



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting

MINUTES

Thursday 17th November 2022



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Perenjori will be held on Thursday 17th November 2022 in the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, commencing at 3:00 pm.

A handwritten signature in black ink, appearing to read 'Nola Comerford', is positioned below the meeting details.

Nola Comerford

ACTING CHIEF EXECUTIVE OFFICER

Date: 10th November 2022

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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 17th November 2022, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, which commenced at 3:00 pm.

1. Declaration of Opening/Announcement Of Visitors:

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

Welcome to Country: -

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.

Therefore, I respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badymia people.

I also acknowledge the pioneers who settled this country, developed the land and turned it into the productive country that we know today, allowing us to enjoy the lifestyle to which we have become accustomed.

2. Opening Prayer:

The Shire President read the opening prayer.

3. Disclaimer Reading:

As printed.

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

4.1 Attendance:

Members:

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

Staff:

Nola Comerford (Acting Chief Executive Officer)
Neville Binning (Manager of Infrastructure Services)
Elinor Pitts (Executive Assistant)
Ash Stephens (Mechanic)

Distinguished Visitors:

Nil

Members of The Public:

Paddy King

Leave of Absence:

Nil

Apologies:

Paul Anderson (Chief Executive Officer)

5. Public Question Time:

5.1 Response to Questions Taken on Notice:

A member of the public submitted the following question prior to the Ordinary Council Meeting:

Hi Nola,

I am writing in concern of Item 13.1 Write-off of Utility Charges in the Council Agenda for houses 36 Livingstone Street and 23 Hesford Street. Can I question how this has happened and why is council writing-off the debt? I do not agree with the debt being written off and council/ratepayers paying this but understand that it has already been approved.

How did this slip through the accounts department within the shire and also no one receives free power or water and surely the person/s renting the house/s must have thought at some stage; I haven't received a power or water account!

Thank you for your time.

Regards,

Paddy King

The President, Cr Christopher King, advised that Council would consider this question whilst discussing agenda item 13.1 and apologised for the Shire administration error explaining that a previous employee, who did not have the correct authority, allegedly ensured the tenants that they did not need to be concerned about their utility bills. The public can be assured that the Shire has implemented much stricter processes to ensure proper accounting is in place.

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 Meeting Held on 20 October 2022

OFFICER RECOMMENDATION

Council Resolution Number: 171122.1

Moved: Cr Fraser

Seconded: Cr Sutherland

That the Minutes of the Ordinary Meeting of Council held on 20th October 2022, be confirmed as true and correct subject to no corrections.

Motion put and carried 7/0

8. Announcements by Presiding Member Without Discussion:

Nil

9. Petitions/Deputations/Presentations:

Nil

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

Matters Behind Closed Doors

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

A matter that if disclosed, would reveal –

Information that has a commercial value to a person; or

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

Nil

11. Declaration of Interest:

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

Cr Sparkman declared an impartiality interest in agenda item 13.1, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007, due to living in the neighbouring property 23 Hesford St.

Cr Hepworth declared an impartiality interest in agenda item 13.1, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007, due to being related to the tenant.

Cr Hepworth declared an impartiality interest in agenda item 15.4, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007, due to being the spouse of a nominee.

The Manager of Corporate and Community Services, Nola Comerford, declared an impartiality interest in agenda item 15.4, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007, due to being a member of a nominated group, Shape.

12. Finance:

12.1 MONTHLY FINANCIAL REPORT – OCTOBER 2022

Applicant:	Shire of Perenjori
File:	ADM 0082
Date:	10 November 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Glenn Nordsvan, Accwest Pty Ltd
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12. 1 Monthly Statement of Financial Activity for October 2022

Summary

This item recommends that Council receives the Financial Activity Statements for the period ending 31 October 2022.

Background

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

Recent changes to the Regulations require a focus on reporting and variance analysis by nature and type rather than by program. The Shire's reports have historically been prepared by both nature and type and program with the variance analysis done by program. All reports for 2022-23 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

Financial Implications

Shown in the attached data.

Strategic Community Plan

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

Officer Comment

This covering report is prepared noting the following:

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

of this is that actual depreciation of fixed assets cannot be done until the Assets Ledger is finalised and rolled over into the new financial year.

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

The opening surplus for the year is \$4,672,000 and is closely aligned to the approved budget of \$4,640,000. The final surplus will be known once the audit is finalised. As previously advised, this surplus is notionally deceiving as the State Government transferred 75% of its 2022-23 financial assistance grants (totalling \$2.125m) to the Shire in April 2022.

The 2022-23 general rates were raised and the income recognised in August. The impact of discounts on this revenue have now been realised, with savings taken up being \$21,000 more than budget, but more than offset by unbudgeted ex-gratia rates of \$25,000.

