



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting

MINUTES

Thursday 18th August 2022



NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Perenjori will be held on Thursday 18th August 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 be 'Paul Anderson', is positioned below the text.

Mr Paul Anderson
CHIEF EXECUTIVE OFFICER
Date: 12th August 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 18th August 2022, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, commencing at 3:00 pm.

1. Declaration of Opening/Announcement Of Visitors:

The Shire President declared the meeting open at 3.10pm 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 Christopher King (Shire President)
Cr Andrew Fraser
Cr Colin Bryant
Cr Les Hepworth
Cr Dael Sparkman
Cr Daniel Bradford

Staff:

Paul Anderson (CEO)
Nola Comerford (MCCS)
Neville Binning (MIS)
Elinor Pitts (EA)

Distinguished Visitors:

Nil

Members of The Public:

Nil

Leave of Absence:

Cr Jude Sutherland (Deputy President) – previously granted

Apologies:

Nil

5. Public Question Time:

5.1 Response to Questions Taken on Notice:

Nil

5.2 Questions Without Notice:

Nil

7. Confirmation of Minutes of Previous Meetings:

7.1 Ordinary Meeting Held on 21 July 2022

OFFICER RECOMMENDATION

Council Resolution Number: 180822.1

Moved: Cr Sparkman

Seconded: Cr Bryant

That the Minutes of the Ordinary Meeting of Council held on 21st July 2022, be confirmed as true and correct subject to no corrections.

Motion put and carried 6/0

7.2 Special Meeting Held on 28 July 2022

OFFICER RECOMMENDATION

Council Resolution Number: 180822.2

Moved: Cr Hepworth

Seconded: Cr Bradford

That the Minutes of the Special Meeting of Council held on 28th July 2022, be confirmed as true and correct subject to no corrections.

Motion put and carried 6/0

8. Announcements by Presiding Member Without Discussion:

Cr King gave his apologies for not being able to attend the Council Forum held on the 11th August.

9. Petitions/Deputations/Presentations:

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.

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 a proximity interest in agenda item 13.7, due to co-owning land which boundaries the Perenjori Pistol Club. Cr Sparkman left the chambers and did not participate in discussion or voting of the item.

12. Finance:

12.1 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JULY 2022

Applicant:	Shire of Perenjori
File:	ADM 0082
Date:	12 th August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford – Manager Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Accounts for Payment July 2022 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 providing 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 July 2022

Municipal Account	
EFT	\$314,961.25
Direct Debits	\$127,623.11
Cheques	\$0.0
Corporate MasterCard	\$5,691.43
Bank Fees	\$419.48
Total	\$448,695.27

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 **\$448,695.27** from *Municipal* and *Trust Accounts* for the month ending **31 July 2022**.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.3

Moved: Cr Fraser

Seconded: Cr Bradford

That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$448,695.27 (four hundred and forty eight thousand, six hundred and ninety five dollars and twenty seven cents) be accepted.

Motion put and carried 6/0

12.2 ADOPTION OF 2022/2023 STATUTORY BUDGET

Applicant:	Shire of Perenjori
File:	ADM 0339
Date:	10 th August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Nola Comerford – Manager Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<ul style="list-style-type: none"> • Draft 2022/2023 Annual Budget • Annual Budget Information Document • Shire of Perenjori – Differential Rates 2022/23

Summary

The 2022/2023 Draft Annual Budget for the year ending June 2023 is prepared with intention to deliver on strategies adopted by Council.

This document is submitted to Council for formal consideration and adoption.

Background

A final draft of the 2022/2023 Annual Budget has been prepared for consideration based on the principles contained within the Community Strategic Plan and Corporate Business Plan.

Further information previously provided to Council and considered for the budget include:

- Fees & Charges Schedule
- Plant Replacement Program
- Roads Program
- Capital Expenditure
- Councillor Payments

Major projects that have been included in the capital works program include:

Project	Amount \$	Strategic Plan Outcomes Addressed
<i>Strategy: An inclusive community and a great place to live for all ages and stages of life</i>		
Perenjori Pavilion Evacuation Centre upgrades	90,000	1.9
Perenjori Pavilion flooring	17,000	1.1
Latham Community Centre upgrades: tables, chairs, solar lighting	41,000	1.1
Gym equipment	5,000	1.1
<i>Strategy: Eco-friendly, attractive and well-maintained towns, surrounded by outstanding natural beauty, landscapes, flora and fauna to be protected and enjoyed.</i>		
Implement road program in accordance with Council's adopted Plans and budget process	1,776,040	2.6
Implement footpath program in accordance with Council's adopted Plans and budget process	360,000	2.6
Perenjori Cemetery improvements: seal carpark, installation of gazebo, solar lights	123,000	2.8
Installation of fencing at Latham Cemetery	15,000	2.8
Continue to improve and maintain Council buildings	100,000	2.3

Design and build new 2x2 dwellings	800,000	2.3
Replacement of Perenjori Town Hall roof	500,000	2.3
Air conditioning of Perenjori Town Hall	40,000	2.3
Perenjori oval water project	150,000	2.7
Upgrades to public toilets	26,600	2.1
Installation of solar lighting on North Road	24,400	2.6
Landscaping of Fowler Street	55,512	2.7
Re-roofing of Caron Dam	150,000	2.7
<i>Strategy: A diverse economy, with flourishing businesses offering a suite of trades, services and retail offerings</i>		
Community Hub project	500,000	3.1
Caravan Park improvements: upgrade Chalets, septic upgrade, flooring, renovation of ablutions, Camp Kitchen upgrade	122,300	3.2
<i>Strategy: A strong and diverse Council working closely with the proactive and involved community</i>		
Installation of payroll software	75,000	4.6
Renewal of Shire Plant and Equipment	885,600	4.6

Statutory Environment

The Annual Budget has been prepared in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*. It also complies with relevant Australian Accounting Standards.

Pursuant to Section 6.2 of the *Local Government Act 1995*, the Budget for the Municipal Fund must be prepared and adopted by an absolute majority of Council by 31 August each year.

Section 5.63 (1)(b) The *Local Government Act 1995* specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee. The Section reads as follows: “5.63(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter – (b) an interest arising from the imposition of any rate, charge or fee by the local government”. Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Divisions 5 and 6 *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2021/22 Draft Annual Budget as presented is considered to meet statutory requirements. There is no legislative requirement to re-advertise differential rates, even if they are changed from the advertised figures.

Regulation 34(5) *Local Government (Financial Management) Regulations 1996* requires each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS (Australian Accounting Standards), to be used in statements of financial activity for reporting material variances.

Policy Implications

The following Council Policy applies:

- Policy 4003 – Managing Council Budgets

Consultation

Elected Members

Paul Anderson, Chief Executive Officer

Neville Binning, Manager Infrastructure Services

Glenn Nordsvan, ACCWEST

Louise Sequerah, Rates Officer

Finance team, Shire of Perenjori

Financial Implications

The Annual Budget determines how funds will be allocated for the forthcoming financial year.

