

## Shire of Perenjori

## MINUTES

## Ordinary Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on the 19<sup>th</sup> April 2018, commenced at 3.00 pm.

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**MINUTES**

**19<sup>th</sup> April 2018**

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**18041 PRELIMINARIES**

**18041.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

Cr L Butler declared the meeting open at 3.14 pm.

**18041.2 OPENING PRAYER**

Cr L Butler led the opening prayer.

**18041.3 DISCLAIMER READING**

**18041.4 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Cr L Butler – Presiding Member

Cr L Smith

Cr J Cunningham

Cr P Waterhouse

Cr J Hirsch

Cr R Spencer

Cr G Reid

Cr K Pohl

Ali Mills – CEO

Jim Dillon MWF – Via Phone

Ken Markham – MIS

Bianca Plug – Minute Taker

J. Bendsorp - Resident

R. White - Resident

J. Pohl - Resident

**18041.5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**18041.6 PUBLIC QUESTION TIME**

R. White – Why is the town so dark of an evening?

Answer CEO: A number of lights have been identified as needing replacing around (40) We have been in contact with Western Power and these will be repaired in around 4 weeks.

R. White – Why have I not received a formal response from the Electors Meeting and what address were these forwarded to?

Answer CEO: Letters were sent after the Electors Meeting to you, we will have to look into what address these were forwarded to and we can alternatively provide you a copy of what was sent.

R. White – Questions on behalf of L. Hepworth. An explanation on why there was a staff meeting held to tell staff not to sign the petition?

Answer: We often meet with Staff, monthly via a toolbox meeting and at times we invite the Shire President to update staff on Council items. There was no discouragement from signing the petition however, we did talk to staff about negative activities in the Community with the petition being one.

R. White – You are all aware of the petition, as your responsibilities as Councillors and with 80% of business owners signing the petition will Council terminate the CEO's Contract and if not will Councillor's resign?

Answer Shire President: The petition has no validity as it is a Council matter to manage the CEO. That is up to individual Councillors.

J. Pohl – On what grounds do you have objections for this petition. Cr Pohl is employed by me and my daughter in-law is a student. His signature is not on the petition and has not been in canvassing. I have a statement that I would like to be included in to the Shire minutes.

Answer CEO: I have no objections to the petition, the concern was expressed for Councillor involvement in this.

J. Bendsorp – In the minutes of the Annual Electors Meeting I asked to be recorded as a negative vote for the Auditor Report.

Answer: Our Apologies, these will be amended.

J. Bendsorp – A query in the Accounts for Payment that are in these minutes and the previous around \$30,000 was spent on a staff house on Livingstone Street for gyprocking. Why was this figure so high?

Answer: We received two quotes and this company was the best.

J. Bendsorp – In the previous minutes it does not state when R. White left the room or Ali Mills. Can it be recorded that the Police were called and did not arrive.

Answer: Yes, this can be amended.

## **18041.7 NOTATIONS OF INTEREST**

### **FINANCIAL INTEREST – LOCAL GOVERNMENT ACT S 5.60A**

### **PROXIMITY INTEREST – LOCAL GOVERNMENT ACT S 5.60B**

### **INTEREST AFFECTING IMPARTIALITY – LOCAL GOVERNMENT - CODE OF CONDUCT.**

- Cr R Spencer declared a proximity interest in item 18042.3 Name Change Old Perth Road / Carstairs Road.

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**18041.8 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**18041.9 CONFIRMATION OF MINUTES**

Minutes from the Ordinary Council Meeting held on the 15<sup>th</sup> March 2018 are attached.

<b>Officer Recommendation – Item 18041.9.1</b>
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That Council accepts the Minutes from the Ordinary Meeting of the 15 <sup>th</sup> March 2018 as a true and correct record of that Meeting.
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<b>Council Resolution – Item 18041.9.1</b>
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<b>Moved: Cr P Waterhouse</b>
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<b>Seconded: Cr R Spencer</b>
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<b>That Council accepts the Minutes from the Ordinary Meeting of the 15<sup>th</sup> March 2018 as a true and correct record of that Meeting with amendments.</b>
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<b>Carried: 8/0</b>
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**18041.10 ANNOUNCEMENTS BY PERSON PRESIDING WITHOUT DISCUSSION**

Letter from Rodney Desmond – Resignation as Councillor effective 19<sup>th</sup> April 2018

**18041.11 PETITIONS / DEPUTATIONS / PRESENTATIONS**

Jim Dillon (Mid-West Financial) joined the meeting Via phone at 3.44 pm.

<b>18042 CORPORATE AND DEVELOPMENT SERVICES</b>
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<b>18042.1 FINANCIAL STATEMENTS – MARCH 2018</b>
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<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0081</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>JIM DILLON - MWF</b>
<b>RESPONSIBLE OFFICER</b>	<b>ALI MILLS - CEO</b>
<b>REPORT DATE:</b>	<b>19<sup>TH</sup> APRIL 2018</b>
<b>ATTACHMENTS</b>	<b>MONTHLY FINANCIAL REPORT</b>

**Executive Summary**

This item recommends that Council accepts the Financial Activity Statement for the period ending 31<sup>st</sup> March 2018.