Operating revenue YTD is \$3,910,000, better than budget by \$48,000. Key variances between the YTD budget and actuals are:

- Rates are higher by less than \$3,000 with discounts now taken up on rates and unbudgeted ex-gratia rates received.
- Operating grants are down by \$36,000. Advice was provided just after the approval of the budget of the amounts to be received in 2022-23. The amounts to be received are less than the budget by \$198,000 for the year, with the impact at 31 October being \$49,000 after receiving the first of 4 instalments.
- Fees and charges are better than budget by \$70,000 with caravan park revenue and housing revenue being the main contributors.

Expenditure is \$3,452,000, worse than budget by \$181,000. Variances to the end of October are mostly timing, and include:

- A bulk purchase of road base (\$186,000) was made in October and not yet allocated to materials on hand, which accounts for the vast majority of the overspend.
- Underspends in governance (\$63,000), law, order and public safety (\$25,000) and community amenities (\$51,000) cover overspends in other program areas.

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

Capital expenditure YTD is only \$872,000, with projects yet to commence. A new Capital Report has been prepared for this year's financial reports, identifying each project budgeted and the spend against each project.

Cash and restricted cash balances are currently high (currently \$9,659,000) with rate revenues now mostly received. These balances will reduce as the capital works program goes into full swing.

OFFICER RECOMMENDATION

Council Resolution Number: 171122.2

Moved: Cr Fraser

Seconded: Cr Bryant

That the Monthly Financial Report to 31 October 2022 as attached be received.

Motion put and carried 7/0

12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 OCTOBER 2022

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	1 st November 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Gypsie Douglas – Finance Officer
Responsible Officer:	Nola Comerford – Manager Corporate Community Services
Attachments:	12.2 (a) - Accounts for Payment October 2022 12.2 (b) - Corporate Credit Card Breakdown and Statement

Summary

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

Background

Council delegates authority to the Chief Executive Officer annually:

To make payments from Trust, Reserve and Municipal Fund;

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

Legal Compliance

Local Government Act 1995

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

R12. Payments from municipal fund or trust fund, restrictions on making

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
 - (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
- S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name; and
 - (b) the amount of the payment; and
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
 - (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name; and
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction; and

- (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Policy Implications

Nil

Council Policy Compliance

Payments are checked to ensure compliance with Council's Purchasing Policy Number 4007 – Procurement Policy.

Financial Implications

All payments are made in accordance with the adopted annual budget.

Strategic Community Plan

Area 5: Investing in Council's Capacity – Our Leadership

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

Consultation

Paul Anderson – Chief Executive Officer

Gypsie Douglas – Finance Officer

Officer Comment

Accounts paid for the month ending 31st October 2022

Municipal Account	
EFT	\$366,602.67
Direct Debits	\$80,431.78
Cheques	\$0.00
Corporate MasterCard	\$3,283.31
Bank Fees	\$516.01
Total	\$450,833.77

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

Totalling **\$450,833.77** from *Municipal* and *Trust Accounts* for the month ending **31 October 2022**.

OFFICER RECOMMENDATION

Council Resolution Number: 171122.3

Moved: Cr Bradford Seconded: Cr Sutherland

That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$450,833.77 (four hundred and fifty thousand, eight hundred and thirty three dollars and seventy seven cents) be accepted.

Motion put and carried 7/0

13. Community Development and Services:

13.1 WRITE-OFF OF UTILITY CHARGES

Applicant:	Shire of Perenjori
File:	ADM 0088
Date:	9 th November 2022
Disclosure of Interest:	Cr Hepworth – Impartiality interest Cr Sparkman – Impartiality interest
Voting Requirements:	Absolute Majority
Author:	Nola Comerford – Manager of Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

Summary

For Council to consider writing-off debts for water and electricity charges at 36 Livingstone Street and 23 Hesford Street, Perenjori.

Background

36 Livingstone Street was utilised as emergency housing after Cyclone Seroja destroyed the tenants' farmhouse in 2021. Recent internal audits of Council housing utility usage discovered that the property, due to a Synergy administration oversight, had not been registered by electricity provider Synergy to any owner since November 2020. An invoice has been received for \$2,018.02 (two thousand and eighteen dollars and two cents) for the period 24 October 2021 to 18 October 2022, with the remaining outstanding debt being waived by Synergy.

Similarly, utility charges of water and electricity for 23 Hesford Street had not been charged out to the tenants since taking up residence in February 2022 which has resulted in an outstanding debt of \$1,840.94 (one thousand, eight hundred and forty dollars and ninety four cents) being \$1,040.69 for electricity, and \$800.25 for water.

