



Shire of
Perenjori
Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting

MINUTES

Thursday 21 March 2024

Table of Contents

1.	Declaration of Opening/Announcement of Visitors:	4
2.	Opening Prayer:	4
3.	Disclaimer Reading:	4
4.	Record of Attendance/Apologies/Leave of Absence:	4
4.1	ATTENDANCE:	4
5.	Public Question Time:	5
5.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE:	5
5.2	QUESTIONS WITHOUT NOTICE:	5
6.	Applications for Leave of Absence:	6
6.1	APPLICATION/S FOR LEAVE OF ABSENCE:	6
7.	Confirmation of Minutes of Previous Meetings:	6
7.1	ORDINARY COUNCIL MEETING HELD ON 22 FEBRUARY 2024	6
8.	Announcements by Presiding Member Without Discussion:	6
9.	Petitions/Deputations/Presentations:	6
10.	Announcements of Matters for Which Meeting May Be Closed:	6
11.	Declaration of Interest:	6
12.	Finance:	7
12.1	MONTHLY FINANCIAL REPORT – FEBRUARY 2024	7
12.2	SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 29 FEBRUARY 2024	9
13.	Community Development and Services:	11
13.1	REVIEW OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS AND RECOVERY PLAN	11
13.2	DRAFT LOCAL PLANNING POLICY NO 1 – TREE FARMS	13
14.	Governance:	20
14.1	ADOPTION OF COMPLIANCE AUDIT RETURN 2023	20
14.2	AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION: NATIONAL GENERAL ASSEMBLY REGISTRATION	22
15.	Confidential Reports:	25
15.1	COUNCIL DECISION TO GO BEHIND CLOSED DOORS	25
15.2	CONFIDENTIAL ITEM – RFT02-2023-2024 DESIGN AND CONSTRUCTION OF A SUPERMARKET	25
15.3	COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS	26
16.	Ordering the Common Seal:	27
17.	Reports of Committees and Members:	27
18.	Motions of Which Previous Notice Has Been Given:	27
19.	Notice of Motions:	27
20.	New Business of an Urgent Nature Admitted by Council:	27
21.	Closure of Meeting:	27
22.	Next Meeting:	27

Council Roles

Advocacy:

When Council advocates on its own behalf or on behalf of its community to another level of government /body /agency.

Executive/Strategic:

The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Legislative:

Includes adopting local laws, town planning schemes and policies.

Review:

When Council reviews decisions made by Officers.

Quasi-Judicial:

When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Disclaimer

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

Shire of Perenjori

Minutes for the Shire of Perenjori Ordinary Meeting of Council held on 21 March 2024, at the Latham Community Centre, Latham WA 6616.

1. Declaration of Opening/Announcement of Visitors:

The Shire President declared the meeting open at 3.04 pm and welcomed those in attendance.

Acknowledgement of Traditional Custodians: -

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.

I respectfully acknowledge the past and present traditional owners of the land on which we are meeting, the Badimia people. It is a privilege to be standing on Badimia country.

2. Opening Prayer:

The Shire President read the opening prayer.

Acknowledgment of Pioneers;

I acknowledge the pioneers who settled this country, developed the land and turned it into the productive country we know today.

3. Disclaimer Reading:

As printed.

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

4.1 Attendance:

Members:	Cr Jude Sutherland (Shire President)
	Cr Les Hepworth (Deputy President)
	Cr Andrew Fraser
	Cr Brian Campbell
	Cr Dael Sparkman
	Cr Daniel Bradford
Staff:	Paul Anderson (Chief Executive Officer)
	Nola Comerford (Manager Corporate Community Services)
	Marty Noordhof (Manager Infrastructure Services)
	Bianca Plug (Executive Assistant)
Distinguished Visitors:	Nil
Members of The Public:	Paddy King
Leave of Absence:	Cr Colin Bryant
Apologies:	Nil

5. Public Question Time:

Nil

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 COUNCIL MEETING HELD ON 22 FEBRUARY 2024

COUNCIL DECISION

Council Resolution Number: 210324.1

Moved: Cr Campbell

Seconded: Cr Hepworth

That the Minutes of the Ordinary Meeting of Council held on 22 February 2024, be confirmed as true and correct subject to no corrections.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

[Next Item](#)

8. Announcements by Presiding Member Without Discussion:

The Shire President met with Ken Seymour, member director from CBH Moora / Miling area to provide feedback on the situation at the North siding and the communication difficulties experienced with CBH. Ken Seymour acknowledged these concerns and provided information on a high speed out loading facility that may be implemented in future at Perenjori.

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.”

Liz Bushby, Town Planning Innovations (TPI) declared a financial interest in item 13.2 due to receiving planning fees for advice to the Shire of Perenjori.

12. Finance:

12.1 MONTHLY FINANCIAL REPORT – FEBRUARY 2024

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	21 March 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.1.1 - Monthly Statement of Financial Activity for February 2024

Summary

This item recommends that Council receives the Financial Activity Statements for the periods ending 29 February 2024.

