Application because they are all neighbours to the applicant. They all stayed in the Council Chambers and were allowed to vote.

13114	HEALTH BUILDING & PLANNING
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13114.1	EXTRACTIVE INDUSTRIES APPLICATION – OAKSTAR ASSET PTY LTD
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APPLICANT:	TERRY MCGLEW - OAKSTAR ASSET PTY LTD
FILE:	ADM 0446
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	PETER MONEY - MCDS
RESPONSIBLE OFFICER:	ALI MILLS - CEO
REPORT DATE:	7th NOVEMBER 2013
ATTACHMENTS:	EXTRACT OF LOCAL LAW; SITE MAPS: COPY OF ADVERTISING

Executive Summary

This item recommends the Council approve the Development Application by Oakstar Asset Pty Ltd for the carrying out of an extractive industry in the locations shown on the applicant's submission and agrees to not apply the conditions specified in s2.3(1)(b)(d)(e)(l) of the Local Law.

The item also recommends that the Council approve the issuing of an Extractive Industries License to the applicant for the sites shown on the attached maps for a period of 21 years, subject to annual renewal and subject to compliance with the conditions imposed by the Council.

Background

The Extractive Industries *Local Law* was gazetted on 28th March 2013 and is now applicable. In accordance with Section 1.4 (1)(a)(ii) of the *Local Law* the licensing conditions are applicable even if the excavation was commenced prior to the enactment of the *Local Law*.

The applicant proposes to operate an extractive industry on a site located on Lot 8113 North Road Perenjori and with an area of no more than 5,000 square metres.

There are extensive requirements under the Local Law but some sections of the Local Law do not apply if the proposed excavations are less than 5,000 square metres and if the extracted material is less than 5,000 cubic metres in volume. The applicant has applied for a license on condition that the excavation will not exceed 5,000 square metres or 5,000 cubic metres and therefore a number of conditions in the Local Law may be exempted by the Council at its discretion. In this instance it is recommended that the Council approves the exclusion of the conditions of clauses 2.3(1)(b)(d)(e)(l) of the Local Law.

The Local Law in section 2.3(1)(a)(i)(l) specifies that the applicant provides *existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals*. In this application the extraction is not to exceed 1.3 metre in depth which makes

the provision of a contour map of one metre intervals superfluous and it is recommended that Council does not apply this requirement.

The site is on rural farmland with no encumbrances. There could be some impact of the Shire roads of North Road and Bestry Road due to increased heavy vehicle traffic and this activity will need to be monitored by the Shire. Because there may be some impact on these roads the Council may want a condition to apply that will enable the Shire to have some assurance there will be no adverse costs in maintaining these roads.

On-site road access is by use of existing access and egress points onto gazetted roads.

Public notification

The applicant has advertised the proposal in the area and this has been done through the Bush Telegraph on 02.10.2013 which complies with the advertising requirements. The applicant has also notified the adjoining owners by letter and copies of the letters are provided. No objections or comments have been received by the Shire.

Zoning

The land area is zoned rural and in accordance with clause 4.3 of the Local Planning Scheme an extractive industry on rural zoned land is a use that is not permitted unless the local government has exercised its discretion by granting planning approval. According to clause 9.4 (of the Model Scheme Text) the Council may also give public notice of the development application if it considers this necessary. It is recommended that the Council declines this process as the development is not significant and has no known impact on residential or urban areas.

Environment

Though the proposed excavations are not within any reasonable proximity to residential or other amenities there are likely to be some dust issues with the operations. A condition that the use of water or dust suppression material should be used to control dust has been recommended.

The land is already cleared and therefore there should be no impact in terms of land clearing. The applicant intends to store the removed surface soils for later rehabilitation which will be allow the land to revert to cleared farm land.

Access roads

The site has existing road / track access and there will be no requirements to create any new access roads.