Statutory Environment

Local Government Act 1995 – Section 6.12

Policy Implications

Nil

Consultation

Paul Anderson – Chief Executive Officer

Domenica Curtin – Finance Officer

Financial Implications

Council income from reimbursements would be reduced by \$3,858.96.

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 tenants of 36 Livingstone Street and 23 Hesford Street have queried these charges which date back as far as 12 months and have been invoiced as a lump sum. As the outstanding amounts are due to administrative errors it would not be good practice to insist on the debt being charged.

It is acknowledged that forthcoming invoices from Synergy and the Water Corporation will be fully invoiced to the tenants up to their departure date from the residence.

Internal auditing of tenancy agreements will continue with a more robust reviewing process to be implemented.

Both Cr Sparkman and Cr Hepworth stated their impartiality to this agenda item.

COUNCIL DECISION

Council Resolution Number: 171122.4

Moved: Cr Bryant

Seconded: Cr Hepworth

That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches to be suspended at 3.43pm for open discussion on item 13.1 of these minutes.

Motion put and carried 7/0

COUNCIL DECISION

Council Resolution Number: 171122.5

Moved: Cr Sutherland

Seconded: Cr Sparkman

That Council reinstates Standing Orders at 3.54pm.

Motion put and carried 7/0

OFFICER RECOMMENDATION

Council Resolution Number:

Moved:

Seconded:

That Council approve the write-off of identified utility fees for 36 Livingstone Street and 23 Hesford Street, valued at \$3,858.96.

Motion put and carried / lost

Amendment:

The reason that Council resolved to lay item 13.1 on the table was to enable administration to determine if the tenants of the properties 23 Hesford Street and 36 Livingstone Street would be willing to enter into a periodic payment plan for outstanding utility fees.

COUNCIL DECISION

Council Resolution Number: 171122.6

Moved: Cr Sparkman

Seconded: Cr Fraser

That Council resolved to lay item 13.1 on the table until the Ordinary Meeting of Council to be held on the 15th December 2022.

Motion put and carried 7/0

14. Governance

14.1 PROPOSED GRAIN RECEIVAL AND STORAGE FACILITY, LATHAM

Applicant:	Cooperative Bulk Handling Ltd
File:	A14816
Date:	9 th November 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Simon Lancaster – Planning Advisor
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	14.1 - CBH Application

Summary

Council is in receipt of an application from CBH seeking to upgrade the temporary overflow grain receival and storage facility upon Lot 3996 Coorow-Latham Road to immediate south of the Latham townsite. This report recommends that Council approve the application subject to conditions.

Background

The main Latham grain receival and storage facility to the east of the townsite is bordered by the Mullewa-Wubin Road to the east, the railway line to the west, Coorow-Latham Road to the south and Summers Road to the north. The limited 6.7866ha land area and surrounding transport routes prevents any further expansion of the main site.

Due to increasing harvest yields and changing practices relating to grain logistics, receival and storage CBH sought to develop a secondary site on Lot 3996 to the south of the Latham townsite.

Figure 14.1(a) – Main CBH Latham Grain Receival & Storage Facility bordered in green and Overflow CBH Facility property of Lot 3996 Coorow-Latham Road, Latham bordered in blue



Figure 14.1(d) – View of entrance into Lot 3996 looking west and east along Coorow-Latham Road