**Background**

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

**Details**

Presented is the Financial Activity Statement Report for the period ending 31<sup>st</sup> March 2018.

The following statements are presented to Council:

- Monthly Summary Information - Charts
- Statement of Financial Activity (Program and Nature& Type) - This provides the budget and actual income and expenditure for operating and non- recurrent as well and the closing surplus to date. (FM Reg 34(1))
- Statement of Capital Acquisitions and Capital Funding
- Net Current (Assets) Funding Position (Note 3). This provides the amount of assets over liabilities within the Balance Sheet. (FM Reg 34 (1)(e))
- Notes to the Financial Statements include:
  - Note 1.- Significant Accounting Policies
  - Note 2. - Explanation of Material Variances
  - Note 3. – Net Current Funding Position
  - Note 4. – Cash & Investments
  - Note 5. – Budget Amendments
  - Note 6. – Receivables
  - Note 7. – Cash Back Reserves
  - Note 8. – Capital Disposals
  - Note 9. – Rating Information
  - Note 10. – Information on Borrowings
  - Note 11. – Grant and Contributions

- Note 12.- Trust Fund
- Note 13.- Details of Capital Acquisition

**Legal Compliance**

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

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –
  - (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1) (b) or (c);
  - (b) budget estimates to the end of the month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
  - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing –
  - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
  - (b) an explanation of each of the material variances referred to in subregulation (1) (d); and (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown –
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation 34 (2), are to be –
  - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

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

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

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils Leadership

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

**Consultation**

Liaison with CEO, SFO, & MIS.

**Voting Requirements - Simple Majority**

**Committee Recommendation – Item 18042.1**

That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report for the period ending 31<sup>st</sup> March 2018.

**Council Resolution – Item 18042.1**

**Moved: Cr L Smith**

**Seconded: Cr J Hirsch**

**That Council, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996, accepts the Financial Activity Statement Report for the period ending 31<sup>st</sup> March 2018.**

**Carried: 8/0**

J.Bensdorp left the meeting at 4.05 pm and did not return.

**18042.2 ACCOUNTS FOR PAYMENT – MARCH 2018**

**APPLICANT: SHIRE OF PERENJORI**  
**FILE: 1306P**  
**DISCLOSURE OF INTEREST: NIL**  
**AUTHOR: LIZ MARKHAM - AO**  
**RESPONSIBLE OFFICER: ALI MILLS - CEO**  
**REPORT DATE: 19<sup>TH</sup> APRIL 2018**  
**ATTACHMENTS: ACCOUNTS FOR PAYMENT**

**Executive Summary**

This item recommends that the schedule of accounts for payment for the month ending 31<sup>st</sup> March 2018 be confirmed.

**Background**

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

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

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

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

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

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

#### **Legal Compliance**

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

6.10. financial management regulations

Regulations may provide for —

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

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

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

13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

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

(3) A list prepared under subregulation (1) is to be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

#### **Policy Implications**

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

#### **Financial Implications**

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



**Strategic Implications**

Area 5: Investing in Councils Leadership

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

**Consultation**

Nil

**Comment**

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

**Voting Requirements – Simple Majority**

<b>Committee Recommendation – Item 18042.2</b>	
That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for the month ending 31 <sup>st</sup> March 2018 as attached to and forming part of this report.	
<b>Municipal Account</b>	
EFT	\$580,156.87
Direct Debits	\$217,281.33
Cheques	\$50,073.13
Corporate MasterCard	\$1,609.00
Bank Fees	\$
<b>Total</b>	<b>\$ 849,120.33</b>
<b>Trust Account - Shire</b>	
EFT	\$
Cheques	\$
Bank Fees	\$
<b>Total</b>	<b>\$</b>
<b>Trust Account – Mt Gibson Public Benefit Funds</b>	

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EFT	\$
Cheques	\$
Bank Fees	\$
<b>Total</b>	<b>\$</b>

*Totaling \$849,120.33 from Municipal and Trust Accounts for the month ending 31<sup>st</sup> March 2018.*

## Council Resolution – Item 18042.2

Moved: Cr L Smith

Seconded: Cr R Spencer

That Council, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996 (as amended), confirms the accounts paid for the month ending 31<sup>st</sup> March 2018 as attached to and forming part of this report.

Carried: 8/0

Municipal Account	
EFT	\$580,156.87
Direct Debits	\$217,281.33
Cheques	\$50,073.13
Corporate MasterCard	\$1,609.00
Bank Fees	\$
<b>Total</b>	<b>\$ 849,120.33</b>

Trust Account - Shire	
EFT	\$
Cheques	\$
Bank Fees	\$
<b>Total</b>	<b>\$</b>

Trust Account – Mt Gibson Public Benefit Funds	
EFT	\$
Cheques	\$
Bank Fees	\$
<b>Total</b>	<b>\$</b>

*Totalling \$849,120.33 from Municipal and Trust Accounts for the month ending 31<sup>st</sup> March 2018.*

Ali Mills left the meeting at 4.17 pm

Jim Dillon (Mid-West Financial) left the meeting at 4.18 pm.