A summary of key financial data is:

- Opening surplus of \$4.640 million
- Operating revenue of \$2.165 million
- Operating expenditure of \$9.326 million
- Non-operating grants of \$4.620 million
- Capital Expenditure program of \$8.644 million
- Net transfers to Reserves of \$0.584 million after transferring out \$0.386 million for the plant replacement program

Strategic Community Plan

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

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

Officer Comment

The budget includes rates increase of 5% for the 2022/23 financial year. It should be noted that whilst the total rates raised will increase by 5%, individual property results may vary as a result of changes to valuations. The Nett yield will also vary dependent upon the take-up of the 10% discount for early payment of rates.

The Minister approved the Councils proposed differential rating on the 5 August 2022 (see as attachment).

The Local Government Act 1995 requires that the Annual Budget is prepared and adopted no later than the 31 August each financial year.

The Long Term Financial Plan will be reviewed to capture the 2022/23 budget allocations.

COUNCIL DECISION

Council Resolution Number: 180822.4

Moved: Cr Bradford Seconded: Cr Fraser

That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches to be suspended at 15.16 pm for open discussion on item 12.2 of these minutes.

Motion put and carried 6/0

COUNCIL DECISION

Council Resolution Number: 180822.5

Moved: Cr Bradford Seconded: Cr Bryant

That Council reinstates Standing Orders at 16.45pm.

Motion put and carried 6/0

5. Pursuant to section 6.46 of the Local Government Act 1995, Council offers a discount of 10% where the minimum levy does not apply. Ratepayers must pay their rates in full, including arrears, waste and service charges, on or before 11th October 2022 to be eligible for this discount.
6. Pursuant to section 6.16 of the Local Government Act 1995, Council endorses the Fees & Charges Schedule adopted 21st April 2022.
7. Pursuant to section 5.99 of the Local Government Act 1995 and regulation 34 of the Local Government (Administration) Regulations 1996, Council endorses the individual annual fees for Elected Members adopted 16th June 2022.
8. In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, the level to be used in statements of financial activity in 2022-23 for reporting material variances shall be 10% or \$10,000, whichever is the greater.
9. That Council note the approval from the Minister for Local Government to raise differential rates in the 2022/23 budget.

Motion put and carried 6/0 by absolute majority

13. Community Development and Services:

13.1 STRATEGIC COMMUNITY PLAN / CORPORATE BUSINESS PLAN

Applicant:	Shire of Perenjori
File:	ADM 0618
Date:	10 th August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Nola Comerford – MCCA
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Draft Strategic Community Plan / Corporate Business Plan

Summary

For Council to consider the adoption of the Draft 2022/23 – 2032/33 Strategic Community Plan and Corporate Business Plan (the Plan) as per the Integrated Planning and Reporting Framework.

Background

In accordance with *Section 5.56(1) of the Local Government Act 1995*, local governments must undertake a review of their Strategic Community Plan (SCP) and Corporate Business Plan (CBP) every two years, alternating between a minor and major review. The Plan will be the Shire of Perenjori’s vision for the future of the Shire and blueprint for the next 10 years.

In December 2021, the Shire contracted consultation firm, Localise, to hold workshops and conduct a survey to determine from the community what their vision and aspirations were for the Shire for the next 10 years. From the inputs received, the draft Plan, comprising of both SCP and CBP, was developed.

As approved by Council at the July 2022 Ordinary Meeting of Council, the draft plan was released for public comment during the period 27 July to 10 August 2022. No community feedback was received during this time.

Statutory Environment

Section 5.56(1) and (2) of the *Local Government Act 1995* requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations. *Local Government (Administration) Regulations 1996 (s19)* outlines what is required of a Strategic Community Plan and the requirement to develop asset management, workforce and long-term financial plans.

Policy Implications

Nil

Consultation

Shire Councillors, Shire of Perenjori

Paul Anderson, Chief Executive Officer

Financial Implications

The financial implications of the Plan will be addressed in the Long-Term Financial Plan.

Strategic Community Plan

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

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

Officer Comment

The final stage of community consultation took place from 27 July to 10 August 2022. The *Local Government Act 1995* does not stipulate a specific public comment timeframe and staff considered this period to be adequate amount of time for the plan to be reviewed and commented on by the public.

Once adopted by Council, local public notice is required to be provided. In addition, the plan will be available for public viewing through:

- The Shire's webpage
- Copies sent via email to all workshop participants

OFFICER RECOMMENDATION

Council Resolution Number: 180822.7

Moved: Cr Sparkman

Seconded: Cr Bryant

That Council, by absolute majority, adopts the Shire of Perenjori Strategic Community Plan and Corporate Business Plan (the Plan) 2022/23 – 2032/33.

Motion put and carried 6/0 by absolute majority

13.2 COMMUNITY TOOLBOX

Applicant:	Shire of Perenjori
File:	ADM 0460
Date:	8 th August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Aluel Mading – Community Development Officer
Responsible Officer:	Nola Comerford – Manager of Corporate and Community Services
Attachments:	Nil

Summary

The report seeks Council endorsement of the NAB Foundation Community Grants Program.

Background

Correspondence was received by the Community Development Officer from the Perenjori Police with a request for assistance in an application for the NAB Foundation Community Program to implement a 'community toolbox' program. The implementation of the program would benefit the community, giving the option of being able to hire portable tools from the Shire at a low cost. The grant application would consist of the following items being purchased:

- Trailer
- Drill
- Blower vacuum
- Lawnmower
- Grass trimmer
- High pressure cleaner
- Hand tools

The aim of the grant is to 'help safeguard communities by funding projects that prepare for natural disasters, support long-term recovery and build resilience against future disasters and climate change.

Grants of up to \$10,000 are available to fund local projects aiming to do one or more of the following:

- Readiness: help communities (people, environments, infrastructure) prepare for natural disasters.
- Recovery: help communities, landscapes and fauna rebuild and rehabilitate after natural disasters.
- Future-proofing: reduce the risk of futural natural disasters by cutting a community's carbon emissions.

The Shire would be responsible for the service of the equipment and oversee the hire of the equipment. To minimise maintenance expenses, the equipment where possible would be battery or electrically powered.

Statutory Environment

Nil

Policy Implications

Nil

Consultation

Nola Comerford – Manager Corporate & Community Services

Nathan Good – Sergeant, Perenjori Police

Financial Implications

Additional funds may be requested for long-term maintenance of the equipment.

Strategic Community Plan

Area 3: People and Place – Our Community

Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities and services to enable people to meet their needs and achieve their potential.

Officer Comment

The NAB Foundation Community Grant provides communities with the opportunity to implement strategies to overcome or plan for a natural disaster. There are limited services available for community members to hire tools which can help during the event of an emergency. In addition, the aftermath of Tropical Cyclone Seroja illustrated the need for the Shire in collaboration with the community to contemplate on strategies to prepare for a natural disaster.