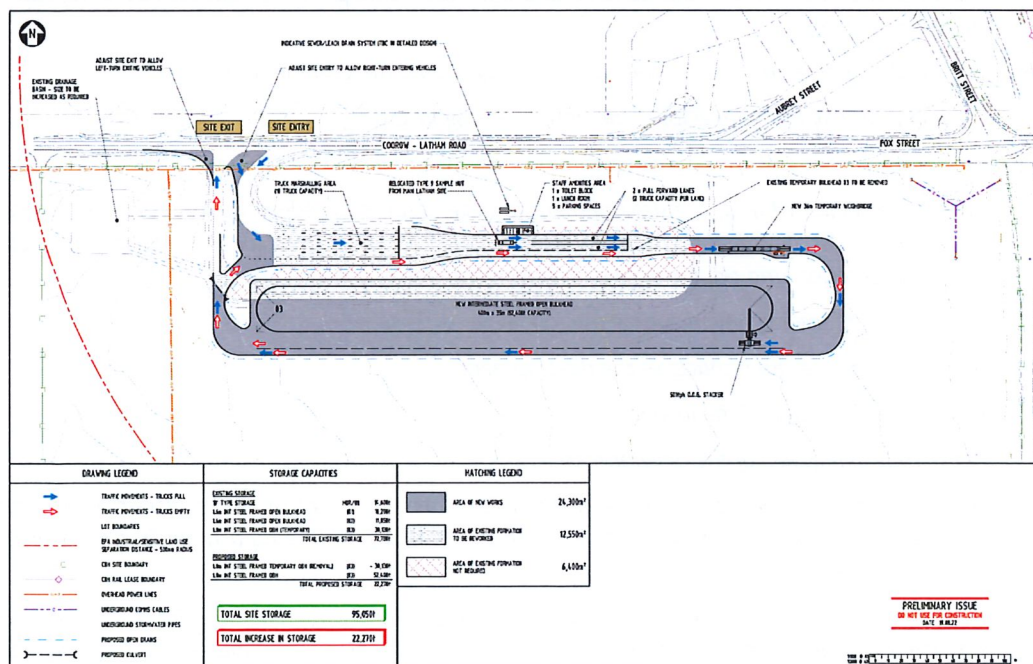


CBH are now seeking approval to more permanently develop Lot 3996 in time for the 2023 harvest as follows:

- Upgrade the gravel internal roads to sealed asphalt;
- Dismantle the existing temporary open bulkhead and relocate it further south and extend it from the current 250m long x 35m wide (34,060 tonne capacity) to 400m long x 35m wide (52,400 tonne capacity) with the bulkhead to be covered with tarpaulins once filled with grain;
- Upgrade of the open bulkhead from a gravel base to sealed/asphalt pads fixed to cement stabilised compacted gravel under seal;
- Upgrade the stormwater drainage around the internal roads and expand the existing drainage storage capacity;
- Install an amenities building, weighbridge and weighbridge hut; &
- Relocate the sample hut from the main Latham site to Lot 3996.

A copy of the CBH application that includes the submitted site and elevation plans, traffic impact statement and stormwater management plan has been provided as **separate Attachment 14.1** to this report.

Figure 14.1(e) – Proposed Lot 3996 Permanent Overflow Grain Receival & Storage Facility



Lot 3996 is zoned 'Rural' under the Shire of Perenjori Local Planning Scheme No.3 which lists the objectives for this zone as being:

- “• To provide for the maintenance or enhancement of specific local rural character.
- To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.”

The development of a grain receival and storage facility is considered to meet the definition of 'Industry-Primary Production' which is defined in the Scheme as follows:

“industry - rural means –

- (a) supports and/or is associated with primary production; or*
- (b) services plant or equipment used in primary production”*

'Industry-Rural' is listed as a 'P' use within the 'Rural' zone under the Scheme, that is a use that is permitted if it complies with all relevant development standards and requirements of Council.

Coorow-Latham Road is zoned 'Primary Distributor Road' and is under the management of local government. Mullewa-Wubin Road is the other linking road between the existing and proposed CBH sites, and is under the management of Main Roads WA and is also zoned 'Primary Distributor Road'.

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission;...*
- ...(m) the compatibility of the development with its setting including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development*
- (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk;*

- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of –*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;...*
- ...(zb) *any other planning consideration the local government considers appropriate."*

Policy Implications

Nil

Consultation

Council has the ability, should it wish to do so, to advertise the application for public comment under Schedule 2 Part 8 Clauses 64 & 66 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and then return the matter to a future meeting of Council for consideration of any received submissions, prior to making its determination.

Financial Implications

Nil

Strategic Community Plan

The Shire of Perenjori Strategic Community Plan 2022/2023-2032/2033 identifies the following of relevance in Council's consideration of this matter:

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

Strategic Objectives:

2.1 Public health, safety and amenity standards are upheld

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

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

Strategic Objectives

3.1 Opportunities are maximised to promote economic growth and local development

Officer Comment

The Environmental Protection Authority's Guidelines for the Assessment of Environmental Factors 'Separation Distances between Industrial and Sensitive Land Uses' does not specifically list grain storage as a land use, but it does note that grain elevators should have a minimum setback of 500m, and grain cleaning should have a minimum setback of 300m-500m depending on size, with noise and dust noted as potential environmental impacts.

Whilst these are slightly different land uses from grain storage they do provide some guidance on appropriate buffer distances for this application.

The entire Latham townsite is within a 500m radius of the main CBH grain receival facility east of the railway line. This is not an uncommon legacy issue in many Midwest and Wheatbelt townsites where grain receival locations and supporting townsites were co-located at significant regional transport junctions between road and rail.

The existing temporary open bulkhead also does not comply with this 500m separation distance requirement, with the closest residence in the Latham townsite approximately 150m to the north-east.

The received application proposes to relocate the bulkhead upon Lot 3996 40m further south which would increase the separation distance to the nearest residence from 150m to 190m, although this would still be within the recommended separation distance.