Ali Mills and Emily Sutherland entered the meeting at 4.18 pm

Cr R Spencer declared a proximity interest in item 18042.3 name changes for old Perth / Carstairs Road due to being an adjoining land owner. Cr R Spencer left the room at 4.22 pm and did not partake in the voting of item 18042.3.

#### **18042.3 NAME CHANGES FOR OLD PERTH/ CARSTAIRS ROAD**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>A147</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>EMILY SUTHERLAND – A/MCDS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ALI MILLS - CEO</b>
<b>REPORT DATE:</b>	<b>19<sup>TH</sup> APRIL 2018</b>
<b>ATTACHMENTS:</b>	<b>EMAIL FROM P&amp;J SPENCER TO LANDGATE, LETTER FROM P&amp;J SPENCER, FEEDBACK FROM S&amp;D SPARKMAN</b>

#### **Executive Summary**

This Item seeks a Council decision on reverting the name for Carstairs Rd back to Old Perth Rd.

#### **Background**

On 12<sup>th</sup> July 2013 the Council applied to the Geographic Names Committee (GNC) to change the name of Old Perth Road to Carstairs Road. The GNC advised that significant changes should have occurred to the road structure or other significant reasons occur for them to support a change.

The GNC was then advised that Old Perth Road had recently had an intersection re-alignment at the junction with Caron Road and also a cul de sac had been constructed at its southern extremity and the junction with the Mullewa Wubin road was now closed.

The GNC subsequently advised the Shire that as the road was now two distinct roads it is appropriate to have two separate road names.

The Carstairs name would be suitable for the northern section of the road as this is in close proximity to the Carstairs property. Old Perth Road could be retained for the southern section of the road from Caron Road to the cul-de-sac.

On 20<sup>th</sup> February 2014, Council made the following resolution

<b>COUNCIL RESOLUTION – ITEM 14022.8</b>
------------------------------------------

**Moved: Cr G Reid**

**Seconded: Cr P Waterhouse**

**That Council;**

- 1. Reaffirms its decision to name the northern section of Old Perth Road from the intersection with Carnamah Perenjori Road to the intersection with Caron Road, as Carstairs Road; and**

Following this resolution, the GNC was advised of Councils intention and as such approved the name change of Old Perth Road between Carnamah-Perenjori Rd and Caron Rd to be named Carstairs Rd. On 29<sup>th</sup> July 2014 Landgate subsequently has changed the name of this section of Road to be Carstairs Rd.

Since this time, the Shire has not proceeded with its necessary process to implement the name change locally.

On 26<sup>th</sup> February 2018, Landgate received an email from Paul and Janice Spencer (**Attachment 1**). This correspondence stated they had, some time ago by accident, heard that their road name had changed to Carstairs Rd. They also said they were never consulted about the possible name change to their Road (Old Perth Rd) and listed their concerns with the name change. In this email they also commented that they spoke to Council at the Shire and they indicated it would be sorted and remain Old Perth Road. There is no formal record of this conversation.

Following receipt of this email, Landgate has contacted the Shire with a copy of the email from Mr and Mrs P & J Spencer. They also advised that after Landgate implemented the name change the Shire had not contacted them updating the addresses along this portion of the Road. Landgate thus has asked the Shire if they wish to revert to Old Perth Road for this portion of the road or if they wish to maintain the road name Carstairs Road.

Since it would appear that there was not adequate or effective community consultation regarding this name change process, MCDS has written to all Landowners having land on, or adjoining, this affected section of road and invited them to express their opinion on the name change. Residents have been informed that the name change had been implemented by Landgate however the Shire has not completed their internal processes. A simple form accompanied this letter asking the Landowners if they would like the Road to be named Old Perth Road or Carstairs Road was provided.

Four of the Five Landowners have returned their feedback form and have all indicated they wish for the road to be named Old Perth Road. Accompanying these forms, Mr and Mrs P & J Spencer also submitted a letter addressed to the Shire again outlining their reasoning behind their opinion. **Attachment 2.**

From feedback received it would indicate that both Mr and Mrs P & J Spencer and also Mr and Mrs S & D Sparkman (**Attachment 3**) have previously contacted the shire and or/Council expressing their desire for the road to remain named Old Perth Road.

Landgate have indicated that a simple approval can be prepared if the Shire does indeed wish to change the name back.

It should be noted that if the Shire wishes to maintain the road name Carstairs Road new addresses will need to be provided to Landgate and advised to the residents along with evidence that *all* affected residence on this road have been consulted about the road name change and are in agreement with the change. As the majority of Landowners have now indicated they are not in agreeance with the naming of the road Carstairs Rd it would appear the Shire can not proceed with this.