Council endorsement of the report would assist the community:

- To hire the tools at a low cost from the Shire,
- Have equipment available for usage during the event of a natural disaster,
- Undertake the upkeep of their homes during and after a disaster.

On receipt of resources for the Community Toolbox, fees and charges will be presented to Council for adoption.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.8

Moved: Cr Bryant Seconded: Cr Bradford

That Council endorses a funding application for a NAB Foundation Grant up to \$10,000 (ten thousand dollars) for the purchase of a trailer and tools for the purposes of creating a community toolbox.

Motion put and carried 6/0

13.3 PROPOSED FOOD VAN

Applicant:	K. Holland
File:	A101
Date:	10 August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Simon Lancaster – Planning Advisor
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Received application; & Shire of Perenjori Trading Local Law.

Summary

Council is in receipt of an application to operate a mobile food van from the following locations in the Perenjori & Latham townsites:

- 39 (Lot 88) Livingstone Street, Perenjori (The Lodge);
- Reserve 17056 Fowler Street, Perenjori (Perenjori Oval);
- Reserve 26910 Crossing Road, Perenjori (Perenjori Caravan Park);
- Rail Reserve Loading Street, Perenjori (CBH);
- Rail Reserve Fowler Street, Perenjori (Village Green);
- Reserve 24180 Summers Road, Latham (Latham Golf Club); &
- Reserve 30802 Fox Street, Latham (Latham Community Hall).

This report recommends that Council advertise the application for comment.

Background

The submitted application is provided as a separate Attachment for Council's information.

In support of their proposal the applicant has advised a follows:

- “1) *the food van will be primarily housed at my property at 67 Carnamah- Perenjori Rd in Perenjori WA 6620. It is a mobile business and therefore will be situated at different locations in the Mid West region (for trading). In Perenjori I expect to trade from: The Caravan Park, Village Green and CBH entrance (Loading Street). Other places I intend to trade from are within the Morawa, Three Springs, Mingenew, Carnamah, Dalwallinu and Coorow Shires.*
Food preparation will be done from my van but also at the Perenjori Sports Pavillion kitchen. The Kitchen is located at Stan Cannon Oval, Fowler St, Perenjori.
- 2) *As I am just starting, I am not sure of my trading hours. These will fluctuate due to demand and event duration etc. To start with, I hope to trade on the weekends in Perenjori from 7am- 3pm.*
- 3) *My menu will comprise: coffee, cold drinks, cakes and slices, sandwiches, pies and other baked pastries, soup and hot chips. The menu may change depending on event and demand. I will also offer a daily special such as a casserole or pasta dish. The food sold from my food van will be take away. I also will be catering and menus for this are developed in response to clients needs and budget. Catering can be for 10-150 people.*
- 4) *I am waiting on the Health Officer to inspect my Food Van in order to complete my Food Business Registration. As this stage, he is booked to inspect my van on 20th July. After this I will be able to forward you the relevant Food Registration Certificate as well as my Insurance documents. I will also send through photo's of the van once the inspection has occurred. The van was previously registered as a Food Business in the Perth metro area however this registration was not transferred as the ex-proprietors intend to continue to trade under their registered business name.”*

Statutory Environment

Part 1 Section 4 of the *Planning & Development Act 2005* ('the Act') defines development as follows:

"development means the development or use of any land, including —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;*
- (b) the carrying out on the land of any excavation or other works;*
- (c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that —*
 - (i) is likely to change the character of that place or the external appearance of any building; or*
 - (ii) would constitute an irreversible alteration of the fabric of any building."*

Whilst the proposed siting of a mobile food van does not constitute a development as defined within parts (a)-(c) it should still be considered a development as by operating a commercial/retail activity from the land it does constitute the "use of any land".

The proposal is further considered to constitute the use of land as it would be established for extended periods, and should therefore be viewed differently to a more transitory operation such as an ice cream van that is generally in motion and might typically only be stationary when hailed by customers, that might be able to be considered under the exemption provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Schedule 2 Part 7 Clause 61(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015* ("Regulations") provides for exemption from the requirement to obtain development approval for a temporary use which is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12 month period. This application is not considered to meet this requirement as whilst the food van would be sited for periods of less than 48 hours, it would be sited in any of the 7 proposed locations for a period of greater than 48 hours across a 12 month period.

Mobile Food Van is not a listed use in the Scheme, and it is not considered that the proposed land use would meet with the following Regulations definitions as it does not involve a premises:

"fast food outlet/lunch bar means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten -

- (a) without further preparation; and*
- (b) primarily off the premises"*

"restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988"

On this basis Clause 18(4) of the Scheme is therefore considered to apply in this instance:

"The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table -

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or*
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or*
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone."*

39 (Lot 88) Livingstone Street, Perenjori (The Lodge) is zoned 'Residential R10/30' under the Shire of Perenjori Local Planning Scheme No.3 ('the Scheme'). 14 (Lot 67) Carnamah-Perenjori Road, Perenjori where the food van would be parked when not in use is also zoned 'Residential' (in this case being R2.5). Clause 16 of the Scheme lists the objectives for the 'Residential' zone as being:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”*

Figure 1 – Aerial Photo of 39 (Lot 88) Livingstone Street, Perenjori (The Lodge)



Figure 2 – Aerial Photo of 14 (Lot 67) Carnamah-Perenjori Road, Perenjori



Reserve 17056 Fowler Street, Perenjori (Perenjori Oval), Reserve 24180 Summers Road, Latham (Latham Golf Club) and Reserve 30802 Fox Street, Latham (Latham Community Hall) are all zoned 'Public Open Space' and Clause 14 of the Scheme list the objectives for this zone as being:

- *To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s.152.*
- *To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.”*

Figure 3 – Aerial Photo of Reserve 17056 Fowler Street, Perenjori (Perenjori Oval)



Figure 4 – Aerial Photo of Reserve 24180 Summers Road, Latham (Latham Golf Club)



Figure 5 – Aerial Photo of Reserve 30802 Fox Street, Latham (Latham Community Hall)



Reserve 26910 Crossing Road, Perenjori (Perenjori Caravan Park) is zoned 'Tourism' and Clause 14 lists the objectives for this zone as being:

- To promote and provide for tourism opportunities.
- To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.
- To allow limited residential uses where appropriate.
- To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities."

Figure 6 – Aerial Photo of Reserve 26910 Crossing Road, Perenjori (Perenjori Caravan Park)



The 'Village Green' portion of the Rail Reserve, Fowler Street, Perenjori is zoned 'Civic & Community' and Clause 14 lists the objective for this zone as being:

- *To provide for a range of community facilities which are compatible with surrounding development.*
- *To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit."*

Figure 7 – Aerial Photo of Rail Reserve between Fowler Street and Loading Street, Perenjori



The Loading Street frontage/area of the Rail Reserve, Perenjori is zoned 'Railways' and Clause 14 lists the objectives for this zone as being:

- *To set aside land required for passenger rail and rail freight services."*

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;...*
- ...(j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;...*
- ...(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;...*
- ...(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;...*
- ...(v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (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."*

Council also has an 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law' which is provided as a separate attachment for Council's information.