Risk analysis

Failure to undertake rigorous assessment of planning applications is considered to pose the following risks:

- Proliferation of incompatible land use development;
- Council's reputation as a regulatory authority;
- Protection of zones to accommodate intended activities or reduction of surrounding property amenity;
- Barrier to development and associated economic growth within the Shire.

The proposal is permissible at the Council's discretion and is compatible with current land use.

The applicant is following the requirements of the Local Law in all respects and there is no adverse reflection on the Council as the regulatory authority.

The proposed sites are some distance from accommodation and there is not expected to be any adverse impact on residential or other domestic amenities.

If this Council approves this application there is a benefit in economic activity within the Shire which is encouraged by the Council.

It is recommended that the Council uses its discretionary authority to approve the development application and approve the issuing of an Extractive Industry License with the recommended conditions applicable. The applicant must also comply with the statutory requirements of the *Local Law*.

Statutory Environment

Shire of Perenjori Extractive Industries Local Law 2013

Local Planning Scheme 2 s4.3.2

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Business Plan

Area 2: Industry and Business Development – Our Economy

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

Consultation

The applicant has advised the neighbouring property owners and advertised the proposal in the Bush Telegraph giving due notice for comments or objections.

Comment

The preparation for an extractive industry application is a relatively new process for the Shire and there has been careful compliance with the onerous requirements of the *Local Law* in reaching the recommendations offered.

The Council has the discretionary authority to approve or refuse the application and has the authority to apply the conditions it considers are necessary and reasonable.

The attached extract from the *Local Law* has a series of conditions with strikethrough fonts and these are the conditions the Council can apply or not apply in part or wholly at its discretion. They are shown as such to ensure the Council is aware of what those conditions are.

Voting Requirements – Simple Majority**Officers Recommendation – Item 13114.1**

That Council approve the planning application by Terrence John McGlew for the establishment of sand and gravel extraction operations at the location designated on Lot 8113 North Road Perenjori as shown on the attached maps and not apply the conditions specified in clause 2.3(1)(b)(d)(e)(l) of the Extractive Industries Local Law.

That Council authorises the issue of an Extractive Industries License to Oakstar Asset Pty Ltd for Lot 8113 North Road as shown on the attached maps subject to the payment of the scheduled fee and on the following conditions:

- i. The period of the license is not to exceed 21 years and is to be renewed annually with payment of the scheduled fee;
- ii. Evidence of a public liability policy to be provided annually and in accordance with Section 7.1(1) of the Local Law for the sum of \$10,000,000;
- iii. Agreeing to refund the Shire of Perenjori any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;
- iv. Stockpiling extracted surface material within usable proximity to the excavation;
- v. The hours during which any excavation work may be carried out to be between 0500 and 1900 daily;
- vi. Should any crushing or treatment plant be employed this will be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government and be subject to a standard building application;
- vii. The depths of the excavation is to be in accordance with the application;
- viii. Safety measures are to be employed to secure employee and visitor safety on the excavation site;
- ix. The applicant will control dust and wind-blown material when necessary with water or other suppression materials.

COUNCIL RESOLUTION – ITEM 13114.1

Moved: Cr L Smith

Seconded: Cr P Waterhouse

That Council approve the planning application by Terrence John McGlew for the establishment of sand and gravel extraction operations at the location designated on Lot 8113 North Road Perenjori as shown on the attached maps and not apply the conditions specified in clause 2.3(1)(b)(d)(e)(l) of the Extractive Industries Local Law.

That Council authorises the issue of an Extractive Industries License to Oakstar Asset Pty Ltd for Lot 8113 North Road as shown on the attached maps subject to the payment of the scheduled fee and on the following conditions:

- i. The period of the license is not to exceed 21 years and is to be renewed annually with payment of the scheduled fee;**

- ii. Evidence of a public liability policy to be provided annually and in accordance with Section 7.1(1) of the Local Law for the sum of \$10,000,000;
- iii. Agreeing to refund the Shire of Perenjori any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;
- iv. Stockpiling extracted surface material within usable proximity to the excavation;
- v. The hours during which any excavation work may be carried out to be between 0500 and 1900 daily;
- vi. Should any crushing or treatment plant be employed this will be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government and be subject to a standard building application;
- vii. The depths of the excavation is to be in accordance with the application;
- viii. Safety measures are to be employed to secure employee and visitor safety on the excavation site;

The applicant will control dust and wind-blown material when necessary with water or other suppression materials.