### **Statutory Environment**

Geographic Names Committee Guidelines

#### ***8.5 Road naming amendments***

*Road names are intended to be enduring. The renaming of any road is discouraged unless there are good reasons for a change of name. Reasons that may be considered in support of a name change are:*

*redesign of a road layout;*

*changed traffic flow;*

*mail delivery problems;*

*the misspelling of a name in the original application;*

*name duplication issues; and*

*property street addressing issues*

### **Policy Implications**

Nil

### **Financial Implications**

There are no direct financial costs in reverting the name back to Old Perth Road

### **Strategic Implications**

#### ***Area 5: Investing in Councils 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.*

*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*

### **Consultation**

Letters have been sent to all affected Landowners. These are people with addresses on, or land adjoining, the section of land in question.

### **Comment**

In order for Landgate maintaining the Road name Carstairs Road the Shire would need to evidence that all affected residences on this road are in agreeance with the change. As this is not the case, the shire cannot proceed with implementing this change locally.

### **Voting Requirements – Simple Majority**

**Officers Recommendation – Item 18042.3**

That Council;

1. Revokes its decision to name the northern section of Old Perth Road from the intersection with Carnamah Perenjori Road to the intersection with Caron Road, as Carstairs Road; and
2. Applies to Landgate Geographical Names Committee to revert the name of this section of Road back to Old Perth Road.

**Council Resolution – Item 18042.3**

**Moved: Cr J Hirsch**

**Seconded: Cr J Cunningham**

**That Council;**

1. **Revokes its decision to name the northern section of Old Perth Road from the intersection with Carnamah Perenjori Road to the intersection with Caron Road, as Carstairs Road;**
2. **Applies to Landgate Geographical Names Committee to revert the name of this section of Road back to Old Perth Road; and**
3. **Contact the two outstanding land owners to advise them of Councils decision before contacting Landgate.**

**Carried: 7/0**

Cr R Spencer returned to the Ordinary Council meeting at 4.29 pm.

**18042.4 PROPOSED MOBILE PHONE TOWER – LOT 4389 GREAT NORTHERN HWY BUNJIL**

<b>APPLICANT:</b>	<b>PLANNING SOLUTIONS (AUST) FOR TELSTRA</b>
<b>FILE:</b>	<b>ADM 0190</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>EMILY SUTHERLAND - A/MCDS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ALI MILLS - CEO</b>
<b>REPORT DATE:</b>	<b>12<sup>TH</sup> APRIL 2018</b>
<b>ATTACHMENTS</b>	<b>APPLICATION LETTER,APPLICATION FORM, CROWN TITLE CERTIFICATE, EME REPORT, SITE &amp; ELEVATION PLANS</b>

**Executive Summary**

This report recommends approval for the installation of a mobile phone tower upon Lot 4389 Great Northern Highway, Bunjil.

The proposed mobile phone base station is part of Telstra's deployment of its mobile phone network and under the Federal Governments Black Spot Programme.

The application is for a proposed development costing \$240,000 with an estimated completion date of June 2018.

**Background**

Lot 4389 is a 64.38ha Crown Land tenement that is part of the Great Northern Highway Road Reserve. The facility is located approximately 35m from the road on the Eastern side. The surrounding land is undeveloped rural land with eucalypt woodland. See **Attachment 1: photographs 1-3**.

The proposed telecommunications facility would be sited approximately 4.4 kilometres north-west of the Mount Gibson airstrip and approximately 7 kilometres north-west of the Mount Gibson project. The site is located approximately 82 kilometres south-east of Perenjori town centre.

The proposed telecommunications facility would consist of the following:

- 50m lattice tower;
- 4 x omnidirectional antennas mounted on a triangular headframe on the lattice tower (taking the total height of the facility to 55.4m);
- 2 x parabolic dishes and 2 parabolic antennas mounted on the tower;
- A GPS antenna mounted on the tower;
- A diesel generator at ground level;
- 6 x 12 solar panel arrays at ground level
- A equipment cabinet at ground level;
- Ancillary and cabling equipment which include 3 x radio remote units.

The proposed lattice tower, solar panel array and group equipment will be contained within a security fenced compound measuring 15m x 40m in size. The lattice tower will be of a galvanised finish which is considered the least obtrusive finish.

The application details a proposed access from Great Northern Highway to the facility that is 4m in width.

The submitted development application, that elaborates upon this proposal and includes site and elevation plans, and an electromagnetic energy report has been provided as **Attachment 1**.

The proposed facility is located approximately 4.4km from Mount Gibson airstrip. This airstrip is classified as a Aeroplane Landing Area (ALA) which is neither registered or certified under Civil Aviation Authority (CASA). This means it is not required to be regulated under, or managed to the standards of CASA. However, the applicant will still lodge a Tall Structure Report Form with Airservices Australia which is in accordance with CASA Advisory Circular. The applicant has identified that the proposal complies with requirements of CASA.

The Environmental Report provided with the application indicates that the maximum electromagnetic energy ('EME') level would be achieved at 674.5m from the antennas on the mast and that this maximum level has been calculated at 0.00042% of the Australian

Radiation Protection and Nuclear Safety Agency ('ARPANSA') public exposure limits (i.e. the total EME level from the facility when operating at maximum power, would be 0.16% of the limit set by the ARPANSA Standard for members of the public). The proposed site is not in the vicinity of any residential properties and therefore no areas of interest have been identified for calculation of EME levels.