It is therefore recommended that approval of this application be made subject to CBH being required to install and maintain additional screening landscaping along the northern boundary of Lot 3996 to reduce potential for amenity impacts. The landscaping should however be established with regard for ensuring that the vehicle access point onto Coorow-Latham Road maintains good visibility sightlines for vehicles entering and exiting Lot 3996.

Council previously considered at its 19 August 2021 meeting that the siting of an open bulkhead upon Lot 3996 could be approved, subject to conditions relating to its operations, given that:

- the lot's frontage onto Coorow-Latham Road is flat, straight and an access point could be designed to ensure good traffic visibility for entering/existing vehicles and general traffic along the road;
- the development would not require clearing of remnant vegetation or impact upon watercourses upon the property (the Traffic Impact Statement recommended only minor clearing actions in relation to improving the access point visibility);
- grain receival points are a familiar land use in Latham and other Midwest townsites;
- there is remnant screening roadside vegetation between the proposed open bulkhead site and the residences in the Latham townsite;
- the bulkhead would be required in above ordinary yield harvest periods only;
- significant movement into and out of the site would be concentrated during the harvest period;
- heavy vehicle movements associated with the facility would be along the RAV7 Coorow-Latham Road and RAV7 Mullewa-Wubin Road and not the other townsite roads.

OFFICER RECOMMENDATION

Council Resolution Number:

Moved:

Seconded:

That Council approve the application for a grain receival and storage facility upon Lot 3996 Coorow-Latham Road, Latham subject to the following conditions:

Conditions

- 1 Development shall be in accordance with the plan(s) included as Attachment 14.1 to the 17 November 2022 Council Agenda and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.**
- 3 The applicant is to ensure that the location, design, construction and ongoing maintenance of the access point from the development site onto the road network shall be to the approval of the local government.**

- 4 The repairing of any damage to the road network in connection with the development, to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant, as per section 132 of the Road Traffic (Administration) Act 2008.
- 5 The installation of any directional/traffic/advanced warning/safety signage relating to the development shall be to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
- 6 All parking of vehicles associated with the development shall be provided for within the property boundary.
- 7 The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
- 8 All stormwater is to be disposed of on-site to the approval of the local government.
- 9 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 10 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust, noise, light, odour, vibration, waste product or otherwise.
- 11 The rail crossing and use thereof associated with the development shall be to the requirements of the Public Transport Authority.
- 12 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government.
- 13 The applicant is required to install and maintain landscaping along the northern boundary of Lot 3996 for the purposes of assisting in screening the development from the Latham townsite and reducing amenity issues to the approval of the local government.

Notes:

- (a) In relation to Conditions 4 & 5 the applicant is required to consult with Main Roads WA to confirm and meet with any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (b) In relation to Condition 11 the applicant is required to consult with the Public Transport Authority to confirm and meet with any approval requirements that may be required for their proposed operations and transport movements (construction phase and ongoing).

- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (d) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Amendment to Officer's Recommendation (point 13): The reason for the amendment is following a request from CBH to financially contribute to the revegetation, to ensure the longevity of the planting project.

COUNCIL DECISION

Council Resolution Number: 171122.7

Moved: Cr Hepworth

Seconded: Cr Sutherland

That Council approve the application for a grain receival and storage facility upon Lot 3996 Coorow-Latham Road, Latham subject to the following conditions:

Conditions

- 1 Development shall be in accordance with the plan(s) included as Attachment 14.1 to the 17 November 2022 Council Agenda and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
- 2 Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- 3 The applicant is to ensure that the location, design, construction and ongoing maintenance of the access point from the development site onto the road network shall be to the approval of the local government.
- 4 The repairing of any damage to the road network in connection with the development, to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant, as per section 132 of the Road Traffic (Administration) Act 2008.
- 5 The installation of any directional/traffic/advanced warning/safety signage relating to the development shall be to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
- 6 All parking of vehicles associated with the development shall be provided for within the property boundary.

- 7 The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
- 8 All stormwater is to be disposed of on-site to the approval of the local government.
- 9 Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- 10 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust, noise, light, odour, vibration, waste product or otherwise.
- 11 The rail crossing and use thereof associated with the development shall be to the requirements of the Public Transport Authority.
- 12 The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government.
- 13 The applicant is requested to contribute a total of \$20,000 for the purpose of revegetation of 7 hectares along the Coorow-Latham Road and Wubin-Mullewa Road, to provide a buffer zone for dust suppression and visual amenities.

