

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**

(for consideration at the following meeting, if given during the meeting).

21. **NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

22. **CLOSURE OF MEETING**

The Shire President declared the meeting closed at 3.36 pm.

23. **NEXT MEETING:**

The Shire President advises that the date of the next Ordinary Meeting of Council will be held on Thursday 16 September, 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 19 August 2021.

Signed: 
Cr Chris King – Presiding Officer

Date: 16/09/2021



Shire of
Perenjori
Embrace Opportunity

MINUTES
for the
**ORDINARY COUNCIL
MEETING**

19 AUGUST 2021

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COUNCIL ROLE

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	<p>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.</p> <p>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.</p>

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 19 August 2021, at the Shire of Perenjori Council Chambers, 56 Fowler Street, Perenjori WA 6620, commenced at 3:00 pm.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

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

Welcome to Country: -

As per the Shire of Perenjori Policy (N^o 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 to read.

3. DISCLAIMER READING:

As printed.

4. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

4.1 ATTENDANCE:

MEMBERS:

Cr Chris King – Shire President
Cr Jude Sutherland – Deputy President
Cr Brian Baxter
Cr Colin Bryant
Cr Daniel Bradford
Cr Les Hepworth
Cr Phil Logue

STAFF:

Mario Romeo – Chief Executive Officer
Nola Comerford-Smith – MCCA
Wayne Scheggia – Executive Advisor
Ken Markham – Manager Infrastructure Services
Bianca Plug – Executive Assistant

DISTINGUISHED VISITORS:

Nil.

MEMBERS OF THE PUBLIC:

Paddy King

LEAVE OF ABSENCE: Nil.

APOLOGIES: Nil.

5. PUBLIC QUESTION TIME:

5.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE:

Nil.

5.2 QUESTIONS WITHOUT NOTICE:

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE:

6.1 APPLICATION/S FOR LEAVE OF ABSENCE:

Nil.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

7.1 ORDINARY MEETING HELD ON 15 JULY 2021

190821.1 COUNCIL DECISION

**THAT the Minutes of the Ordinary Meeting of Council held on 15 July 2021, presented in attachment 7.1 (a), be confirmed as true and correct subject to no / the following corrections.
Moved: Cr J Sutherland Seconded: Cr C Bryant Motion put and carried 7/0**

7.2 SPECIAL COUNCIL MEETING HELD ON 9 AUGUST 2021

190821.2 COUNCIL DECISION

**THAT the Minutes of the Special Meeting of Council held on 9 August 2021, presented in attachment 7.2 (a), be confirmed as true and correct subject to no / the following corrections.
Moved: Cr D Bradford Seconded: Cr L Hepworth Motion put and carried 7/0**

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

On behalf of Council the Shire President congratulated the Perenjori Agricultural Society Inc. on a magnificent and well-presented 2021 show.

9. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

10. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED:

Matters Behind Closed Doors

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

*A matter that if disclosed, would reveal –
Information that has a commercial value to a person; or
Information about the business, professional, commercial or financial affairs of a person.*

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 C Bryant declared an impartiality interest in item 15.7 PROPOSED OPEN BULKHEAD – LOT 3996 COOROW-LATHAM ROAD, LATHAM.

12. FINANCE REPORTS

12.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2021

Applicant:	Shire of Perenjori
File:	ADM0081
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Deb Barndon – Accountant
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	12.1 (a) - Monthly Statement of Financial Activity for 30 June 2021

Executive Summary:

This item recommends that Council receive the Financial Activity Statements for the period ending 30 June 2021.

Background:

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

Details:

Nil.

Legal Compliance:

Nil.

Policy Implications:

Nil.

Financial Implications:

Shown in the attached data.

Strategic Community Plan:

Area 5: Investing in Councils Leadership.

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

Consultation:

Nil.

Precedents:

Nil.

Officer Comment:

Nil.

CEO Comment:

Nil.

MONTHLY FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2021

190821.3 COUNCIL DECISION

THAT Council receive the Financial Activity Statement Reports for the period ending 30 June 2021.

Moved: Cr P Logue

Seconded: Cr J Sutherland

Motion put and carried 7/0

12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 JUNE 2021

Applicant:	Shire of Perenjori
File:	ADM0082
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Deb Barndon – Accountant
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	12.2 (a) - Accounts for Payment 30 June 2021

Executive 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 Role:

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:

Strategy 1.3.2 of the Strategic Community Plan – Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations.

Consultation:

Nil.

Risk Assessment:

Nil.

Precedents:

Council endorses the Schedule of Paid Accounts at each Ordinary Council Meeting.

Officer Comment:

This is a schedule of ‘paid accounts’ - the accounts have been paid in accordance with Council’s delegation.

Accounts Paid for the Month Ending 30 June 2021.

Municipal Account	
EFT	\$ 345,085.13
Direct Debits	\$ 61,986.27
Cheques	\$ 10,544.25
Corporate MasterCard	\$ 771.80
Bank Fees	\$ 246.84
Total	\$ 418,364.29

Trust Account – Mt Gibson Public Benefit Funds	
EFT	\$0.00
Cheques	\$0.00
Bank Fees	\$0.00
Total	\$0.00

Totalling **\$418,364.29** from *Municipal* and *Trust Accounts* for the month ending **30 June 2021**.

SCHEDULE OF PAID ACCOUNTS AS AT 30 JUNE 2021

190821.4 COUNCIL DECISION

THAT Council receives the June Schedule of Paid Accounts Report.