The application for the mobile phone towerbase station at lot 4389 Greath Northern Highway, Bunjil is a component of the \$486 million Mobile Black Spot Programme that has been jointly funded by Telstra and Federal, State and Local Government. This Programme includes Telstra building 577 new 3G/4G base stations.

### **Statutory Environment**

Lot 4389 Great Northern Highway Bunjil is zoned 'Rural' under the Shire of Perenjori Local Planning Scheme No.2 ('the Scheme').

The application would meet the definition of 'Telecommunications Infrastructure' which is defined under Schedule 1 Part 6 Clause 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

*"means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network."*

'Telecommunications Infrastructure' is listed as a 'D' use within the 'Rural' zone by the Scheme Zoning Table, which means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval.

The Commonwealth *Telecommunications Act 1997* exempts telecommunications equipment from environmental and planning legislation except where the facility does not meet the definition of a 'low impact' facility, in this case requiring the lodgement of a planning application and assessment by Council of this matter.

### **Policy Implications**

The Western Australian Planning Commission have prepared Statement of Planning Policy 5.2 'Telecommunications Infrastructure' (2015) for applications for above and below ground telecommunications infrastructure other than those facilities exempted under the *Telecommunications Act 1997*. The policy has the following objectives:

- facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and,
- promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

Section 5.1 of the policy recognises that in many instances the primary impact of a mobile phone tower is a visual one and provides the following guidance:



*“For telecommunications infrastructure to be effective, structures are generally located prominently, at high points in the landscape or on top of buildings, where they are more likely to be visible to the public.*

*The planning authority may exercise discretion in addressing the visual impacts of telecommunications infrastructure. Visual impacts of an infrastructure development proposal should be assessed by applying the following set of policy measures to guide the location, siting and design of the structure.*

*5.1.1 The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area.*

- i) Assessment of the visual impact of development proposals for telecommunications infrastructure should be made on a case by case basis;*
- ii) Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:
  - a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*
  - b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*
  - c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and*
  - d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape;**
- iii) In addition to the existing exemptions under the Telecommunication Act, local governments should consider exempting telecommunications infrastructure from the requirement for development approval where:
  - a) The infrastructure has a maximum height of 30 metres from finished ground level;*
  - b) The proposal complies with the policy measures outlined in this policy; and*
  - c) The proponent has undertaken notification of the proposal in a similar manner to ‘low impact facilities’ as defined and set out in the Mobile Phone Base Station Deployment Industry Code (C564:2011);**
- iv) Telecommunications infrastructure should be located where it will facilitate continuous network coverage and/or improved telecommunications services to the community; and*
- v) Telecommunications infrastructure should be collocated and whenever possible:
  - a) Cables and lines should be located within an existing underground conduit or duct; and*
  - b) Overhead lines and towers should be co-located with existing infrastructure and/or within existing infrastructure corridors and/or mounted on existing or proposed buildings.”**

**Financial Implications**

The applicant has been charged the relevant \$768 planning application fee.

The application would not have a budgetary impact to Council.

**Strategic Implications**

The Shire of Perenjori Strategic Community Plan 2013-2023 identifies that telecommunications and advocacy for coverage across black spot areas as Council's Priority 1 project and the approval of this application would assist in meeting the following:

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

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

*Strategic Theme 1: Infrastructure and Natural Assets*

*Telecommunications*

<b>Objectives</b>	<b>Measurement</b>	<b>Timing</b>	<b>Projects</b>	<b>Partners</b>	<b>Priority</b>
1.1.1 Continue to advocate for coverage across black spot areas	% shire covered by Mobile footprint	2018/19	Telecommunications Project	RfR Black Spot Program, CLGF regional (14/15), Telstra	High

**Risk Management**

In addition to the requirements of the *Telecommunications Act 1997* and the *Planning and Development Act 2005* the applicant is also bound by the *Telecommunications Code of Practice 1997*, and the Australian Communications and Media Authority's *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003*.

**Consultation**

Council is not required to undertake community consultation for this application. However Council also has the right to advertise the application for public comment under Schedule 2 Part 8 Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* should it wish to seek comment on the proposal and return the matter to a future meeting of Council for consideration of any received submissions, prior to making its determination.

**Comment**

Council may consider that the application should be supported based on the following:

- The proposed location is an area of undeveloped rural land with native vegetation;
- The development will assist economic productivity, by enabling improved access to mobile phone networks and the internet to conduct business;
- The development will provide greater ability to reach assistance in an emergency situation;
- The proposed facility would not require clearing of remnant vegetation and is removed from environmental features such as watercourses.
- Whilst the mobile phone tower will have some limited visual impact on the surrounding area being a 55.4m structure sited in relatively flat terrain. However the rural nature of the location means it will not necessarily be permanently in view of public/residents. There is a practical need for the structure to be of this height to function effectively, and there are other examples of radio, phone and television masts sited in prominent locations in rural areas that serve a community need.