Notes:

- (a) In relation to Conditions 4 & 5 the applicant is required to consult with Main Roads WA to confirm and meet with any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (b) In relation to Condition 11 the applicant is required to consult with the Public Transport Authority to confirm and meet with any approval requirements that may be required for their proposed operations and transport movements (construction phase and ongoing).
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- (d) If an applicant is aggrieved by this determination there is a right pursuant to the *Planning and Development Act 2005* to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Motion put and carried 7/0

15. Confidential Reports:

15.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution: 171122.11

Moved: Cr Sutherland

Seconded: Cr Bradford

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

Motion put and carried 7/0

15.2 RFT04-2022-2023 ONE PRIME MOVER

OFFICER RECOMMENDATION

Council Resolution Number: 171122.12

Moved: Cr Hepworth

Seconded: Cr Bradford

That Council appoint Hino Motor Sales for the supply of one Hino SS 2848 Prime Mover based upon the assessment of the compliance, qualitative and pricing structures tendered under RFT04-2022-2023 Supply of one Prime Mover.

Motion put and carried 7/0

15.3 RECALCITRANT RATES DEBTOR REPORT

OFFICER RECOMMENDATION

Council Resolution Number:

Moved:

Seconded:

That the Recalcitrant Rates Debtor report totaling \$65,905.90 be received.

Motion put and carried / lost

Amendment to Officer's Recommendation: That Council wish to see some affirmative action taken in regard to clearing the debt owed.

COUNCIL DECISION

Council Resolution Number: 171122.13

Moved: Cr Fraser

Seconded: Cr Bryant

That the Recalcitrant Rates Debtor report totaling \$65,905.90 be received and the process of repossession assessments A15005 and A15006 commence for failure to pay rates.

Motion put and carried 7/0

15.4 COMMUNITY CITIZEN OF THE YEAR AWARDS

Cr Hepworth departed the Shire of Perenjori Council Chambers at 4.40pm.

Cr Hepworth declared an impartiality interest in agenda item 15.4, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007, due to his spouse being a nominee. Cr Hepworth left the chambers and did not participate in discussion or voting of the item.

OFFICER RECOMMENDATION

Council Resolution Number: 171122.14

Moved: Cr Fraser

Seconded: Cr Sutherland

That Council endorses the decision to award the Community Citizen of the Year Awards. The decision of council will be embargoed until the 26th January 2023.

Motion put and carried 6/0

Cr Hepworth returned to the Shire of Perenjori Council Chambers at 4.39pm.

15.5 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution: 171122.15

Moved: Cr Bryant

Seconded: Cr Sparkman

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

Motion put and carried 7/0

16. Ordering the Common Seal:

Document	Organisation	Purpose	Date

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:

COUNCIL DECISION

Council Resolution: 171122.8

Moved: Cr Fraser

Seconded: Cr Hepworth

That Council accepts items:

- 20.1 WALGA - Biosecurity Management in Western Australia; and
- 20.2 Amendment of Fees & Charges – Latham RV Camping, for consideration.

Motion put and carried 7/0

20.1 WALGA – BIOSECURITY MANAGEMENT IN WESTERN AUSTRALIA

Applicant:	Shire of Perenjori
File:	ADM 0648
Date:	14 November 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Elinor Pitts – Executive Assistant
Responsible Officer:	Nola Comerford – Acting Chief Executive Officer
Attachments:	WALGA – Stage 2 Discussion Paper

Summary

Local Government plays a key role in biosecurity management in Western Australia. Local Governments' involvement in biosecurity ranges from assisting with early detection and reporting of pests and diseases, participating in State responses to biosecurity incursions, managing declared pests on lands owned under State law, working in partnership with Recognised Biosecurity Groups on control activities for declared pests, developing, and enforcing pest management local laws, and supporting community groups to implement management actions for pests and diseases.

Background

WALGA is encouraging Local Governments to provide input to Stage 2 of the BAM Act Review consultation process. As part of Stage 2 of the BAM Act review, the panel is now exploring in greater depth four key themes to better understand how they impact stakeholders and identify potential options and ways to improve the Act. Local Governments are strongly encouraged to provide WALGA with feedback on the four key themes and recommendations by Sunday 4th December.

Statutory Environment

Nil

Policy Implications

Nil

Consultation

Acting CEO – Nola Comerford

Executive Assistant – Elinor Pitts

Financial Implications

Nil

Strategic Community Plan

Nil

Officer Comment

The Acting Chief Executive Officer is seeking guidance from Council in relation to WALGA'S request for input on the BAM Act Review. The four key themes to consider are as follows:

1. Principles to underpin WA's biosecurity;
2. Legal Foundations for WA's biosecurity;
3. Planning, coordinating and resourcing WA's biosecurity system; and
4. Community-led pest and weed management.