Moved: Cr J Sutherland

Seconded: Cr L Hepworth

Motion put and carried 7/0

13. COMMUNITY DEVELOPMENT

14. PLANT AND WORKS

15. GOVERNANCE

15.1 STRATEGIC COMMUNITY PLAN – MINOR REVIEW

Applicant:	Shire of Perenjori
File:	ADM0631
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford-Smith - M CCS
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	15.1 (a) – Strategic Community Plan 2017-2027

Executive Summary:

For Council to consider the reviewed Strategic Community Plan 2017-2027. This document has been desktop reviewed and updated 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) every two years, alternating between a minor and major review.

The Department of Local Government Sports and Communities *IPR Framework and Guidelines* states that a minor review of the SCP is primarily a desktop exercise and usually focuses on resetting the Corporate Business Plan with consequential amendments to the core informing strategies as required.

Council and Staff have conducted a minor review of the SCP and has made minor changes. A major review of the Strategic Community Plan is due in 2023 as per Officer Comments in this Item, with an intention to begin engagement mid-2022.

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.

Legal Compliance:

Nil.

Consultation:

Council and Executive Management

Financial Implications:

Nil.

Strategic Community Plan:

Are 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 Strategic Community Plan was developed in 2017 with extensive community involvement in the planning process. Due to staff turnover and shortages, a minor review was not conducted in 2019. Therefore, the author recommends that this minor review takes place in 2021 with a major review proposed for 2023 to enable a comprehensive plan to be developed with stability in the workforce, and engagement with the community and consultants be initiated in 2022.

STRATEGIC COMMUNITY PLAN – MINOR REVIEW

190921.5 COUNCIL DECISION

THAT Council endorses the changes proposed to the Strategic Community Plan 2017-2027 resulting from the minor review conducted in accordance with *Section 5.56(1)* of the *Local Government Act 1995*.

Moved: Cr L Hepworth

Seconded: Cr P Logue

Motion put and carried 7/0

15.2 ACCEPTANCE AND ADOPTION OF ANNUAL REPORT – 2019 / 2020

Applicant:	Shire of Perenjori
File:	ADM0339
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Mario Romeo - Chief Executive Officer
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	15.2 (a) – 2019/2020 Annual Report

Executive Summary:

The 2019/2020 Annual Financial Statements and the Auditor General Audit Report were presented to the Shire of Perenjori's Audit Committee on July 15th 2021 after being received from the Office of the Auditor General on the 8th July 2021. The outcome of the Audit Committee was:

THAT the Audit Committee recommends that Council:

- 1. Accepts the Auditor's Financial Report for the financial year ending 30 June 2020.*
- 2. Notes the findings identified in the Auditor's Management Letter and the Officers responses to the issues raised.*
- 3. Notes the opinions expressed in the Independent Auditor's Report and the Officers responses to the issues raised.*
- 4. Notes the surplus ratio is not meeting the standard.*
- 5. Notes that the ratio is trending towards, and is close to achieving, the Basic Standard*
- 6. Will continue to monitor the ratio and consider options to close the gap as part of its continuing financial management effort.*
- 7. That a copy of the finalised Audit Committee Minutes be presented to the Minister and Auditor General.*

The subsequent Ordinary Meeting of Council held directly after the Audit Committee meeting accepted the Audit Committees recommendation. The Annual Report can now be prepared for acceptance by Council.

Background:

An Annual Report is required to be produced every year after the Annual Audit has been completed and upon receipt of the Audit Report and acceptance by Council.

The Annual Report is prepared in accordance with Section 5.53 of the Local Government Act, 1995 and includes;

- Report from the Shire President;
- Report from the CEO;
- An overview of the plan for the future of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or continue in the next financial year;
- The Financial Report for the Financial Year;
- Prescribed information relating to payments made to employees;
- Auditors Report;
- Report required under the Disabilities Services Act;
- Details regarding complaints made against Councillors during the year; and
- Other prescribed information.

Legal Compliance:

Local Government Act, 1995.

Section 5.27(1) states:

A general meeting of electors of a district is to be held once every financial year.

Section 5.27 (2)

A General meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the Annual Report for the previous financial year.

Section 5.29(1)

The CEO is to convene an electors' meeting by giving –

- (a) at least 14-days local public notice; and
- (b) each council member at least 14-days' notice of the date, time, place and purpose of the meeting.

Acceptance of annual reports 5.54.

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted by the local government no later than 31 December after that financial year.
- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

Notice of annual reports 5.55.

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Policy Implications:

Nil.

Strategic Community Plan:

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.

Budget Implications:

Nil.

Consultation:

Commissioner - Hon. Paul Omodei

Acting Chief Executive Officer - Mr Mario Romeo

Accountant – Deb Barndon

Precedents:

Nil.

Officer Comment:

The Annual Report is listed as an Agenda item within two (2) months of the release of the 2018/2019 Auditors Report from the Office of the Auditor General.

ACCEPTANCE AND ADOPTION OF ANNUAL REPORT – 2019 / 2020

190821.6 COUNCIL DECISION

THAT Council:

1. Adopt the 2018/2019 Annual Report, containing the Annual Financial Report and the Auditors Report, for the financial year ending 30 June 2019;
2. Accept the 2018/2019 Annual Report containing the Annual Financial Report and Auditors Report.