The mobile food van would be required to comply with the conditions of this Local Law which includes the following:

"5.3 Trader's permit

- (1) *A person shall not carry on trading unless that person is—*
 - (a) *the holder of a valid trader's permit; or*
 - (b) *an assistant specified in a valid trader's permit.*
- (2) *Every application for a trader's permit shall—*
 - (a) *state the full name and address of the applicant;*
 - (b) *specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;*
 - (c) *specify the location or locations in which the applicant proposes to trade*
 - (d) *specify the period of time for which the permit is sought, together with the proposed days and hours of trading;*
 - (e) *specify the proposed goods or services which will be traded; and*
 - (f) *be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.*
- (3) *The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made."*

"5.8 Conduct of stallholders and traders

- (2) *A stallholder or trader shall not—*
 - (a) *attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader"*

Policy Implications

Nil

Consultation

Should Council wish to defer determination upon this application to allow for the undertaking of a formal advertising period inviting submissions it may do so under Clause 18(4)(b) of the Scheme.

It is a standard requirement for a planning application form to be signed by the landowner/manager of all of the proposed sites which the applicant has not obtained. However, in this instance the application has been brought before Council as it is noted that the proposed food van trading locations are all proposed to be sited upon Crown Reserves with the exception of 39 Livingstone Street, Perenjori, which is in the process of being transferred from the Masonic Lodge to the Shire.

In the event that Council resolves to advertise the food van application, the Shire would then write to the various management authorities of the non-Shire Crown Reserves (e.g. the rail reserve is managed by the Public Transport Authority and its rail operators such as Arc Infrastructure and Cooperative Bulk Handling) and also the Shire will write to the Masonic Lodge. This would then provide those land owner/managers the opportunity to advise whether they permit/do not permit the food van to operate upon the specific land under their management and this can be factored into Council's post-advertising consideration of the application.

Financial Implications

The Shire of Perenjori Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law does not set a fee instead noting that *"fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act"* (this being the *Local Government Act 1995*).

This fee is set with council fees and charges on an annual basis. The annual fee for mobile and itinerant vendors in the 2022/23 fees and charges is \$565.00

Strategic Community Plan

The Shire of Perenjori Strategic Community Plan contains the following of relevance:

"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."

Officer Comment

It may be considered that a mobile food van whilst offering a new service to the residents of, and visitors to, the Shire of Perenjori also has the potential to impact upon existing Perenjori businesses.

Competition and impact on existing local businesses is an issue that local governments have often been forced to grapple with, particularly where arguments have been mounted that an existing retailing operation offers multiple services and employment to a local community, and when faced with an arriving (sometimes mobile, or unmanned, or non-locally employing) competitor that offers a more limited service (in terms of products or hours of operation) that undermines their profitability, this can result in the existing service provider no longer being viable and the local community resultantly losing those associated services and employment. Existing businesses might also note that they are required to pay local government rates and service authority charges (e.g. power and water) and these are not required of mobile food outlets who might seek to park in the most advantageous locations and only in periods of high activity whereas permanent business support local communities all year round.

Council can have some regard for this issue under Clause 67 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* including the requirements of orderly and proper planning, having regard for the amenity of the locality including social impacts of the development, the amount of traffic likely to be generated by the development particularly in relation to the capacity of the local road system in the locality, the impact of the development on the community as a whole, and any submissions received on the application. However, it is noted that the Clause 67 of the Regulations also lists the following matter to be considered by local government:

"(v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses."

This is also an issue that Section 3.3.7 'Economic Competition' of the Western Australian Planning Commission publication 'Development Assessment Panel Training Notes – Making Good Planning Decisions' (2011) addresses as follows:

"The threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community.

This was made clear in the High Court decision of Kentucky Fried Chicken Pty Ltd v Gantidis (1979) 140 CLR 675. In that case, Barwick CJ at [681] said that:

"economic competition feared or expected from a proposed use is not a planning consideration within the terms of the planning ordinance governing this matter".

Stephen J at [687] noted that:

"...the mere threat of competition to existing businesses, if not accompanied by a prospect of a resultant overall adverse effect upon the extent and adequacy of facilities available to the local community if the development be proceeded with, will not be a relevant town planning consideration."

However, it is also noted that Section 2.10 of the *Local Government Act 1995* lists one of the roles of a Councillor as being:

"A councillor —

(a) represents the interests of electors, ratepayers and residents of the district;"

In the event that Council considers supporting this application it is recommended that it be for a trial period of 12 months and subject to the following conditions, noting that Council only has ability to grant approval for the land under its management (i.e. not the rail reserve) should it seek to approve the application without prior consultation with the Public Transport Authority and its rail operators such Arc Infrastructure and Cooperative Bulk Handling:

- 1 The approval is valid for a period of 12 months (until 18 August 2023) after which time the application shall be reconsidered by the Shire Chief Executive Officer (under the delegated authority of Council) as to any impacts arising from the operation of the development in the local government's determination on whether to grant any extension to the approval period.
- 2 Any additions to or change of use of any part of the development (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development requires further application and planning approval for that use/addition.
- 3 The location of the mobile food van, and maintenance of public access about the mobile food van, being to the approval of the local government.
- 4 The operator of the food van must specify the proposed days and hours of trading in accordance with Section 5.3(2)(d) of the Shire of Perenjori Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
- 5 The location of the food van must not be within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader in accordance with Section 5.8(2)(a) of the Shire of Perenjori Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
- 6 The applicant shall ensure that the mobile food van and immediate surrounding area is kept clean and tidy to the approval of the local government.
- 7 The applicant shall ensure that rubbish associated with the operation of the mobile food van is managed to the approval of the local government.
- 8 No freestanding signs or hoardings advertising the operation of the mobile food van are permitted to be erected whether temporary or permanent in nature without the approval of the local government.
- 9 The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted. The mobile food van shall at all times comply with the *Environmental Protection (Noise) Regulations 1997*.
- 10 The mobile food van shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
- 11 The applicant shall obtain the written approval of the local government that the mobile food van meets the required food, health, waste management and access standards before the commencement of operations.
- 12 The applicant must possess (and provide copy to the local government) public liability insurance cover of not less than \$10 million.
- 13 This approval is issued only to the applicant and is not transferable to any other party.