OFFICER RECOMMENDATION

Council Resolution Number: 171122.9

Moved: Cr Hepworth

Seconded: Cr Sparkman

That Council's position in relation to the WALGA policy on Biosecurity is as follows:

1. How important do you believe the principle of 'shared responsibility' is to WA's biosecurity?

- Moderately important

2. How important do you believe the above principle of addressing 'biosecurity in all contexts' is to WA?

- Very important

3. How important do you believe it is for the BAM Act to provide the legal foundations for prioritizing pests, weeds and diseases?

- Very important

4. How important do you believe it is for the BAM Act to provide the legal foundations to enable industries and communities to address their pest, weed and disease priorities?

- Very important

5. How important do you believe planning, coordinating and resourcing WA's biosecurity system is to WA?

- Very important

6. How important do you believe community-led pest and weed management is to WA?

- Very important

7. What is achievable and can be done now?

Reestablish the APB and put APB officers back where they were before.

8. What do we need to start now for longer-term benefits?

Identify pests and start community workshops. Apps which send regular updates and where you can report/identify unknown and known pests.

9. Are there different and better ways of doing things?

Yes. Better education for Australia-wide residents.

That Council request the Acting Chief Executive Officer to submit the survey responses, as above, to the Department of Primary Industries and Regional Development.

Motion put and carried 7/0

20.2 AMENDMENT OF FEES & CHARGES – LATHAM RV CAMPING

Applicant:	Shire of Perenjori
File:	ADM 0384
Date:	16 November 2022
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Nola Comerford – Acting Chief Executive Officer
Responsible Officer:	Nola Comerford – Acting Chief Executive Officer
Attachments:	Nil

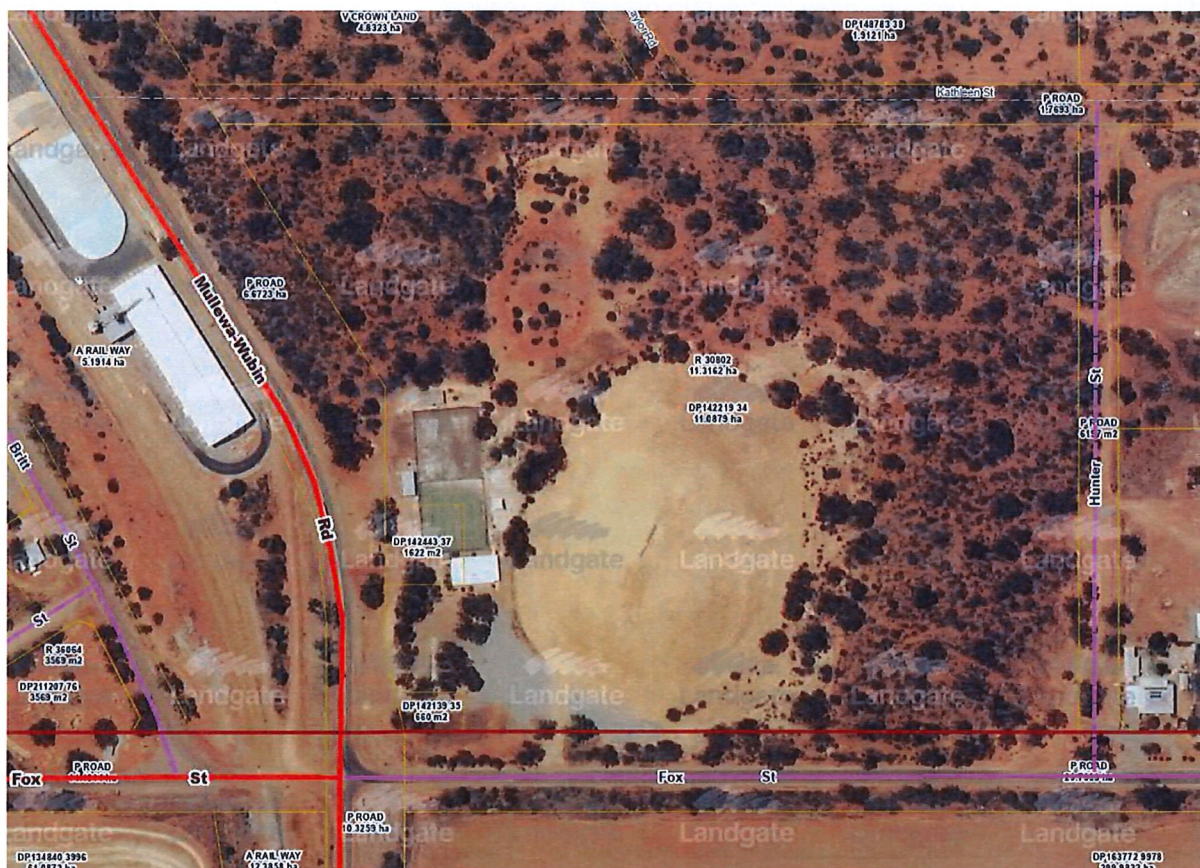
Summary

For Council to consider charging a temporary fee to Cooperative Bulk Handling (CBH) for a staff member to camp for a set period, during the 2022 harvest season, at the Latham Community Centre RV camp area.