Moved: Cr D Bradford

Seconded: Cr C Bryant

Motion put and carried 7/0

15.3 SHIRE OF PERENJORI EMPLOYEE HOUSING POLICY

Applicant:	Shire of Perenjori
File:	ADM0311
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford-Smith - MCCS
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	15.3 (a) – Draft Employee Housing Policy No. 5005

Executive Summary:

For Council to consider a draft Employee Housing Policy.

Background:

Council provides subsidised housing to staff as an incentive to attract and retain staff as it is often difficult to find suitable rental accommodation on the private rental market. Currently, ten staff are tenants in Council-owned houses.

Council's current Housing Policy does not reference the Shire of Perenjori Enterprise Agreement 2019 (the Agreement), resulting in some inconsistency between the two documents. A policy that clearly articulates the intent and priorities of Council reduces the risk of inequitable or unjustifiable decisions and improved transparency.

As per the Agreement, Outside Works employees only are eligible for a Housing Allowance of \$4.43 per hour for staff who reside in their own, or privately rented, accommodation. In addition, employees in their own, or privately rented, house are eligible for further incentives including waiving of rubbish collection charges and subsidised water consumption.

Section 16 of the Shire of Perenjori Enterprise Agreement 2019:

16. – HOUSING

- 16.1 *Housing is provided in Perenjori by the Employer in accordance with Council Policy, as varied from time to time, and subject to availability. Any changes to this Council Policy will be negotiated with staff and will be made in accordance with the Consultation Procedure at Clause 27 of this Agreement.*
- 16.2 *Included in the hourly pay rate for Outside Works Employees covered by this Agreement is a Housing Allowance of \$4.43 per hour. Outside Works Employees will not receive the \$4.43 per hour Housing Allowance if they are provided free or discounted rent in a Shire owned property or receive an alternative housing subsidy.*
- 16.3 *Employees renting Employer houses will retain the option of salary sacrificing the full cost of rental payments.*
- 16.4 *The Employer will continue to contribute an amount of \$44 per account towards water consumption on Employer properties upon presentation of the water account. This is subject to the Employee maintaining the gardens to a reasonable standard as assessed by the Employer.*
- 16.5 *The Employer retains the right to refuse the payment if gardens/yards are not kept at the expected standard.*

16.6 *The Employer will waive rubbish collection charges for Employees for their principal residence and apply a pro rata waiving for permanent part time Employees.*

16.7 *This clause does not apply to casual Employees.*

Statutory Environment:

This policy is presented to Council under Section 2.7 of the *Local Government Act 1995* which stipulates that the role of Council is to determine policies.

Policy Implications:

Shire of Perenjori Policy Manual – 2021

Policy number 5002 and 5004 in relation to housing:

5002 – EMPLOYEES RENTAL SUBSIDY FOR PRIVATE RENTALS

POLICY STATEMENT:

To provide equity between Shire employees who rent Shire housing and employees who are unable to, the Council will consider for an employee's principal place of residence:

- Waiving rubbish collection charges for a single 240 litre bin;
- Subsidising water consumption to the same rate as applies employees renting Shire houses.

To maintain consistency with tenants, this subsidy will be dependent on employees maintaining lawns and gardens to an appropriate standard: and

- Negotiate housing benefits from time to time through the Enterprise Bargaining process.

POLICY ADMINISTRATION

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

5004 – HOUSING TENANCY AGREEMENTS

POLICY STATEMENT:

Council adopts the Department of Commerce, Consumer Protection *RESIDENTIAL TENANCY AGREEMENT*, with the following additional conditions:

1. An employee's tenancy agreement will be conditional on the continued employment with the Shire of Perenjori by the tenant.
2. On termination of employment with the Shire of Perenjori, the tenant shall vacate the premises in accordance with the requirements of the Agreement.
3. Non-employee tenants shall enter into a Residential Tenancy Agreement and comply with all aspects of the Agreement.
4. Termination of a Residential Tenancy Agreement will be in accordance with the terms and conditions of the written Agreement.
5. It is the responsibility of the tenant to ensure the gardens, yard and house surrounds are kept in a neat and tidy condition and lawns and gardens not be allowed to die or deteriorate.

POLICY ADMINISTRATION

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

Legal Compliance:

N/A.

Consultation:

Shire Staff.

Financial Implications:

These updated fees will be included in the draft 2021/22 Schedule of Fees & Charges which will be brought before Council for consideration as part of the 2021/22 budget process.

Strategic Community Plan:

Nil.

Officer Comment:

A lack of policy direction has resulted in some inconsistencies and inequity in the Agreement in the way housing incentives are allocated. This policy aims to address these shortcomings by providing clear guidelines to ensure transparency and equity. An additional policy is required to address Council's intentions for future housing requirements including sale of surplus and construction of new housing to continue the ability to offer quality housing to staff, community members, and businesses. A draft Council Housing Policy will be presented to Council for consideration at a future Council meeting.

To provide equity for all employees, it is proposed that in accordance with the Agreement, Council will pay a housing allowance of \$4.43 per hour for Outside Works employees who reside in their own, or privately rented, accommodation with the exception of staff with an individual contract or who reside in a residence along with other Shire employee/s. In this case, only one allowance will be paid.

Where an Administration employee is entitled to a Council house but has alternative housing arrangements, Council will pay a Housing Allowance of \$150 per week to full-time employees working 38 hours per week, and pro-rata for permanent part-time employees.

Permanent employees who reside in a Council house shall be offered a 50% discount on market value rent, and pro rata to permanent part time employees.