Carried: 8/0

Declaration of Interest

Cr C King declared an Impartiality Interest in Item 13114.2 Amendment to Local Planning Scheme No 2 because he is a neighbour of the applicant. Cr C King was allowed to stay in the Council Chambers and vote.

13114.2 AMENDMENT TO LOCAL PLANNING SCHEME NO. 2 – LOTS 95-97 FARRELL STREET, PERENJORI – ADDITIONAL USES
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APPLICANT:	SHIRE OF PERENJORI
FILE:	ADM0190
DISCLOSURE OF INTEREST:	0
AUTHOR:	CEO, ALI MILLS
RESPONSIBLE OFFICER	CEO, ALI MILLS
REPORT DATE:	21ST NOVEMBER 2013
ATTACHMENTS	MAP

Executive Summary

For Council to consider initiating an amendment to Local Planning Scheme No. 2 (the Scheme) for the additional uses of Transport Depot and Office at Lots 95-97 Farrell Street, Perenjori.

Background

The subject sites are zoned Residential R2.5 under the Scheme. The purpose of the amendment is to introduce zoning provisions reflective of existing and likely future land uses. This will allow for the continuation and potential expansion of these activities within an appropriate statutory framework.

The subject sites are described as follows:

Lot 95 Residential, Transport Depot

Lot 96 Transport Depot

Lot 97 Residential, Two homes (proposed)

Council at its July 2013 Ordinary Meeting approved an office to be used in conjunction with a Transport Depot on Lot 96 Farrell Street. Approval was granted for a period of 2 years whilst a Scheme amendment was considered for a more appropriate zone for the Transport Depot.

Town Planning Schemes are made under Part 5 of the Planning and Development Act 2005, which sets out the general objects of schemes, the matters which may be addressed in schemes and the requirements for review of schemes. Where schemes involve the zoning or classification of land, they are required to reflect the format prescribed by the Model Scheme Text ("MST"), contained within the Town Planning Regulations 1967. The Shires Scheme has been based upon this prescribed format of the MST.

Schemes are made up of a variety of zones and accompanying statutory planning provisions which combine to provide for control of land use and development. This combination reflects a set formula of land use possibilities and zoning arrangements, with the intent being that the formula achieves the aims of the Scheme, which itself is derived from the strategic vision of the Local Planning Strategy.

Scheme Amendment

From time to time, it becomes necessary to amend the Shires Town Planning Scheme No. 2 (TPS No.2). When a change is proposed or made to TPS No.2, it is referred to as a Scheme Amendment. These changes can be proposed by landowners, the Shire or State Government agencies. The decision to initiate a Scheme Amendment is however at the discretion of the Shire (which has no appeal rights), and once initiated the Shire becomes responsible for progressing a Scheme Amendment.

Scheme amendments occur for a variety of different reasons including:

- a change in zoning to accommodate development;
- a change in the residential density coding to increase residential density;
- a change in the Schemes wording to ensure more effective planning;
- to implement the strategic vision of the Local Planning Strategy; and
- to ensure orderly and proper planning.

The procedure for amending a Town Planning Scheme is set out in the State Government's *Town Planning Regulations 1967*. The procedure generally involves the following sequential steps:

- Council resolution to amend the Scheme,
- Preparation of statutory amending documents,
- EPA consent to advertise the Scheme Amendment received,
- Advertising the draft Scheme Amendment proposal for public inspection and comment,

- Consideration of any submissions and resolve whether or not to adopt Scheme Amendment with or without changes,
- Recommending to the Minister for Planning whether to approve the Amendment (with or without modification) or to refuse,
- Final decision is made by the Minister for Planning.