Background

The Cooperative Bulk Handling Area Manager, Ben Ketteringham, has requested that the Shire grant permission for a seasonal staff member to park his caravan at the Latham Community Centre for a set period during the 2022 harvest season, due to overcrowding at the accommodation hut on site. The proposed fees would include usage of electricity and water.

RV parking at the Latham Community Centre is generally restricted to 48 hours but usage is negligible during the summer months. The 11.4ha reserve has a management order issued to the Shire for the purpose of 'Recreation'.



Above: An aerial photo of the Latham Community Centre/Oval

Statutory Environment

Caravan Parks and Camping Grounds Regulations 1997

Policy Implications

Nil

Consultation

Simon Lancaster – Planning Consultant

Allan Ramsay – Environmental Health Officer

Paul Anderson – Chief Executive Officer

Financial Implications

Unbudgeted income of \$127.50 per week for the 2022 harvest period.

Strategic Community Plan

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

Officer Comment

The accommodation at the CBH Latham Receival Site is a rudimentary three bedroom 'hut' with one bathroom between a maximum of six temporary tenants. The Latham Receival Site is in the process of receiving an upgrade in which the sample hut and weighbridge will be relocated to a proposed new development on the Coorow-Latham Road. Until this occurs, in peak harvest season the site remains crowded with the caravan adding to the congestion.

The Perenjori Caravan Park has a weekly powered-site rate of \$127.50 (one hundred and twenty seven dollars and fifty cents) which is recommended for the purposes of this request.

Whilst the management purpose of Recreation does not include camping it is noted that **the Shire can permit occasional camping** upon the reserve under Regulation 11(1)(d)(ii) of the *Caravan Parks and Camping Grounds Regulations 1997* (see below).

The period for the camping must not exceed 3 months pursuant to Regulation 11(2)(a). The 'up to 12 months' clause in 11(2)(c) only applies to instances where people live on their property whilst they have a building permit (i.e., they are owner-builders living on the construction site as they build their house).

"11. Camping other than at a caravan park or camping ground

(1) A person may camp —

- (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;*
- (b) for up to 24 consecutive hours in a caravan or other vehicle on a roadside rest area;*
- (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;*
- (d) on any land which is —*
 - (i) held by a State instrumentality in freehold or leasehold; or*
 - (ii) dedicated, reserved, or set apart under the Land Administration Act 1997 or any other written law, and placed under the care, control or management*

of a State instrumentality, in accordance with the permission of that instrumentality; or

- (e) *on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the Land Administration Act 1997, or a person authorised by the Minister to give permission under this paragraph.*
- (2) *Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —*
 - (a) *by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;*
 - (b) *by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or*
 - (c) *despite paragraph (b), by the local government of the district where the land is situated —*
 - (i) *if such approval will not result in the land being camped on for longer than 12 consecutive months; and*
 - (ii) *if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land"*

Additionally, Regulation 13 of the *Caravan Parks and Camping Grounds Regulations 1997* states:

"Before giving approval under regulation 11(2) or 12(2), the local government or the Minister is to be satisfied that the land is a suitable place for camping especially with respect to —

- (a) safety and health; and*
- (b) access to services."*

Portable water and ablutions are readily available at the Latham Community Centre.

Advice from Simon Lancaster, Planning Consultant, is to take into consideration the urgent harvest needs, the availability of services upon Reserve 30802, the limited period of camping (i.e., just during this harvest period) and the lack of alternative (particularly private commercial) options in the Latham townsite would be a reason to support CBH's request, but given the time of year permission **should be made subject to a strict no-campfires condition.**

OFFICER RECOMMENDATION

Council Resolution Number: 171122.10

Moved: Cr Bryant

Seconded: Cr Fraser

That Council endorse a weekly fee of \$127.50 to Cooperative Bulk Handling for the parking of one caravan at the Latham Community Centre for the 2022 harvest season subject to a strict no-campfires condition.

Motion put and carried 7/0 by absolute majority

21. Closure of Meeting:

The Shire President declared the meeting closed at 4.57pm and thanked those in attendance.

22. Next Meeting:

The Shire President advised that the date of the next Ordinary Meeting of Council will be held on Thursday 15th December 2022 commencing at 3:00 pm Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620.

I certify that this copy of the Minutes is a true and correct record of the meeting held on the 17th November 2022 at 3.00pm.

Signed: Chris King

Cr Chris King - Presiding Officer

Date: 15/12/2022