**Voting Requirements – Simple Majority**

**Officers Recommendation – Item 18042.4**

That Council grant formal planning approval for Telecommunications Infrastructure upon Lot 4389 Great Northern Highway, Bunjil subject to compliance with the following:

## Conditions:

- 1 Development shall generally be in accordance with plans included within Attachment 1 to the Council Agenda report 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) requires further application and planning approval for that use/addition.
- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 4 The applicant must obtain any/all necessary consent of the landowner relevant to the site and the access to the site.

## Notes:

- (a) All operations must be carried out in accordance with the separate requirements of the Australian Communications and Media Authority, and Australian Radiation Protection and Nuclear Safety Agency pertaining (but not limited) to electromagnetic energy.
- (b) The facility must be in compliance with any separate requirements of the Civil Aviation Safety Authority.
- (c) Should the applicant be 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.

**Council Resolution – Item 18042.4**

**Moved: Cr P Waterhouse**

**Seconded: Cr J Hirsch**

**That Council grant formal planning approval for Telecommunications Infrastructure upon Lot 4389 Great Northern Highway, Bunjil subject to compliance with the following:**

**Conditions:**

- 1 Development shall generally be in accordance with plans included within Attachment 1 to the Council Agenda report 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) requires further application and planning approval for that**

use/addition.

- 3 The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.
- 4 The applicant must obtain any/all necessary consent of the landowner relevant to the site and the access to the site.

**Notes:**

- (a) All operations must be carried out in accordance with the separate requirements of the Australian Communications and Media Authority, and Australian Radiation Protection and Nuclear Safety Agency pertaining (but not limited) to electromagnetic energy.
- (b) The facility must be in compliance with any separate requirements of the Civil Aviation Safety Authority.
- (c) Should the applicant be 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.

Carried: 8/0

## 18043 INFRASTRUCTURE SERVICES

### 18043.1 ROAD MAINTENANCE – MARCH 2018

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>R999</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>KEN MARKHAM - MIS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>KEN MARKHAM - MIS</b>
<b>REPORT DATE:</b>	<b>19<sup>TH</sup> APRIL 2018</b>
<b>ATTACHMENTS</b>	<b>MAP</b>

#### Executive Summary

This item seeks Council's acceptance of the road maintenance report for March.

#### Background

Listed are the roads graded for the months of March.

Bestry Road	Boonerong Road
Norrish Road	Warriedar Coppermine Road
Solomon Road	Baxter Road
Syson Road	
Spencer Road	
Leibe Road	

**MINUTES****19<sup>th</sup> April 2018**

Billeroo Road  
Mcdonald Road

**Statutory Environment**

Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

**Policy Implications****Financial Implications**

As per road maintenance budget

**Strategic Implications**

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

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

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Not maintaining roads will lead to deterioration of the asset and safety issues for users	High	To maintain roads to a standard and implementation of a Road Maintenance Plan.

**Consultation**

NIL

**Comment**

Maintenance grading has been carried out from pickups and requests.

**Voting Requirements – Simple Majority****Officers Recommendation – Item 18043.1**

That the road maintenance report for March 2018 be accepted as presented.