As per the *Local Government Industry Award 2020*, a permanent part-time employee is classified as:

- Working less than 38 hours per week;
- Has reasonably predictable hours of work; and
- Receives, on a pro rate basis, pay and conditions equivalent to those of full-time employees who do the same.

SHIRE OF PERENJORI EMPLOYEE HOUSING POLICY

190821.7 COUNCIL DECISION

THAT the Employee Housing Policy 5005 as presented be adopted by Council and included into the Shire of Perenjori Policy Manual.

Moved: Cr P Logue

Seconded: Cr C Bryant

Motion put and carried 7/0

15.4 MASONIC LODGE LEASE

Applicant:	Shire of Perenjori
File:	ADM0270
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford-Smith - MCCA
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	Nil

Summary:

For Council to consider commencing negotiations with the Morawa Masonic Lodge for extension of peppercorn lease for the Perenjori Masonic Lodge located at 39 Livingstone Street, Perenjori whilst continuing to pursue transfer of ownership of property to the Shire of Perenjori.

Background:

Council have leased the building since 2000 on a Peppercorn Lease arrangement with the Morawa Masonic Lodge (MML), with the most recent lease expiring in 2011. In 2008, Council was approached by the Morawa Masonic Lodge in regards to vesting the building to the Shire of Perenjori with the conditions that the building be used for community use. Procedures commenced with a settlement agency until correspondence was received from the Grand Lodge (Masonic governing body) informing that the building could not be disposed of without formal written approval by the Grand Lodge Board of Directors. The transfer appears to have stalled following this letter, but communication has been re-established between the Shire and the MML and the process has recommenced.

The Perenjori Police have approached the Shire requesting the use of the building to establish a Community Centre, with a particular focus on Youth. The Police are to be commended for their initiative and enthusiasm for this project, and a funding application has been submitted to the Mt Gibson Public Benefit Trust for this purpose. Council support will be required to proceed with the project.

Statutory Environment:

Nil.

Policy Implications:

Nil.

Consultation:

Brian Ross, Morawa Masonic Lodge.

Peter Groom Settlements, Geraldton.

Financial Implications:

Financial outlay would be minimal with a Peppercorn Lease, and if property handover is pursued, costs associated with settlement of approximately \$800 would need to be included in the 2021/2022 Budget.

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 building is in some disrepair and renovations to the kitchen and ablutions will be required to keep the building functional. Repairs to the ablutions has been included in a funding submission to Mt Gibson from the Perenjori Police, along with resources to commence operations as a combined Community/Youth Centre.

MASONIC LODGE LEASE

190821.8 COUNCIL DECISION

THAT Council request the CEO to commence negotiations with the Morawa Masonic Lodge for extension of peppercorn lease for the Perenjori Masonic Lodge located at 39 Livingstone Street, Perenjori whilst continuing to pursue transfer of ownership of property to the Shire of Perenjori.

Moved: Cr D Bradford

Seconded: Cr J Sutherland

Motion put and carried 7/0

15.5 COMMUNITY HALL – 39 LIVINGSTONE STREET, PERENJORI

Applicant:	Shire of Perenjori
File:	ADM0414
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford-Smith - MCCA
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	15.5 (a) – Letter of Support Perenjori Primary School

Summary:

For Council to consider a request for community use of the old masonic lodge at 39 Livingstone Street, Perenjori.

Background:

The following correspondence was received from Sergeant Nathan Good, of the Perenjori Police Station.

Good afternoon Nola,

I am seeking permission from the Shire of Perenjori to utilise the old Masonic Lodge, located on the corner of Timmings and Livingstone Streets Perenjori, as a Community Centre.

The Perenjori Police have recently been granted approval from PCYCWA to commence a Blue Light Unit in Perenjori which is a fantastic opportunity to expand our relationship with the Perenjori youth and in turn other members of the community from the Perenjori Shire.

Our aims are

- Organise engaging activities with the local youth to help keep them engaged and entertained. During these activities, the local police will also be able to offer guidance and support regarding making healthy choices regarding drugs, smoking and alcohol consumption in a relaxed, safe environment.*
- To develop and encourage better communication and relationships between young people, police, and community members.*
- Encourage and assist youth in the development of social skills and responsibility through participating in Blue Light activities.*
- Be involved in meaningful and enjoyable activities.*
- Be able to make informed choices about their health and well-being. Develop life and citizenship skills; enabling them to become positive and active members of their community*
- To reduce occurrences of crime involving young people and encourage responsible citizenship.*
- Facilitators organising and supporting event will be respected police officers and community volunteers who have existing positive relationships with the local community. The young people of the community will benefit greatly from respected individuals providing fun, engaging activities, and modelling appropriate behaviour.*

The purpose

- To provide a multi-purpose community space for the residents of Perenjori. The focus will be to provide safe, healthy, supervised activities for young people in an environment which excludes drugs, alcohol consumption and anti-social behaviour.*
- Reduce the level of boredom within the community particularly youth, specifically outside of school times. During recent times, especially in the school holidays more children come back to the area and have limited to do. Due to this, antisocial behaviour within the community increases.*

- *By holding Community and Blue Light activities during these times, the local Police can hopefully reduce this behaviour.*

Target Group/s

- *The project is primarily targeted at youth. To enhance their relationships with peers, adults, police and their local community through positive interactions and experiences during events. As a result the entire community will benefit.*
- *The space will also be offered to other community groups such as the CRC, arts and crafts, to facilitate art programs and other educational activities which will benefit the community as a whole.*

The space would be used after school on designated days and also during school holidays again on designated days, subject to volunteer availability.