Statutory Environment

The *Town Planning Regulations 1967* and *Planning and Planning and Development Act 2005* establish procedures relating to amendments to Local Planning Schemes. If Council resolves to adopt the proposed amendment it will ultimately be determined by the Minister for Planning.

Policy Implications

Nil

Financial Implications

Costs will be incurred through the preparation of the amendment documentation and statutory advertising of the amendment which will need to be budgeted for by Council.

Strategic Implications

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

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

Area 2: Industry and Business Development – Our Economy

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

Consultation

Town Planner – Shire of Kalamunda

If the amendment gains consent to advertise, it would be formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations* and *Planning and Development Act 2005*.

The amendment would be required to be advertised in the form of a notice being published in a district newspaper. A notice on the site calling for submissions will be required as well as nearby and affected landowners notified in writing.

Comment

Amending the Scheme for the additional uses will allow for a greater degree of flexibility when considering land uses for long established businesses whilst retaining the overarching residential zoning. This will provide a greater certainty for land owners and the Shire in respect to consideration of current and future land use proposals.

Voting Requirements – Simple Majority

Officers Recommendation – Item 13114.2

That Council;

1. Initiates the amendment to the Shire of Perenjori Local Planning Scheme No. 2, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005
 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME
 SHIRE OF PERENJORI
 LOCAL PLANNING SCHEME NO. 2
 AMENDMENT NO. #

Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Amending Schedule 2 (Additional Uses) by including the following provision:

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A2	Lots 95-97 Farrell Perenjori	Transport Depot Office	The uses are not permitted unless approval is granted by the Local Government (“D”)
	Lot 96 Farrell Street, Perenjori	Second Dwelling	

The documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

COUNCIL RESOLUTION – ITEM 13114.2

Moved: Cr J Hirsch

Seconded: Cr L Smith

That Council;

1. Initiates the amendment to the Shire of Perenjori Local Planning Scheme No. 2, in accordance with the following:

PLANNING AND DEVELOPMENT ACT 2005				
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME				
SHIRE OF PERENJORI				
LOCAL PLANNING SCHEME NO. 2				
AMENDMENT NO. #				
Resolved that Council, in pursuance of Part 5 of the <i>Planning and Development Act 2005</i> , amends the above Local Planning Scheme as follows:				
(a) Amending Schedule 2 (Additional Uses) by including the following provision:				
NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS	
A2	Lots 95-97 Farrell Perenjori	Transport Depot Office	The uses are not permitted unless approval is granted by the Local Government ("D")	
	Lot 96 Farrell Street, Perenjori	Second Dwelling		
The documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the <i>Town Planning Regulations 1967</i> , without reference to the Western Australian Planning Commission.				

Carried: 8/0

13115	PLANT AND WORKS
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13115.1	ROAD MAINTENANCE OCTOBER 2013
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APPLICANT:	MANAGER OF INFRASTRUCTURE SERVICES (MIS)
FILE:	NIL
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	KEN MARKHAM – MIS
RESPONSIBLE OFFICER:	KEN MARKHAM – MIS
REPORT DATE:	4th NOVEMBER 2013
ATTACHMENTS	MAP

Executive Summary

Listed are the roads graded for the month of October.

<i>Oversby Road</i>	<i>Chisholm Road</i>
<i>Warriedar Coppermine Road</i>	<i>Martin Road</i>
<i>Boonerong Road</i>	<i>Maya East Road</i>
<i>Spencer Road</i>	<i>Burgess Road</i>
<i>Simpson Road</i>	<i>Syme Road</i>
<i>Taylor's Road</i>	<i>Barker Road</i>
<i>Watson Road</i>	<i>Willder Road</i>
<i>Helliwell Road</i>	