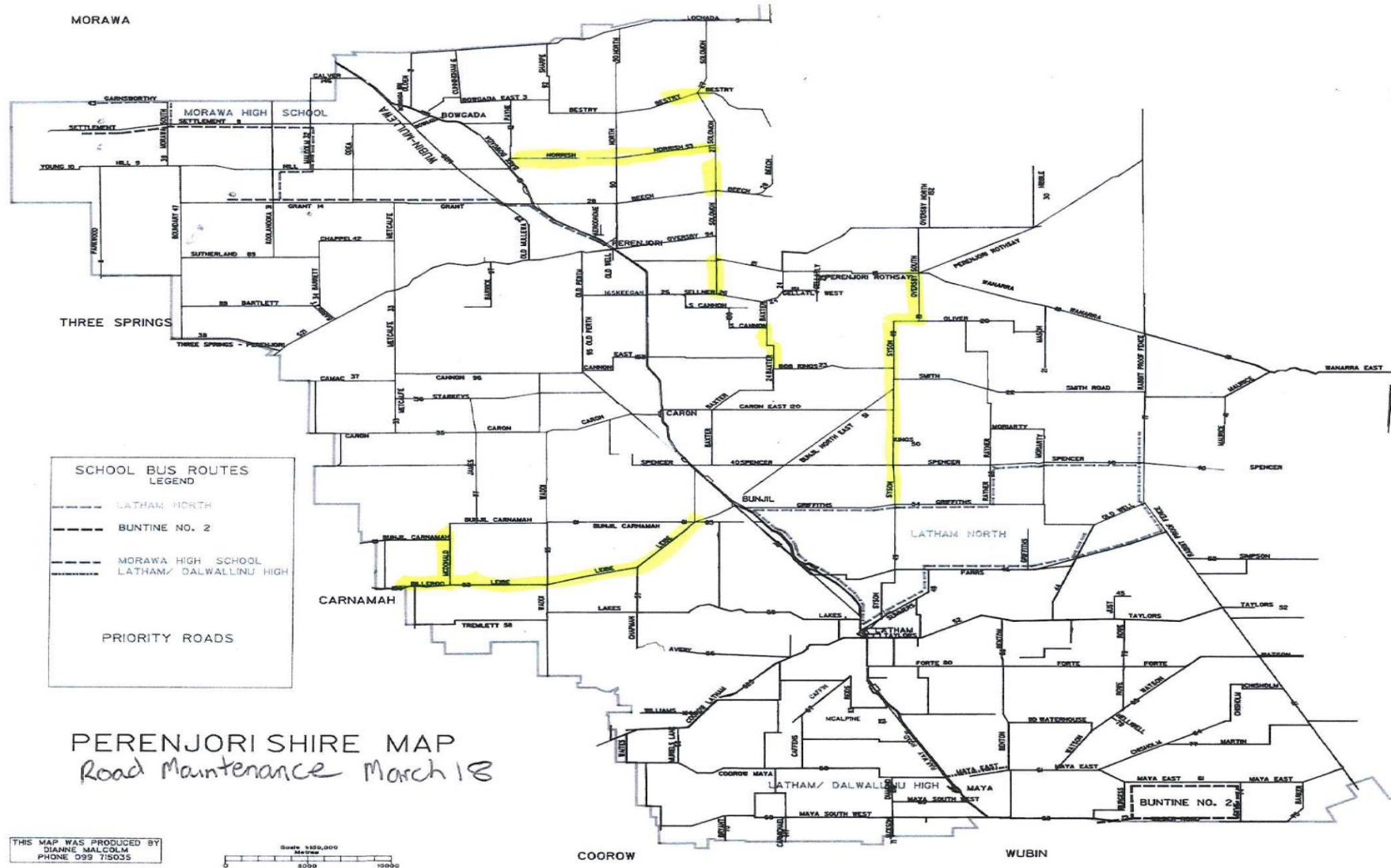
**Council Resolution – Item 18043.1**

Moved: Cr G Reid

Seconded: Cr J Hirsch

That the road maintenance report for March 2018 be accepted as presented.

Carried: 8/0



**18045 GOVERNANCE****18045.1 FREEDOM OF INFORMATION POLICY**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>ADM 0228</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>EMILY SUTHERLAND – A/ MCDS</b>
<b>RESPONSIBLE OFFICER:</b>	<b>ALI MILLS - CEO</b>
<b>REPORT DATE:</b>	<b>19<sup>TH</sup> APRIL 2018</b>
<b>ATTACHMENTS</b>	<b>PROPOSED FREEDOM OF INFORMATION POLICY, INFORMATION STATEMENT &amp; FREEDOM OF INFORMATION PROCEDURES</b>

**Executive Summary**

This item recommends that Council adopts the proposed Freedom of Information Policy.

**Background**

The Shire of Perenjori does not have a current *Information Statement* or procedure for dealing with requests made under the Freedom of Information Act 1992.

The proposed Freedom of Information policy will see the Shire adopting a *Freedom of Information Procedures* document and also the accompanying *Information Statement*.

The policy directs that these documents are updated and published annually in line with the Freedom of Information Act 1992.

**Statutory Environment**

Freedom of Information Act 1992 , Section 96(1)

Local Government (Administration) Regulations 1996

**Policy Implications**

Draft Policy 1018

**Financial Implications**

Nil at this time

**Strategic Implications**

Area 5: Investing in Councils 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.*

**Risk Management**

Risk Statement	Level of Risk	Risk Mitigation Strategy
There is no existing policy to detail the way in which the Shire of Perenjori responds to requests for information under the Freedom of Information Act 1992. The Shire of Perenjori does not have a current Information Statement and therefore in breach of the Freedom of Information Act 1992.	High	The proposed policy will ensure the Shire of Perenjori is meeting its statutory requirements as per the Freedom of Information Act 1992, Section 96 (1).  The policy will ensure that the Information Statement is updated and published annually as per the Act.

**Consultation**

Regulations

**Comment****Voting Requirements – Simple Majority****Officers Recommendation – Item 18045.1**

That Council adopts the Freedom of Information Policy and endorses the Shire of Perenjori Information Statement 2018 and Shire of Perenjori Freedom of Information Procedures 2018.