Would you kindly put this request on the next shire meeting agenda for consideration.



Look forward to our ongoing commitment to the Perenjori Shire and community as a whole.

Regards

Nathan Good | Sergeant 9215 | Officer In Charge

Perenjori Police Station | Western Australia Police Force

Lot 90 Russell Street, Perenjori WA 6620

T: (08) 99730500

W: www.police.wa.gov.au



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A separate Agenda Item is presented to Council for background and options on ownership of the old Masonic Lodge.

Statutory Environment:

Nil

Policy Implications

Nil.

Legal Compliance:

Nil.

Consultation:

Sergeant Nathan Good – Perenjori Police Station

Second Officer Jess Reading – Perenjori Police Station

Laura Griffin – Community Development Officer

Financial Implications:

Allowance has been made in the 2021/2022 Draft Budget for maintenance costs including electricity, insurance and water. Quotes have been requested for the refurbishment of the kitchen and ablution block.

Precedents:

A youth program was previously run by Perenjori Police (Randall Moulden) in 2008 but ceased on his departure from Perenjori.

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 old Masonic Lodge has been unused for some years, having previously been the location for a women's fitness group and a youth centre. The building has become somewhat rundown, including roof damage from cyclone Seroja but with potential for a space in which community groups could access for workshops, meetings and youth activities. The Community Development Officer would work closely with the Perenjori Police to increase community engagement and provide assistance in delivering programs.

The Perenjori Police run a Blue Light Unit which delivers programs for young people, providing supervised age-appropriate activities to alleviate boredom, provide mentoring, and give youth a positive outlook on their community. The Police have applied for Mt Gibson Public Benefit Trust funding to purchase resources to fit-out the building such as art supplies and furniture and Council support is required for the application. Activities for young people outside of sport are limited in Perenjori and this project would be an essential part of growing the community.

The previous peppercorn lease has expired, but communication with the Morawa Masonic Lodge has confirmed that they remain hopeful towards the Shire of Perenjori securing title on the property, and are willing to continue with the current arrangement until such time as title is arranged.

COMMUNITY HALL – 39 LIVINGSTONE STREET, PERENJORI

190821.9 COUNCIL DECISION

THAT Council approve the use of the old Masonic Lodge at 39 Livingstone Street, Perenjori for the purposes of a Community Centre and give support for an application submission to the Mt Gibson Public Benefit Trust for resource procurement and facility improvements.

Moved: Cr J Sutherland

Seconded: Cr P Logue

Motion put and carried 7/0

15.6 DEPARTMENT OF COMMUNITIES HOUSING PROJECT

Applicant:	Shire of Perenjori
File:	Nil
Report Date:	19 August 2021
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford-Smith - MCCA
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	Nil

Executive Summary:

To allow Council to consider applying for Department of Communities funding for construction of new aged-housing and refurbishment of existing Council-owned aged-housing within the Shire of Perenjori.

Background:

The State Government Department of Communities has established a Social Housing Economic Recovery Package (SHERP) to aid economic recovery. Local Government are eligible to apply for funding for new construction of up to \$500,000 (five hundred thousand dollars) and / or refurbishment of existing housing to a cost of \$100,000 (one hundred thousand dollars).

Government Response


The **\$319 million** Social Housing Economic Recovery Package consists of three workstreams that will:

- ✓ provide a much-needed boost to the Western Australian construction industry to address the economic challenge of COVID-19;
- ✓ present an opportunity to invest in new and existing social housing across the state to increase supply; and
- ✓ support the most vulnerable people in our community.

For more information on the Social Housing Economic Recovery Package visit

www.communities.wa.gov.au/housingstimulus


Workstream 1



Build or buy up to 250 new metro and regional social housing properties

\$97 million


Workstream 2



Refurbish up to 1500 public, supported residential and community housing properties

\$142 million

Workstream 3



Undertake maintenance works on up to 3800 regional social housing properties and subsidised housing for regional government workers

\$80 million



Statutory Environment:

Local Government Act 1995

Policy Implications:

Nil.

Consultation:

Mario Romeo – Chief Executive Officer

Aluel Mading – Community Development Officer

Financial Implications:

No financial input is required from Council for construction or refurbishment, however, outlay for professional development of the funding applications is highly recommended.

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:

A shortage of accommodation is lacking in Perenjori and previous Council discussion has implied that Council is seeking to upgrade the available housing in the community. With housing in the townsite largely being built many years ago, the development of new residences would improve the streetscape to some degree.

The Department of Communities is offering grants for social housing in order to promote economic recovery and if a successful grant is submitted, Council will enter into a 10-year Community Housing Agreement after which the houses become the property of the Shire and can be used for alternative uses. The new constructions are recommended to be two bedroom / two bathroom type of residences to enable them to be utilised for a broad range of tenants.

DEPARTMENT OF COMMUNITIES HOUSING PROJECT

190821.10 COUNCIL DECISION

THAT Council support the application for funding through the Department of Communities Social Housing Economic Recovery Package for construction of two (2) x aged-housing units, and refurbishment of existing aged-housing located in the following locations:

- **38A Russell Street**
- **38B Russell Street**
- **40A Russell Street**
- **40B Russell Street**

Moved: Cr P Logue

Seconded: Cr D Bradford

Motion put and carried 7/0

IMPARTIALITY INTEREST: Cr C Bryant declared an impartiality interest in item 15.7 – Proposed Open Bulkhead – Lot 3996 Coorow-Latham Road, Latham due to carting grain to the Latham CBH. Cr C Bryant was permitted to remain in the Chamber for the discussion without participating in the discussion or voting.