Background

Nil

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

Nil

Strategic Implications

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

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

Consultation

Nil

Comment

Nil

Voting Requirements – Simple Majority

Officer and Committees Recommendation – Item 13115.1

That the road maintenance report for October be accepted as presented.
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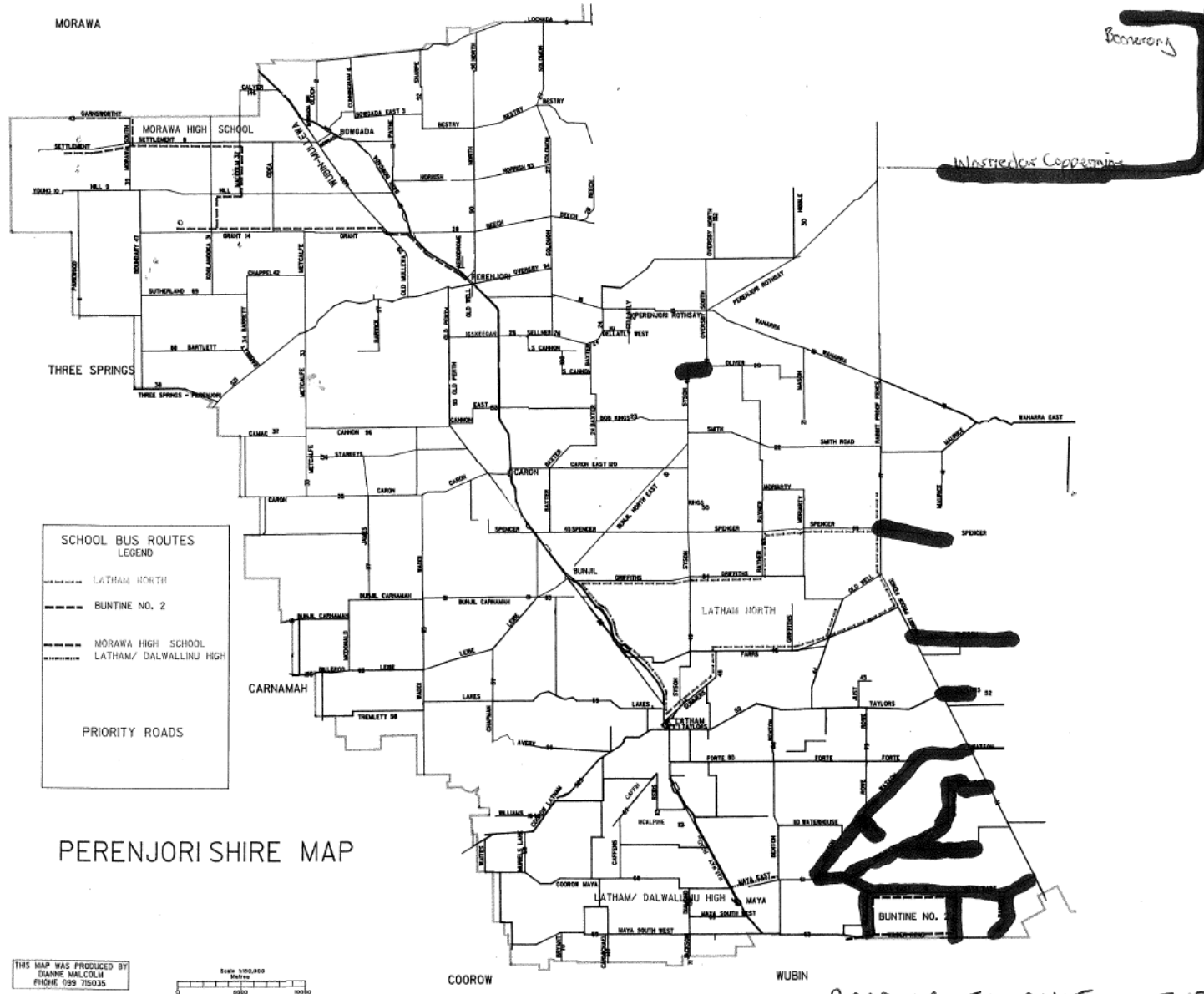
COUNCIL RESOLUTION – ITEM 13115.1
--

Moved: Cr L Butler

Seconded: Cr G Reid

That the road maintenance report for October be accepted as presented.