**Council Resolution – Item 18045.1****Moved: Cr J Cunningham****Seconded: Cr R Spencer**

**That Council adopts the Freedom of Information Policy and endorses the Shire of Perenjori Information Statement 2018 and Shire of Perenjori Freedom of Information Procedures 2018.**

**Carried: 8/0****18046 PROJECT STATUS REPORT**

**APPLICANT: SHIRE OF PERENJORI**  
**FILE: NIL**  
**DISCLOSURE OF INTEREST: NIL**  
**AUTHOR: ALI MILLS - CEO**  
**RESPONSIBLE OFFICER: ALI MILLS - CEO**  
**REPORT DATE: 19<sup>TH</sup> APRIL 2018**  
**ATTACHMENTS: PROJECT STATUS REPORT**

**Executive Summary**



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

**Background**

Nil

**Statutory Environment**

Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils 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**

Staff

**Comment**

Nil

<b>Officer Recommendation – Item 18046</b>
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Council accepts the Project Status Report as presented for the month of March 2018.
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<b>Council Resolution – Item 18046</b>
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<b>Moved: Cr K Pohl</b>
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<b>Seconded: Cr J Hirsch</b>
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<b>Council accepts the Project Status Report as presented for the month of March 2018.</b>
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<b>Carried: 8/0</b>
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**18047 STATUS REPORT**

<b>APPLICANT:</b>	<b>SHIRE OF PERENJORI</b>
<b>FILE:</b>	<b>NIL</b>
<b>DISCLOSURE OF INTEREST:</b>	<b>NIL</b>
<b>AUTHOR:</b>	<b>ALI MILLS - CEO</b>
<b>RESPONSIBLE OFFICER</b>	<b>ALI MILLS - CEO</b>
<b>REPORT DATE:</b>	<b>19<sup>TH</sup> APRIL 2018</b>
<b>ATTACHMENTS</b>	<b>STATUS REPORT</b>

**Executive Summary**

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

**Background**

Nil

**Statutory Environment**

Local Government Act 1995 S3.1 – the general function of Local Government is to provide for the good government of people in its district.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Area 5: Investing in Councils 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**

Staff

**Comment**

Nil

**Officer Recommendation – Item 18047**

Council accepts the Status Report as presented for the month of March 2018.

**Council Resolution – Item 18047**

Moved: Cr L Smith

Seconded: Cr R Spencer

Council accepts the Status Report as presented for the month of March 2018.

Carried: 8/0

**18048 OTHER BUSINESS****18048.1 MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN****18048.2 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN****18048.3 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION****18048.4 MATTERS BEHIND CLOSED DOORS**

J.Pohl, R. White &amp; J.Bensdorp left the room at 3.36 pm

**Council Resolution – Item 18038.4.1**

Moved: Cr J Cunningham

Seconded: Cr R Spencer

That Council goes behind closed doors to discuss confidential item 18048.4.1.

Carried: 8/0

**18048.4.1 CONFIDENTIAL ITEM - DISPOSAL OF COLORADO 7 LTZ WAGON****APPLICANT: SHIRE OF PERENJORI****FILE: ADM 0030****DISCLOSURE OF INTEREST: NIL****AUTHOR: KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES****RESPONSIBLE OFFICER: KEN MARKHAM- MANAGER INFRASTRUCTURE SERVICES****REPORT DATE: 19<sup>TH</sup> APRIL 2018****ATTACHMENTS NIL****Voting Requirements – Simple Majority****Committee Recommendation – Item 18048.4.1**

That Council accepts the confidential schedule.

**Council Resolution – Item 18038.4.1**

Moved: Cr J Hirsch

Seconded: Cr R Spencer

That Council returns to open Council to move and second Confidential item 18048.4.1

Carried: 8/0

**Council Resolution – Item 18048.4.1**

Moved: Cr L Smith

Seconded: Cr J Hirsch

That Council accepts the confidential schedule.

Carried: 8/0

R.White and J. Bendsdorp returned to the meeting at 3.44 pm.

Ali Mills, Emily Sutherland and R. White left the meeting at 4.55 pm.

**Council Resolution – Item 18038.4.1**

Moved: Cr R Spencer

Seconded: Cr K Pohl

That Council moves behind closed doors to discuss Confidential Item 18048.4.2.

Carried: 8/0

**18048.4.2 CONFIDENTIAL ITEM CEO – ANNUAL PERFORMANCE REVIEW 2017**

**APPLICANT:** SHIRE PRESIDENT – CR LAURIE BUTLER

**FILE:** PER 259

**DISCLOSURE OF INTEREST:** CEO – ALI MILLS

**AUTHOR:** SHIRE PRESIDENT – CR LAURIE BUTLER

**RESPONSIBLE OFFICER** CEO – ALI MILLS

**REPORT DATE:** 19<sup>TH</sup> APRIL 2018

**ATTACHMENTS** CAMERELLI REPORT

**Voting Requirements – Absolute Majority****Officers Recommendation – Item 18038.4.2**

That Council accepts the confidential schedule.

**Council Resolution – Item 18038.4.1**

Moved: Cr L Smith

Seconded: Cr J Cunningham

That Council returns to open Council to move and second Confidential item 18038.4.2.

Carried: 8/0

**Council Resolution – Item 18038.4.2**

Moved: Cr P Waterhouse

Seconded: Cr R Spencer

That Council accepts the confidential schedule.

Carried: 6/2

**18048.5 DATE OF NEXT MEETING**

The date of the next Council meeting will be held on Thursday 17<sup>th</sup> May 2018 commencing at 7.00 pm.

**18048.6 CLOSURE**

Cr L Butler declared the meeting closed at 5.05 pm.