190821.11 COUNCIL DECISION

THAT Cr C Bryant be permitted to remain in the Chamber during the debate and resolution of item 15.7.

Moved: Cr J Sutherland

Seconded: Cr D Bradford

Motion put and carried 7/0

15.7 PROPOSED OPEN BULKHEAD – LOT 3996 COOROW-LATHAM ROAD, LATHAM

Applicant:	Shire of Perenjori
File:	A14816
Report Date:	19 August 2021
Disclosure of Interest:	Cr C Bryant – Impartiality Interest
Voting Requirements:	Simple Majority
Author:	Simon Lancaster – DCEO Shire of Chapman Valley
Responsible Officer:	Mario Romeo - Chief Executive Officer
Attachments:	15.7 (a) - Copy of Received Application

Executive Summary:

Council is in receipt of an application for an open bulkhead to be sited on Lot 3996 Coorow-Latham Road to the immediate south of the Latham townsite. This report recommends that Council refuse the application in the proposed location and support an amended location upon Lot 3996 that is setback a greater distance from the townsite.

Figure 15.7(a) – Location Plan for Lot 3996 Coorow-Latham Road, Latham



Background:

Lot 3996 is a flat 61.0873ha property that has been cleared for agricultural purposes and is located south-west of the Coorow-Latham Road and Mullewa-Wubin Road intersection.

Lot 3996 has a 747.88m frontage along its northern boundary to the Coorow-Latham Road.

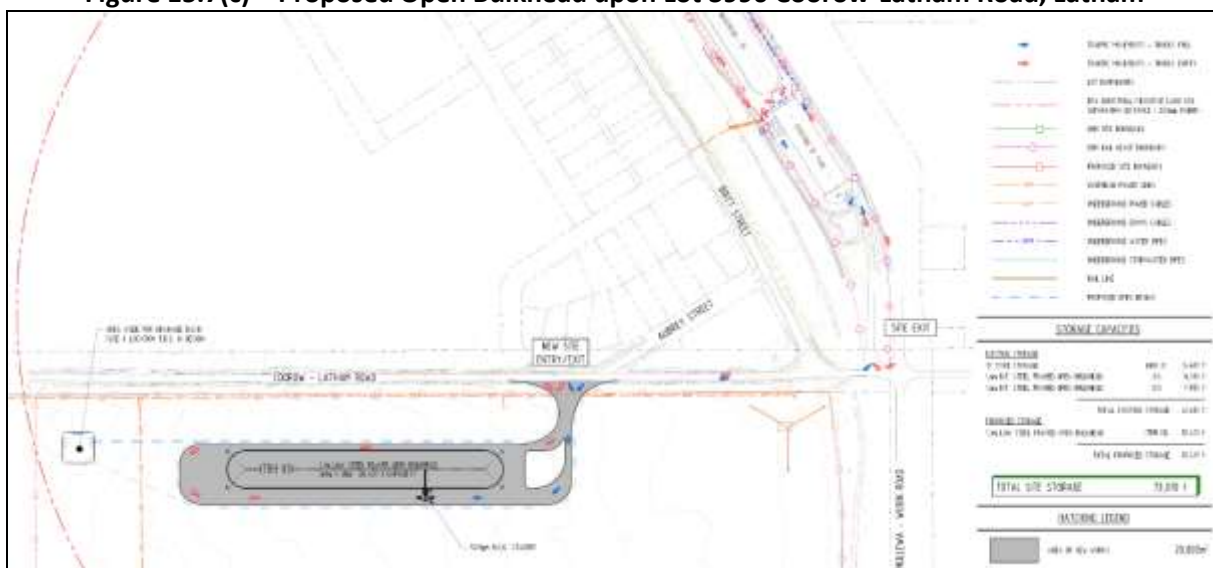
CBH have advised that due to the large harvest forecast for 2022 it requires additional grain receival and storage area to support its existing Latham facility. A copy of the CBH application, including site plans, traffic impact statement and drainage calculations has been included as **separate Attachment 15.7** to this report.

The proposed development would consist of a 260m long, 35m wide open bulkhead with a total capacity of 30,420 tonnes. The bulkhead would consist of 1.2m-1.8m high wall frames on unsealed pads fixed to a 2.2m wide strip of cement stabilised to 200mm depth compacted gravel under seal. The bulkhead would be covered with tarpaulins once filled with grain.

Figure 15.7(b) – Aerial Photo of Lot 3996 Coorow-Latham Road, Latham



Figure 15.7(c) – Proposed Open Bulkhead upon Lot 3996 Coorow-Latham Road, Latham



The internal road network to and around the open bulkhead would be unsealed, and stormwater drains would be cut around the roads and connected to existing site-wide drainage.

The applicant's provided Traffic Impact Statement notes the existing storage capacity in Latham is 42,650 tonnes and the proposed additional storage capacity would take this to 73,070 tonnes. On average, the Latham site currently receives 20,385 tons per year which equates to 11 truck visits per day during harvest. Based on a forecasted 147.2% harvest increase in receivals this would equate to 28 truck visits per day for the Latham townsite. Were all grain receival sites (i.e. the existing and proposed emergency receival point) be required to go to its 73,070 tonne capacity this would equate to 39 truck per day during harvest before no longer being able to receive and further trucks would be required to attend other storage facilities.