Background

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

Recent changes to the Regulations require a focus on reporting and variance analysis by nature and type rather than by program. The Shire's reports have historically been prepared by both nature and type and program with the variance analysis done by program. All reports for 2023-24 to date have been prepared by both nature and type and program, but with the variance analysis being done by nature and type in compliance with the revised Regulations.

Statutory Environment

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

Policy Implications

Nil

Consultation

Nil

Financial Implications

Shown in the attached data.

Strategic Community Plan

Goal 4: A strong and diverse Council working closely with the proactive and involved community.

Strategic Objectives

4.6. The organisation, assets and finances of the Shire are managed responsibly

Officer Comment

The audited opening surplus for the year is \$3,576,890. As previously advised, this surplus is notionally deceiving as the State Government transferred 100% of its 2023-24 financial assistance grants (totalling \$2.810m) to the Shire in June 2023.

Operating revenue YTD is \$4,688,219 over budget by \$119,775.

Operating expenditure YTD is \$8,224,761, under budget by \$18,449.

Key variances between the YTD budget and actuals are explained in the attached report on pages 2-3.

COUNCIL DECISION

Council Resolution Number: 210324.2

Moved: Cr Bradford

Seconded: Cr Fraser

That the Monthly Financial Report to 29 February 2024 as attached be received.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

[Next Item](#)

12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 29 FEBRUARY 2024

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	21 March 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.2.1 - Accounts for Payment February 2024 12.2.2 - Corporate Credit Card Statement February 2024 12.2.3 - Corporate Credit Card Breakdown February 2024

Summary

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

Background

Council delegates authority to the Chief Executive Officer annually:

To make payments from Trust, Reserve and Municipal Fund;

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

Legal Compliance

Local Government Act 1995

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

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

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing —

(a) for each account which requires council authorisation in that month —

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction; and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub-regulation (1) or (2) is to be —

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

Policy Implications

Nil

Council Policy Compliance

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

Financial Implications

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

Strategic Community Plan

Goal 4: A strong and diverse Council working closely with the proactive and involved community.
 4.6. The organisation, assets and finances of the Shire are managed responsibly.

Consultation

Paul Anderson – Chief Executive Officer

Ally Bryant – Finance Manager

Officer Comment

Accounts paid for the month ending 29 February 2024

Municipal Account	
EFT 17395 - 17499	\$352,330.63
Direct Debits	\$84,059.67
Cheques	\$0.00
Corporate MasterCard	\$5,193.10
Bank Fees	\$195.73
Total	\$441,779.13

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

Totalling **\$441,779.13** from *Municipal* and *Trust Accounts* for the month ending **29 February 2024**.

COUNCIL DECISION

Council Resolution Number: 210324.3

Moved: Cr Hepworth Seconded: Cr Bradford

That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$441,779.13 (four hundred and forty one thousand, seven hundred and seventy nine dollars and thirteen cents) be accepted.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

13. Community Development and Services:

13.1 REVIEW OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS AND RECOVERY PLAN

Applicant:	Shire of Perenjori
File:	ADM 0624
Date:	21 March 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Rick Ryan - Community Emergency Services Manager
Responsible Officer:	Paul Anderson - Chief Executive Officer
Attachments:	13.1.1 – Local Emergency Management Arrangements 2024-2029 13.1.2 – Local Recovery Plan 2024-2029

Summary

For Council to consider endorsement of the Local Emergency Management Arrangements (LEMA).

Background

Council is required to have a set Local Emergency Management Arrangements (LEMA) and Recovery Plan, it is a requirement for both plans to be fully reviewed, and rewritten if required, every 5 Years. The review is designed to pick up changes in the Emergency Management Act of 2005 and State Emergency Management Plans and any changes in terminologies that may impact on the Shire's current LEMA and Recovery Plan.

Both the LEMA and Recovery Plan have been rewritten to include current changes to State EM Plans and new terminologies. Both plans were endorsed by the Perenjori Local Emergency Management Committee (LEMC) at the meeting held on the 20 of February 2024. Following Council endorsement, the Arrangements will be forwarded to the District Emergency Management Committee (DEMC) for review and then forwarded onto the State Emergency Management Committee (SEMC) for final approval. The approval will ensure the Shire of Perenjori LEMA and Recovery Plan are current for a further 5 years.

Statutory Environment

Emergency Management Act 2005

Emergency Management Regulations 2006

Policy Implications

Nil

Consultation

DEMA - Ranelle Clarke

LEMC - Committee members

Financial Implications

Nil

Strategic Community Plan

Goal 1: An inclusive community and a great place to live for all ages and stages of life.

1.9. Emergency management and associated community liaison and education activities are undertaken to protect the community and minimise harm from disasters.

Officer Comment

Changes to the LEMA and Recovery Plan review include contact names and title details within the document to ensure that these critical aspects are relevant and accurate within both documents.

The LEMA and Recovery Plan is now presented to Council for adoption after which it will be forwarded to relevant local agencies and the District Emergency Management Committee.