Notes:

- (a) The applicant is advised that this approval is only issued for a trial period of 12 months and the operation of this development will be monitored by the local government and should complaints arise and not be adequately managed to the satisfaction of the local government, then it should not be construed that further approval would be granted.
- (b) That Council delegate authority to the Shire's Chief Executive Officer for the annual renewal of the approval should no written, author-identified complaints be received during the preceding 12 month period, and there being no change in the circumstances under which the previous approval was granted. In the event that written, author-identified complaints are received in relation to the development this matter is to be returned to Council for further consideration.
- (c) In relation to conditions 4 & 5 the Shire's Chief Executive Officer can vary the approved hours and days of operation in the event that complaint is received, or concern raised, in regards to the food van operation, and also reserves the right to return this matter to Council for further consideration in the event that complaint is received, or concern raised, in regards to the food van operation.
- (d) In relation to conditions 10 & 11 the applicant is advised that they are required to liaise with the Shire's Environmental Health Officer to ensure compliance before the commencement of the operations (and as required by legislation thereafter to continue operations).

- (e) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation and it is the applicant's responsibility to obtain any additional approvals required before the development commences.
- (f) This planning approval issued to the applicant is not to be construed as the granting of an exclusive commercial use and the local government reserves the right to issue approval to other parties who may seek to conduct commercial activities.
- (g) 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.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.9

Moved: Cr Bradford

Seconded: Cr Hepworth

That Council advertise the application for a mobile food van at the following locations and at the conclusion of the advertising period return this matter to the Ordinary Council Meeting being held on the 22nd September 2022 for consideration:

- 39 (Lot 88) Livingstone Street, Perenjori (The Lodge);
- Reserve 17056 Fowler Street, Perenjori (Perenjori Oval);
- Reserve 26910 Crossing Road, Perenjori (Perenjori Caravan Park);
- Rail Reserve Loading Street, Perenjori (CBH);
- Rail Reserve Fowler Street, Perenjori (Village Green);
- Reserve 24180 Summers Road, Latham (Latham Golf Club); &
- Reserve 30802 Fox Street, Latham (Latham Community Hall).

Motion put and carried 6/0

13.4 REQUEST FOR SEED HARVESTING

Applicant:	Mrs J Taylor and Mrs S Poli
File:	ADM 0159
Date:	2 August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Elinor Pitts – Executive Assistant
Responsible Officer:	Nola Comerford – Manager of Corporate and Community Services
Attachments:	Letter from Mrs J Taylor and Mrs S Poli

Summary

For Council to consider a request from Jeanette Taylor to collect seed from native vegetation within the Shire of Perenjori.

Background

The attached correspondence was received from Jeanette Taylor.

All native plants and animals are protected in Western Australia under the *Biodiversity Conservation Act 2016* (BC Act). The removal of native vegetation (or 'flora') is regulated under the *Environmental Protection Act 1986* (EP Act), the *Conservation and Land Management Act 1984* (CALM), the *Forest Products Act 2000*, and the BC Act.

Statutory Environment

Nil

Policy Implications

POLICY NO.6001 – Picking Wildflowers

Policy Statement

Permission to collect flora (including firewood and seed harvesting) from land under control of the Shire (i.e. road reserves, vested reserves, freehold etc.) may only be granted by resolution of the Council, and will be subject to the applicant obtaining the necessary approval from the Department of Environment and Conservation or its successor.

Policy Administration

Date Adopted:	Item N° 14042.5	17th April 2014
Reviews/Amendments:	Item N° 17032.5	16th March 2017

Consultation

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager of Corporate and Community Services

Financial Implications

Nil

Strategic Community Plan

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 build environment, which meets current and future community needs.

Officer Comment

Given that Jeanette Taylor has conducted seed management activities within the Shire before, it is assumed that Jeanette will approach native vegetation seed harvesting in a responsible and environmentally conscious manner. Additionally, both representatives collecting seed follow the correct hygiene practices and take care not to disturb fauna habitation, flora and soil from the areas in which they collect.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.10

Moved: Cr Sparkman

Seconded: Cr Hepworth

That Council give permission to Jeanette Taylor and Suzanne Poli to collect seed from reserves managed by the Shire for a two-year period, with the condition that the requirements of The Department of Biodiversity, Conservation and Attractions are being met. Suzanne Poli is given permission to collect species of Native Bushfoods for identification and research.

Motion put and carried 6/0

13.5 PROPOSED OUTBUILDINGS LOCAL PLANNING POLICY

Applicant:	Shire of Perenjori
File:	ADM
Date:	8 August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Simon Lancaster – Planning Advisor
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Draft Outbuilding Local Planning Policy

Summary

Council resolved at its 16 June 2022 meeting to instruct Shire staff to prepare a draft Outbuildings Local Planning Policy for its consideration. This report recommends that the draft Outbuildings policy be advertised for comment.

Background

The Shire of Perenjori does not presently have a policy in relation to residential outbuildings (i.e. sheds), and in the absence of such a policy the Residential Design Codes of Western Australia (the 'R-Codes') establish the criteria by which Shire staff may approve applications for sheds under delegated authority upon the residential zoned lots within its townsites.

Section 5.4.3.C3 of the R-Codes requires that outbuildings should collectively be not more than 60m² or 10% in aggregate of the site area whichever is the lesser. The R-Codes also establish that the outbuilding should not exceed a wall height of 2.4m and a ridge height of 4.2m.

Council may wish to consider adopting an Outbuildings Local Planning Policy that allows for sheds in its townsites of greater area and height than prescribed by the R-Codes. Many other Mid-West local governments have adopted such a policy to better respond to the needs of their communities, reflect localised planning issues and streamline the processing of applications.

Such policies establish a greater maximum outbuilding area/height in recognition that the R-Codes criteria are often metro-centric and do not adequately address the requirements for general domestic storage in a regional, rural townsite and rural-residential setting where residents may often own, and seek to store out of the elements, larger items such as 4WD's, trailers, caravans, campervans, boats, horse floats, ride-on mowers, motor/quadbikes and stock keeping/feeding items.

On this basis a draft Outbuildings Local Planning Policy has been prepared as a separate attachment for Council's consideration.

The policy would establish the procedure by which the Shire would process applications for outbuildings. Applications that complied with the policy provisions would either not require a planning application to be lodged (and could proceed straight to the building permit application stage) or would be approved by staff under delegated authority. Applications that proposed variation would be advertised for comment and presented to Council for its determination.

Statutory Environment

The policy refers to outbuildings in the 'Residential', 'Rural Townsite' and 'Rural Residential' areas and does not address sheds within the 'Light Industry' and 'General Industry' zones as these are covered by the Shire of Perenjori Local Planning Scheme No.3 ('the Scheme') provisions as contained within Table 4 of the Scheme.

The policy does not refer to outbuildings within the 'Rural' zone as these are generally exempted from the requirement to make planning application by Schedule A Clause 61(1)(23) of the Scheme except in certain circumstances such as if they would impact upon a heritage protected place.

Schedule 2 Part 2 Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('the Regulations') provides Council with the ability to prepare Local Planning Policies.