Legislation Compliance:

Lot 3996 is zoned 'Rural' under the Shire of Perenjori Local Planning Scheme No.3 ('the Scheme'). Given the advanced (post-advertising) state of the Scheme No.3 this document is now to be considered as 'seriously entertained' and therefore planning decisions should be made under these new provisions.

The Local Planning Scheme No.3 lists the objectives for the 'Rural' zone as being:

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

The development of an open bulkhead could be considered to meet the definition of 'Industry-Primary Production' which is defined in the Scheme as follows:

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

'Industry-Rural' is listed as a 'P' use within the 'Rural' zone under the Scheme, that is a use that must be advertised for comment prior to determination.

Alternatively the development might be considered to meet the definition of 'Warehouse/Storage' which is defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

- “warehouse/storage means premises including indoor or outdoor facilities used for –*
- (a) the storage of goods, equipment, plant or materials; or*
 - (b) the display or sale by wholesale of goods”*

'Warehouse/Storage' is listed as an 'A' use within the 'Rural' zone under the Scheme, that is a use that must be advertised for comment prior to determination.

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

Policy Implications:

Nil.

Budget Implications:

The applicant has been charged the relevant \$1,376 planning application fee.
The application would not have a budgetary impact to Council.

Strategic Community Plan:

The Shire of Perenjori Strategic Community Plan 2017-2027 identifies the following of relevance in Council’s consideration of this matter:

“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.

This strategy area is designed to invest and support business growth and development for the Shire. It will ensure land development for future industrial and residential growth occurs in a timely manner. It will continue to strengthen the tourism industry opportunities and identify other industry areas which can assist in diversifying the economy. It creates key links with regional organisations to ensure access to business planning support services, new business opportunities to maximise business growth.”

Objectives	Measurement	Timing	Projects	Partners	Priority
Maintain local road network to required standard.	Meets service level expectations HV users pay	Ongoing	Local road network maintenance	RRG FAGS	Medium
Continue to work with CBH on development of North Perenjori Site, and Latham upgrades	Grain on rail to port achieved Local grain receiver point maintained	2020	CBH investment PJ	Mining Companies CBH, WA Railways	High

Consultation:

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

Risk Management:

Risk Statement	Level of Risk	Risk Mitigation Strategy
This is an application made under the <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> that Council has the responsibility to administer and make determination upon.	The proposed development would be sited in proximity to a townsite. Conditions therefore should be applied relating to potential emissions and associated traffic movement.	It is considered that the development should be approved for a 12 month trial period at the conclusion of which the Shire can review any issues arising.

Precedents:

CBH grain receival sites are common throughout townsites in the Midwest and Wheatbelt and this includes within the Shire of Perenjori.

Officer Comment:

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

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

The applicant's site plan provided as page 4 within **separate Attachment 15.7(a)** and an extract from which is shown in **Figure 15.7(c)** illustrates that the entire Latham townsite is within a 500m radius of the existing CBH grain receival facility. This is not an uncommon legacy issue in many Midwest and Wheatbelt townsites where grain receival locations and supporting townsites were co-located at significant regional transport junctions between road and rail.

The proposed location for the open bulkhead would not comply with this 500m separation distance requirement, with the closest residence in the Latham townsite 140m north-east of the proposed open bulkhead site and 80m north of its proposed access point onto Coorow-Latham Road.

The siting of the open bulkhead upon Lot 3996 in itself could be considered a development that could be approved, subject to conditions relating to its operations, given that:

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

To reduce potential for impact, it is also suggested in the Shire staff recommendation that Council advise CBH that it does not support the development as proposed but would support an amended application that moved the development approximately 200m further west so that the open bulkhead was not sited closer than 250m from the nearest residence and the associated vehicle entry/exit point was not sited closer than 200m from the nearest residence.

It is further suggested that Council approve the (amended) application for a 12 month trial period, at the conclusion of which the Shire review the impacts of the development, this could then give regard for any potential impacts that may arise from either the open bulkhead itself or the movement of vehicles associated with the development.

OFFICER RECOMMENDATION

THAT Council:

- 1 Approve the application for an open bulkhead upon Lot 3996 Coorow-Latham Road, Latham in the proposed location.**
- 2 Advise the applicant that Council would support the development of an open bulkhead upon Lot 3996 Coorow-Latham Road, Latham in the event that the development is moved further west so that the open bulkhead is not sited closer than 250m from the nearest residence and the associated vehicle entry/exit point is not sited closer than 200m from the nearest residence (i.e. the development footprint is moved approximately 200m west from the area of works shown upon the received application). That tehe ce**
- 3 Issue delegated authority to the Shire Chief Executive Officer to approve an amended application for an open bulkhead upon Lot 3996 Coorow-Latham Road, Latham that is in accordance with above part 2 subject to the following conditions:**

- (a) The approved plans shall not be modified or altered without the prior written approval of the local government.
- (b) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent significant variation from the approved development plan requires further application and planning approval for that use/addition.
- (c) The approval is valid for a period of 12 months after which time the application shall be considered by the Shire CEO (under the delegated authority of Council) as to any impacts arising from the operation of the development in the determination on whether to grant any extension to the approval period.
- (d) The applicant is to ensure that the location, design, construction and ongoing maintenance of the access point from the development site onto the road network shall be to the approval of the local government, and Main Roads WA where relevant.
- (e) The repairing of any damage to the road network including the surface required by reason of use of the road in connection with the development, to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
- (f) The installation of any directional/traffic/advanced warning/safety signage relating to the development shall be to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
- (g) All parking of vehicles associated with the development shall be provided for within the property boundary.
- (h) The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
- (i) All stormwater is to be disposed of on-site to the approval of the local government.
- (j) Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- (k) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust, noise, light, odour, vibration, waste product or otherwise.
- (l) The rail crossing and use thereof shall be to the requirements of the Public Transport Authority.
- (m) The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government.