Carried: 8/0



Declaration of Interest

Cr J Cunningham declared an Impartiality Interest in Item 13115.2 Confidential Item – Tender 03/2013 Karara Access Road Maintenance because a neighbour . Cr J Cunningham was allowed to stay in the Council Chambers and Vote.

13115.2 CONFIDENTIAL ITEM - TENDER 03/2013 KARARA ACCESS ROAD MAINTENANCE
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APPLICANT:	MANAGER OF INFRASTRUCTURE SERVICES (MIS)
FILE:	ADM 0366
DISCLOSURE OF INTEREST:	NIL
AUTHOR:	KEN MARKHAM - MIS
RESPONSIBLE OFFICER:	KEN MARKHAM – MIS
REPORT DATE:	4th NOVEMBER 2013
ATTACHMENTS:	PRICING SCHEDULE

Officer and Committees Recommendation – Item 13115.2

- | |
|---|
| <ol style="list-style-type: none"> 1. That Leopold Contracting be awarded the Maintaining Karara Access Roads, Tender 03/2013 on the basis of best value for money. 2. That a written agreement is confirmed for the maintenance of the roads by Karara Mining Limited. |
|---|

COUNCIL RESOLUTION – ITEM 13115.2
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Moved: Cr G Reid

Seconded: Cr L Butler

1. That Leopold Contracting be awarded the Maintaining Karara Access Roads, Tender 03/2013 on the basis of best value for money.
2. That a written agreement is confirmed for the maintenance of the roads by Karara Mining Limited.

Carried: 8/0

Declaration of Interest

Cr L Smith declared a Financial Interest in item 13116.1 Application to Clear Native Vegetation because the application is located on her partner's property. Cr L Smith left the Council Chambers at 8.06pm.

13116 GOVERNANCE**13116.1 APPLICATION TO CLEAR NATIVE VEGETATION**

APPLICANT:	QUEST MINERALS LIMITED
FILE:	ADM0216
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS - CEO
RESPONSIBLE OFFICER	ALI MILLS - CEO
REPORT DATE:	21ST NOVEMBER 2013
ATTACHMENTS	LETTERS AND MAP

Executive Summary

Correspondence has been received from the Department of Mines and Petroleum advising the Shire of an application to clear native vegetation Application number 5840/1.

The Item recommends Council acknowledges the application and if it considers it necessary, recommends to the Department of Mines and Petroleum (DMP) any conditions it would like to be applied.

Background

A letter provided by The Department of Mines and Petroleum presents the application for permit to clear native vegetation under the Environmental Protection Act 1986 (the Act) and in accordance with sub-section 51E(4) of the Act, on behalf of the Director Operations, Environment, consider that the Shire may have a direct interest in the subject matter of the application and invite comment on the proposal. The Director Operations, Environment will then, after having taken into account any comments received and subject to sections 510 and 51P, either grant a clearing permit (including any specified conditions) or refuse to grant a permit.

Under the *Environmental Protection Act 1986* (EP Act), native vegetation can only be cleared with a clearing permit unless exempt. Clearing permit applications for mining and petroleum activities are assessed by Native Vegetation Assessment Branch at the Department of Mines and Petroleum (DMP).

Enclosed are maps indicating the area proposed to clear.

Statutory Environment

Environmental Protection Act 1986

Sub-section 51E(4) of the Act

Under the *Environmental Protection Act 1986* (EP Act), native vegetation can only be cleared with a clearing permit unless exempt. Clearing permit applications for mining and petroleum activities are assessed by Native Vegetation Assessment Branch at the Department of Mines and Petroleum (DMP).

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Area 2: Industry and Business Development – Our Economy

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

Consultation

Nil

Comment

Nil

Voting Requirements – Simple Majority

Officers Recommendation – Item 13116.1
That Council acknowledges and has no objection or comment regarding the application to clear native vegetation 5840/1 by Quest Minerals Limited.