- "3 *Local planning policies*
- (1) *The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.*
 - (2) *A local planning policy —*
 - (a) *may apply generally or in respect of a particular class or classes of matters specified in the policy; and*
 - (b) *may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.*
 - (3) *A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.*
 - (4) *The local government may amend or repeal a local planning policy.*
 - (5) *In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.*
- 4 *Procedure for making local planning policy*
- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —*
 - (a) *publish in accordance with clause 87 the proposed policy and a notice giving details of —*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*
 - (iii) *how the proposed policy is made available to the public in accordance with clause 87; and*
 - (iv) *the manner and form in which submissions may be made; and*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
 - (2) *The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).*
 - (3) *After the expiry of the period within which submissions may be made, the local government must —*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to —*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*
 - (3A) *The local government must not resolve under subclause (3) to proceed with the policy if —*
 - (a) *the proposed policy amends or replaces a deemed-to-comply provision of the R-Codes; and*
 - (b) *under the R-Codes, the Commission's approval is required for the policy; and*
 - (c) *the Commission has not approved the policy.*
 - (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in accordance with clause 87.*
 - (5) *A policy has effect on publication of a notice under subclause (4).*
 - (6) *The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.*
 - (7) *Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a)."*

Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. The Scheme prevails should there be any conflict between a Policy and the Scheme.

Policy Implications

Where Council wishes to establish its own development guidelines and assessment criteria a Local Planning Policy can be more suited than Scheme provisions and allow for more consideration of local planning considerations than the state-wide R-Codes. A Policy is still considered as reasonable basis for Council to make determinations, and is an instrument that must be given due regard in instances where a development decision is appealed to the State Administrative Tribunal, but a Policy also has an improved, more responsive ability to be modified by Council where it considers that a Policy is no longer in-line with its planning, or Council considers that an individual application should be supported based upon its displayed merits.

For the most part Local Planning Policies are formulated and aligned with a strategic planning direction as set by Council. The establishment of Local Planning Policies aid in guiding the type and standard of development the Council views as appropriate within particular areas of the Shire and provide a consistent approach to approving land use and development.

In most circumstances the Council will adhere to the standards prescribed in a Local Planning Policy, however, the Council is not bound by the policy provisions and has the right to vary the standards and approve development where it is satisfied that sufficient justification warrants a concession and the variation granted will not set an undesirable precedent for future development.

A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

Consultation

Schedule 2 Part Division 2 Clauses 4 & 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council advertise a proposed Local Planning Policy for a minimum period of 21 days.

The advertising is required to include as a minimum the placement of a notice on the Shire's website and can also include display of the documentation at the Shire office. A local government may also, where it considers it appropriate place a notice in a locally circulating newspaper.

At the conclusion of the advertising period Council can review any received submissions and proceed with the policy with/without modification, or not proceed with the policy.

The draft policy provided as a separate attachment proposes that applications seeking variation may be advertised by the Shire for comment to surrounding landowners, prior to the application, and any received submissions, being placed before a meeting of Council for consideration.

Section 7.3.1 of the R-Codes makes allowance for a local government to prepare a Local Planning Policy that amends/replaces the deemed-to-comply provisions relating to R-Code Clause 5.4.3-Outbuildings.

Financial Implications

Nil

Strategic Community Plan

The draft Outbuildings Local Planning Policy is intended to balance the expectations of the community on what is an appropriate standard of amenity, and the requirements for general domestic storage in a regional and rural-residential setting. This can often include larger items that the landowner seeks to have stored securely, and out of the elements, and it may also be preferable from an amenity viewpoint to have them stored out-of-sight within a shed rather than scattered about the yard.

It is always good practice for Council to review its policies be they procedural, financial or planning on a regular basis to ensure they are current, address changing circumstances, current and evolving development trends, community demands and meet Council's expectations.

The adoption of an Outbuildings Local Planning Policy would align with the following goals of the Strategic Community Plan:

*Area 1: Infrastructure and Natural Assets
Natural and Built Environment*

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

Area 5: Investing in Councils Capacity – Our Leadership

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

This strategy area will build the capacity of the Council to undertake ongoing planning, reviews and report on progress and develop leadership and management capacity within Council and staff. It will also ensure Council strategically targets fundraising strategies to achieve key projects.

Officer Comment

The draft Shire of Perenjori Local Planning Policy has been prepared with regard for the policies of neighbouring local governments in an attempt to achieve a level of regional consistency. A summary of several other Mid-West Councils' policy requirements are provided below:

Maximum standards	Shire of Mingenew	Shire of Three Springs	Shire of Coorow	City of Greater Geraldton	Shire of Northampton* & Shire of Chapman Valley
Residential & Townsite (R10 and higher density) (i.e. lots generally < 2,000m²)					
Area (total aggregate)	80m ²	80m ²	120m ²	150m ² (120m ² enclosed/30m ² open)	120m ²
Wall Height	4m	4m	4m	3.6m	3m
Overall Height	5m	5m	4.5m	4.5m (with 5m being permitted subject to conditions e.g. not being higher than dwelling)	4.5m (*with 5m being permitted subject to conditions e.g. not being higher than dwelling)
Residential (R5 and lower density) (i.e. lots generally > 2,000m²)					
Area (total aggregate)	200m ²	80m ²	180m ²	270m ² (210m ² enclosed/60m ² open)	180m ² *240m ² (lots 2,000m ² +))
Wall Height	4m	4m	4.5	4.2m	4m
Overall Height	5m	5m	5m	5m (with 5.5m being permitted subject to conditions e.g. not being higher than dwelling)	5m *(with 5.5m being permitted subject to conditions e.g. not being higher than dwelling & 6.5m on lots 2,000m ² +))
Rural Residential / Rural Smallholding (Lots < 4 ha)					
Area (total aggregate)	Exempt from the area and height requirements of the policy	240m ²	200m ²	420m ² (300m ² enclosed/120m ² open)	360m ² (240m ² enclosed/120m ² open)
Wall Height		4.5m	5m	4.8m	4m
Overall Height		5.5m	6.5m	6.5m	5.5m 6.5m (double storey barn)
Rural Residential / Rural Smallholding (Lots > 4 ha)					
Area (total aggregate)	Exempt from the area and height requirements of the policy	240m ²	240m ² (less than 20ha) Exempt if greater than 20ha	420m ² (300m ² enclosed/120m ² open)*	360m ² (240m ² enclosed/120m ² open)
Wall Height		4.5m	5m (less than 20ha) Exempt if greater than 20ha	4.8m*	4m
Overall Height		5.5m	6.5m (less than 20ha) Exempt if greater than 20ha	6.5m* * applies for Rural Residential lots, Rural Smallholding lots are exempt from the policy	6.5m

OFFICER RECOMMENDATION

Council Resolution Number: 180822.11

Moved: Cr Hepworth

Seconded: Cr Fraser

That Council resolve, pursuant to Schedule 2 Part 2 Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, to prepare the Shire of Perenjori 'Outbuildings' Local Planning Policy, as contained in the attachment, and proceed to give notice to this effect, and at the conclusion of the advertising period return this matter to Council for further consideration.

Motion put and carried 6/0

13.6 HIRE OF INCUBATOR UNIT

Applicant:	Shire of Perenjori
File:	ADM 0420
Date:	5 August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford – Manager Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

Summary

For Council to consider rental arrangements for a single Business Incubator Unit situated at 55 Russell St, Perenjori.