Notes:

- (i) In relation to conditions (c) and (m) the applicant is advised that this approval is issued for a trial period of 12 months and the operation of this development and associated impacts will be monitored by the Shire and given regard for when assessing whether further approval may be granted.

- (ii) In relation to Conditions (d), (e) & (f) the applicant is required to liaise with Main Roads WA's Mid West Region Office on 9956 1200 to confirm and meet with their requirements (construction phase and ongoing).
 - (iii) In relation to Condition (l) the applicant is required to liaise with the Public Transport Authority on 9326 2000 to confirm and meet with their requirements (construction phase and ongoing).
 - (iv) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.
- 4** 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.

Change to Officer Recommendation:

As per the Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommendation:

Council is aware of the intention for the proposed open bulkhead to be available for the upcoming harvest season and understands that a request to relocate the entire bulkhead would result in considerable delays. Considering the actual location of the proposed bulkhead is satisfactory, Council request that Cooperative Bulk Handling (CBH) relocate the bulkhead entry in order to redirect harvest traffic further from the Latham townsite.

PROPOSED OPEN BULKHEAD – LOT 3996 COOROW-LATHAM ROAD, LATHAM

190821.12 COUNCIL DECISION

THAT Council:

- 1** Not accept the officer recommendation as it supports the siting of the open bulkhead upon Lot 3996 Coorow-Latham Road, Latham in the proposed location (subject to the relocation of the vehicle entry/exit point).
- 2** Advise the applicant that Council supports the development of an open bulkhead upon Lot 3996 Coorow-Latham Road, Latham subject to the vehicle entry/exit point being relocated so that it is not sited closer than 200m from the nearest residence (i.e. the vehicle entry/exit point is moved so that it is in an amended location to the north-west of the open bulkhead rather than the proposed location north-east of the open bulkhead).
- 3** Issue delegated authority to the Shire Chief Executive Officer to approve an amended application for an open bulkhead upon Lot 3996 Coorow-Latham Road, Latham that is in accordance with above part 2 subject to the following conditions:
 - (a) The approved plans shall not be modified or altered without the prior written approval of the local government.
 - (b) Any additions to or change of use of any part of the building or land (not the subject of this consent/approval) considered by the Chief Executive Officer to represent

significant variation from the approved development plan requires further application and planning approval for that use/addition.

- (c) The approval is valid for a period of 12 months after which time the application shall be considered by the Shire CEO (under the delegated authority of Council) as to any impacts arising from the operation of the development in the determination on whether to grant any extension to the approval period.
- (d) The applicant is to ensure that the location, design, construction and ongoing maintenance of the access point from the development site onto the road network shall be to the approval of the local government, and Main Roads WA where relevant.
- (e) The repairing of any damage to the road network including the surface required by reason of use of the road in connection with the development, to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
- (f) The installation of any directional/traffic/advanced warning/safety signage relating to the development shall be to the approval of the local government, and Main Roads WA where relevant, with all costs met by the applicant.
- (g) All parking of vehicles associated with the development shall be provided for within the property boundary.
- (h) The internal road network and vehicle manoeuvring and parking areas shall be constructed and maintained to the approval of the local government.
- (i) All stormwater is to be disposed of on-site to the approval of the local government.
- (j) Any soils disturbed or deposited on site shall be stabilised to the approval of the local government.
- (k) The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of dust, noise, light, odour, vibration, waste product or otherwise.
- (l) The rail crossing and use thereof shall be to the requirements of the Public Transport Authority.
- (m) The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the approval of the local government.

Notes:

- (i) In relation to conditions (c) and (m) the applicant is advised that this approval is issued for a trial period of 12 months and the operation of this development and associated impacts will be monitored by the Shire and given regard for when assessing whether further approval may be granted.
- (ii) In relation to Conditions (d), (e) & (f) the applicant is required to liaise with Main Roads WA's Mid West Region Office on 9956 1200 to confirm and meet with their requirements (construction phase and ongoing).

- (iii) In relation to Condition (I) the applicant is required to liaise with the Public Transport Authority on 9326 2000 to confirm and meet with their requirements (construction phase and ongoing).**
- (iv) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation. It is the applicant's responsibility to obtain any additional approvals required before the development/use lawfully commences.**
- 4 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.**

Moved: Cr P Logue.

Seconded: Cr L Hepworth

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

(for consideration at the following meeting, if given during the meeting).

21. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL

22. CLOSURE OF MEETING

The Shire President declared the meeting closed at 3.36 pm.

23. NEXT MEETING:

The Shire President advises that the date of the next Ordinary Meeting of Council will be held on Thursday 16 September, commencing at 3:00 pm at the Shire of Perenjori Council Chambers 56 Fowler Street, Perenjori WA 6620.