COUNCIL RESOLUTION – ITEM 13116.1
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Moved: Cr L Butler

Seconded: Cr J Hirsch

That Council acknowledges and has no objection or comment regarding the application to clear native vegetation 5840/1 by Quest Minerals Limited.

Carried: 7/0

Cr L Smith re-entered the Council Chambers at 8.07pm.

13116.2 CONFIDENTIAL ITEM - PERENJORI HOUSING PROJECT – DESIGN AND CONSTRUCT RFT 04/2013

APPLICANT: SHIRE OF PERENJORI
FILE: ADM0036
DISCLOSURE OF INTEREST: 0
AUTHOR: ALI MILLS - CEO
RESPONSIBLE OFFICER: ALI MILLS - CEO
REPORT DATE: 21ST NOVEMBER 2013
ATTACHMENTS: SPREADSHEET

Officers Recommendation – Item 13116.2

That Council endorses the following, meeting the Regulations as detailed in Section 3.57 Local Government Act 1995:

Nordic Homes be endorsed as the preferred tender for the PERENJORI HOUSING PROJECT – DESIGN AND CONSTRUCT RFT 04/13 based on best value for money.

Nordic Homes will provide two two bed and one bath units, with options to be negotiated with the builder.

COUNCIL RESOLUTION – ITEM 13116.2

Moved: Cr L Smith **Seconded:** Cr J Hirsch

That Council endorses the following, meeting the Regulations as detailed in Section 3.57 Local Government Act 1995:

Nordic Homes be endorsed as the preferred tender for the PERENJORI HOUSING PROJECT – DESIGN AND CONSTRUCT RFT 04/13 based on best value for money.

Nordic Homes will provide two two bed and one bath units, with options to be negotiated with the builder.

Carried: 8/0

13117 PROJECT STATUS REPORT

APPLICANT:	SHIRE OF PERENJORI
FILE:	Nil
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS–CEO
RESPONSIBLE OFFICER	ALI MILLS–CEO
REPORT DATE:	14TH NOVEMBER 2013
ATTACHMENTS	PROJECT STATUS REPORT

SUMMARY

The project status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the project status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

Officers Recommendation – Item 13117

Council accepts the Project Status Report as presented.

COUNCIL RESOLUTION – ITEM 13117

Moved: Cr L Butler

Seconded: Cr P Waterhouse

Council accepts the Project Status Report as presented.

Carried: 8/0

13118 STATUS REPORT

APPLICANT:	SHIRE OF PERENJORI
FILE:	Nil
DISCLOSURE OF INTEREST:	0
AUTHOR:	ALI MILLS–CEO
RESPONSIBLE OFFICER	ALI MILLS–CEO
REPORT DATE:	14TH NOVEMBER 2013
ATTACHMENTS	Status Report

SUMMARY

The status report is provided to Council in order that actionable items are recorded and results reported to council. Although this is information only, the status report is to be accepted by Council and recorded in the minutes to ensure councils are kept informed on the progress of the work undertaken by the Shire of Perenjori.

Officers Recommendation – Item 13118

Council accepts the Status Report as presented.

COUNCIL RESOLUTION – ITEM 13118

Moved: Cr J Cunningham

Seconded: Cr L Smith

Council accepts the Status Report as presented.

Carried: 8/0

13119 OTHER BUSINESS

Northern Country Zone Meeting is being held on Monday 25th November 2013 at 10am in Mingenew. 2 delegates for the zone, Cr King and Cr Butler are attending.

Ali Mills, CEO is attending the MWRC meeting on the afternoon of Monday 25th November 2013.

13119.1 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

13119.2 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

13119.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

13119.4 DATE OF NEXT MEETING / MEETINGS

The next Ordinary Council meeting will be held on the 19th December 2013 at 3.30pm.

13119.5 CLOSURE

Cr C King declared the meeting closed at 8.35pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 21st November 2013.

Signed: _____

Presiding Elected Member

Date: _____