Background

The following correspondence was received from Zac Mills of Zed Electrical:

*ZED ELECT
19 Franklin Street
THREE SPRINGS WA 6519*

05/08/2022

Hi Nola

Zed Elect would like to rent an Incubator Unit from the Shire of Perenjori for a minimum of 6 months to enable the business to provide a more timely and economical service to the area. With an increase in electrical work in Perenjori and surrounds it would be of great benefit to our business to be able to store fittings to provide a more streamlined service.

Thank you

*Zac Mills
EC12212
ABN 33 822 685 961
Ph. 0427 806 303*

Statutory Environment

Nil

Policy Implications

Nil

Consultation

Paul Anderson - Chief Executive Officer

Financial Implications

Unbudgeted income for the 2022/23 Annual Budget.

Strategic Community Plan

Area 2: Industry and Business Development – Our Economy

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

Officer Comment

The Perenjori Business Incubator project was an economic development initiative which commenced in 2013 as a result of being nominated as a high priority in the 2013-2023 Strategic Community Plan. The forecast income unfortunately never eventuated and the units have been primarily utilised as storage for Shire property.

The original proposed weekly fees for the units were set at a nominal rate of \$150 (one hundred and fifty dollars) per week with the intention of renting to start-up businesses and increasing the weekly fee each year as businesses matured.

A rate of \$50 (fifty dollars) is recommended as a fair tenancy rate, and a fixed-term lease of six months will not have an adverse effect for any future potential long-term business tenants. This rental fee would be reviewed should Zed Elect require the incubator unit for a longer lease period.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.12

Moved: Cr Bradford

Seconded: Cr Bryant

That Council endorse a lease agreement to Zed Elect for a Business Incubator located at 55 Russell Street, Perenjori for an initial period of six months at a weekly rate of \$50 (fifty dollars) per week, commencing 1st September 2022.

Motion put and carried 6/0

13.7 LEASE AGREEMENT – PERENJORI PISTOL CLUB

Applicant:	Shire of Perenjori
File:	A15289
Date:	12 August 2022
Disclosure of Interest:	Cr Sparkman – Proximity Interest
Voting Requirements:	Simple Majority
Author:	Nola Comerford – MCCA
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Draft Pistol Club Lease

Cr Sparkman departed the chambers at 5.13pm

Cr Sparkman declared a proximity interest in agenda item 13.7, due to co-owning land which boundaries the Pistol Club. Cr Sparkman left the room and did not participate in discussion or voting of the item.

Summary

For Council to consider a formal lease agreement between the Shire of Perenjori and the Perenjori Pistol Club for Reserve 14695.

Background

The following correspondence was received from the Perenjori Pistol Club:

To Perenjori Shire Officer

The West Australian Police Department are performing range reviews on country ranges. As part of this they require all documentation relating to the club.

I am hoping that you can provide the following from your records:

- A) Proof of land ownership or a lease for the land we are on;
- B) Shire approval for the club's location; and
- C) Year of this approval

I appreciate that the club has been on the site since 1981, however I only became Secretary in 2012 at which time no records were passed to me.

I would appreciate if you can find any of the information mentioned above.

Thank you for your assistance, if you have any questions please contact me as below.

Regards

Leslie Heaton

Secretary / Treasure
Perenjori Pistol Club

Mobile: 0408127416

Email: perenjoripistolclub@mail.com

The power to lease by the managing body (Shire of Perenjori) is approved for any term not exceeding 21 years, subject to the consent of the Minister for Lands first being obtained. A previous lease agreement has not been entered into.

Statutory Environment

Local Government Act 1995 – s 3.58 Disposing of Property

Policy Implications

Nil

Consultation

Ricardo Agostino, McLeods Barristers and Solicitors

Paul Anderson, Chief Executive Officer

Leslie Heaton, Perenjori Pistol Club

Financial Implications

The Club will pay a minimal rental value of \$1 per year on demand, subject to increase on annual review of Fees & Charges Schedule. The Club will be responsible for all outgoings, maintenance, upkeep and repairs.

Strategic Community Plan

Area 3: People and Place – Our Community

Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities and services to enable people to meet their needs and achieve their potential.

Officer Comment

The Pistol Club has a long association with the site and provide sporting opportunities and a social outlet for the community. The infrastructure on the Reserve has been developed over time by the Club to specifically cater for pistol shooting and directly related activities.

It is recommended that Council, subject to the Minister for Lands prior consent, support a lease arrangement with the Perenjori Pistol Club (Inc) for Reserve 14695, 2711 Old Perth Road.

Supporting the lease agreement will enable the Club to continue with its sporting and recreational activities.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.13

Moved: Cr Fraser

Seconded: Cr Bradford

That Council, subject to written consent from the Minister for Lands being received:

- 1. Approves for a lease agreement to be entered into between the Shire of Perenjori and the Perenjori Pistol Club Incorporated for a period of 21 years for Reserve No. 14695, 2711 Old Perth Road.**
- 2. Endorses an annual rent payable of \$1 (one dollar) on demand, inclusive of GST, with rent to be reviewed annually.**
- 3. Authorises the Shire President and Chief Executive Officer to sign and seal the Lease Agreement.**

Motion put and carried 5/0

Cr Sparkman returned to the Shire of Perenjori's Council Chambers at 5.14pm

14. Governance:

14.1 DISABILITY AND INCLUSION PLAN – PROGRESS REPORT 2021/22

Applicant:	Shire of Perenjori
File:	ADM 0211
Date:	2 August 2022
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Elinor Pitts – Executive Assistant
Responsible Officer:	Nola Comerford – Manager of Corporate and Community Services
Attachments:	Disability and Inclusion Plan – Progress Report 2021/22

Summary

This item recommends that Council considers and endorses the Disability and Inclusion Plan – Progress Report 2021/2022 as required under the Disability Services Act 1993.

Background

A Western Australia for Everyone: State Disability Strategy 2020-2030 sets the foundation for building a more inclusive Western Australia. The strategy intends to protect, uphold and advance the rights of people with disabilities living in Western Australia. The strategy references the role of the Disability Access and Inclusion Plans (DAIPs) as an important way of ensuring that public authorities continue to improve access and inclusion outcomes for people with disabilities.

Collecting information about the effectiveness of DAIPs through a Progress Report is a requirement of the Disability Services Act 1993. The information will be used by the Minister for Disability Services to report to the Western Australian Parliament in December 2022.

Statutory Environment

Disability Services Act 1993

Policy Implications

Policy No. 8001 – Disability Policy

Consultation

Aluel Mading – Community Development Officer

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager of Corporate and Community Services

Financial Implications

Nil

Strategic Community Plan

Area 5: Investing in Councils Capacity – Our Leadership

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

Officer Comment

The attached Disability and Inclusion Plan – Progress Report 2021/22 has been developed in line with the Disability Services Act 1993.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.14

Moved: Cr Hepworth

Seconded: Cr Fraser

That Council accepts and endorses the Disability and Inclusion Plan – Progress Report 2021/22, ready for submission to the Minister for Disability Services.

Motion put and carried 6/0

16. Confidential Reports:

17. Ordering the Common Seal:

Document	Organisation	Purpose	Date

18. Reports of Committees and Members:

19. Motions of Which Previous Notice Has Been Given:

20. Notice of Motions:

21. New Business of an Urgent Nature Admitted by Council:

COUNCIL DECISION

Council Resolution Number: 180822.15

Moved: Cr Fraser Seconded: Cr Bradford

That Council accepts the late items 21.1 Telstra Building Proposal and 21.2 Extension of Probationary Period for CEO, and are approved for discussion by Council.

Motion put and carried 6/0

21.1 TELSTRA BUILDING PROPOSAL

Applicant: Shire of Perenjori

File: ADM 0771

Date: 17th August 2022

Disclosure of Interest:

Voting Requirements: Simply Majority

Author: Aluel Mading – Community Development Officer

Responsible Officer: Paul Anderson - Chief Executive Officer

Attachments: Telstra Building Upgrade Guidelines
Townscape Committee Minutes 27.10.2021

Summary

For Council to consider installation of artwork on the Telstra building located at 32 Fowler Street, Perenjori.

Background

At the November 2021 Ordinary Meeting of Council, Townscape Committee meeting minutes were submitted to and endorsed by Council which included a project to renovate the Telstra building at 32 Fowler St with painting, new fencing, and planting of shrubs. Discussions at subsequent Townscape Committee meetings have progressed with a vision to paint a mural on the building to add vibrancy and interest to the mainstreet landscape.

Telsta have advised of the opportunity to further develop the concept utilising their Art Installation program.

Telstra's Art Installation program seeks to engage with local communities with Telstra infrastructure, through the delivery of two themes:

- 1) Celebration of our Indigenous Communities – to celebrate and showcase the peoples and nations that, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them.
- 2) Connection and Community – to provide artists with a canvas to explore what it means to have a sense of belonging within a community, and the role that telecommunications plays in bringing communities together, especially in rural and remote areas. Connection can offer extra meaning and purpose to everyday life. Communities can exist or be created from a different location, hobbies, lived experiences and backgrounds, or a common cause can be shared no matter the distance divide.

The attached document provided by Telstra encapsulates the themes that would need to be taken into consideration by the Shire and the contracted artist/s.



Above: Telstra building located at 32 Fowler Street

Statutory Environment

Nil

Policy Implications

Nil

Consultation

Paul Anderson - Chief Executive Officer

Nola Comerford - Manager Corporate and Community Service

Financial Implications

External funding through Lottery west will be sought to support this project when the final design concepts and costings are approved.

The ongoing maintenance of any installation on the Telstra property will be the responsibility of the Council and an annual Council Budget allocation will be recommended for ongoing maintenance.

Strategic Community Plan

Area 2: Industry and Business Development – Our Economy

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

Area 3: People and place – Our Community

Goal: Demonstrating a high quality of life for all, offering relevant activities, facilities, and services to enable people to meet their needs and achieve or exceed their potential.

Officer Comment

The proposal is to engage local indigenous and community groups to provide input into a community artwork to promote a sense of pride for the community and add visual interest to the townscape.

Murals play an integral role in depicting a community's story and fostering the community's identity.

Council approval of the following proposal will entail the Community Development Officer and Manager Corporate and Community Service to engage with local indigenous and community groups to carry out the project. External funding will be sought, and the proposed artwork will be presented to Council for endorsement prior to commencement of the artwork installation.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.15

Moved: Cr Sparkman Seconded: Cr Bradford

That Council:

- **Endorses Administration Staff to seek input from local indigenous and community groups for design proposals for the installation of a mural on the Telstra building located at 32 Fowler Street, Perenjori subject to final design and Budget approval by Council.**

Motion put carried 6/0

21.2 EXTENSION OF PROBATIONARY PERIOD FOR CEO

Applicant:	Shire of Perenjori
File:	PER441
Date:	18 August 2022
Disclosure of Interest:	Paul Anderson (CEO) - Financial interest as part of contract negotiations
Voting Requirements:	Simple Majority
Author:	Paul Anderson- Chief Executive Officer
Responsible Officer:	Cr Christopher King - President
Attachments:	Nil

Background

The employment contract between the Chief Executive Officer and the council includes the section 4 performance criteria and review clause

- (1) Within 3 (three) months of the commencement date or other date as agreed by the Council and you and the council must negotiate and determine the performance criteria

During the recent strategic plan renewals, negotiations with the CEO at the ordinary meeting held on 21 April included the following resolution:

1. That council endorse an extension of up to an additional 3 (three) months to the determination of the performance criteria in the Chief executives' officers' contract of employment in accordance with clause 4.1(1)

2. that council note the agreement of the Chief Executive Officer to an extension of the determination of the performance criteria in accordance with clause 4.1(1)

The contract of employment also includes the following clause:

2.3 probationary period

(1) the initial probationary period of 6 (six) months applies from the commencement date

(2) not less than 1 (one) month before the end of the initial probationary period, the council must assess your performance and must advise you in writing of the outcome

(3) if before the end of the initial probationary period the council considers that your performance is not satisfactory, the council may extend the initial probationary period by a further period not exceeding 3 (three) months.

(4) as soon as practicable after the completion the probationary period, unless clause 11.2 applies the council must advise you in writing of the successful completion of the probationary period.

Statutory Environment

Nil

Policy Implications

Nil

Consultation

Christopher King (President)
Paul Anderson (Chief Executive Officer)

Financial Implications

Nil

Strategic Community Plan

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

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

Officer Comment

In accordance with the employment contract the date for the probationary period was 6 (six) months from the commencement Date of 31 January 2022.

The probationary period ended on 31 July 2022 and council now needs to consider the options in regard to the permanent appointment or extension of the probation period.

OFFICER RECOMMENDATION

Council Resolution Number: 180822.16

Moved: Cr King Seconded: Cr Bradford

- 1. That Council in accordance with the contract of employment clause 2.3 (2) probationary period determine the performance of the Chief Executive Officer to be satisfactory and confirm the permanent appointment to the position of Chief Executive Officer.**

- 2. That the remuneration package of the Chief Executive Officer be increased to the maximum amount in accordance with the salary and allowance tribunal determination of 7 April 2022 of \$206,141 with the components to be confirmed with the President.**

Motion put and carried 6/0

22. Closure of Meeting:

The Shire President declared the meeting closed at 17.20pm and thanked those in attendance.

23. Next Meeting:

The Shire President advised that the date of the next Ordinary Meeting of Council will be held on Thursday 22nd September 2022 commencing at 3:00 pm at the 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 18th August 2022 at 15.00pm.

Signed: _____

Presiding Officer

Date: _____

29/09/22