COUNCIL DECISION

Council Resolution Number: 210324.4

Moved: Cr Sparkman

Seconded: Cr Fraser

That Council:

1. Adopts the Shire of Perenjori Local Emergency Management Arrangements (LEMA) 2024 - 2029 and the Shire of Perenjori Recovery Plan 2024-2029.

2. Requests the CEO to forward a copy of the Shire of Perenjori Local Emergency Management Arrangements and Recovery Plan to the District Emergency Management Committee, relevant local agencies, and State Emergency Management Committee.

3. Updates the Shire website with adopted documents.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

[Next Item](#)

13.2 DRAFT LOCAL PLANNING POLICY NO 1 – TREE FARMS

Applicant:	Shire of Perenjori
File:	ADM 0311
Date:	21 March 2024
Disclosure of Interest:	Liz Bushby, Town Planning Innovations (TPI) Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of <i>Local Government Act 1995</i>
Voting Requirements:	Simple Majority
Author:	Liz Bushby (Planning Consultant)
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	13.2.1 - Draft Local Planning Policy No 1 – Tree Farms 13.2.2 - WAPC Fact Sheet on Tree Farms 13.2.3 - DPLH submission on the Draft Policy

Summary

Council is to consider whether to adopt a Draft Local Planning Policy on Tree Farms with (or without) modifications for final approval.

Background

The Shire of Perenjori Council has expressed concern over recent development applications that have proposed to plant significant areas with tree farms, and the potential for a cumulative loss of productive agricultural land for more traditional food production farming activities.

TPI is of the understanding that after dealing with some tree farm proposals through the State Administrative Tribunal mediation process, Council would like to strengthen its position both through implementation of a Local Planning Policy, and through a separate amendment to the existing Local Planning Scheme.

A Draft Local Planning Policy on Tree Farms was discussed with Councillors on the 19 October 2023. Subsequently, a Draft Policy was adopted by Council at the Ordinary Meeting held on the 23 November 2023, for the purpose of conducting public advertising.

A revised Policy is included as [Attachment 13.2.1](#). All changes are shown in red text.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 - Clause 3 and 4 under Part 2, Schedule 2 of the Deemed Provisions contained in the Regulations sets out the power for local governments to make a local planning policy and the procedure for making a local planning policy, including a requirement to advertise a Draft Policy for a period not less than 21 days.

The Deemed Provisions contained in the Regulations also outlines procedures for amending a Local Planning Policy, or revocation of any Local Planning Policy.

Shire of Perenjori Local Planning Scheme No 3 (the Scheme) - A planning application is required for any tree farm (involving planting in blocks more than one hectare).

Council has the discretion to consider 'tree farms' within the Rural zone under the Shire of Perenjori's Local Planning Scheme No. 3 ('the Scheme').

Clause 40(1)(a) of the Shire of Perenjori Local Planning Scheme No 3 states that a category of land use in the Scheme has the same meaning as it has in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Under Schedule 1, Part 6 of the Regulations a tree farm is defined as 'means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the carbon Rights Act 2003 section 5'.

Bush Fires Act 1954 – The Shire issues an annual Fire Hazard Reduction and Firebreak Notice which outlines fire mitigation requirements for Tree Plantations. The 2023/2024 Notice sets out fire break requirements and the need to comply with the Guidelines for Plantation Fire Protection by DFES and the Code of Practice for Timber Plantations in Western Australia.

In most cases, a Fire Management Plan would be approved as part of the planning process for a Tree Farm. The Shire may consider referencing approved Fire Management Plans for future Notices.

Policy Implications

- Local Policy Implications

If the Local Planning Policy No 1 on Tree Farms is adopted by Council for final approval, then it will be used for the assessment of all new Tree Farm applications. It will also be taken into account by any determining authority such as a Development Assessment Panel or the State Administrative Tribunal.

- State Planning Policy Implications

The Western Australian Planning Commission has a 'State Planning Policy 2.5 : Rural Planning' (SPP2.5) which contains a section on Tree Farming.

The WAPC policy approach to tree farming is:

- (a) tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;
- (b) tree farming should generally not occur on priority agricultural land;
- (c) tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;
- (d) local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;
- (e) in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;
- (f) where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and
- (g) the establishment of tree farms does not warrant the creation of new or smaller rural lots.

Whilst the WAPC Policy approach is supportive of tree farms, it clearly allows local governments to develop their own Local Planning Policies to guide the location, extent and application requirements for tree farms.

A complication is that since adoption of the Draft Policy, the WA Planning Commission has released a 'Fact Sheet' on Tree Farms in November 2023 which does not fully support the Shires Policy Position – [Attachment 13.2.2](#). The 'Fact Sheet' generally doesn't support limiting tree farms to occupy a percentage of a lot.

Although the information has been released as a 'Fact Sheet', TPI is of the view that it goes above and beyond the position contained within 'State Planning Policy 2.5 – Rural Planning' (SPP2.5), and appears to be an attempt at limiting what local governments are trying to achieve through Local Planning Policies.

There is a statutory requirement to consider State Planning Policies, however there is no clear mandate that local governments must follow the direction of any State 'Fact Sheet'.

TPI raised concerns over this matter with the Minister for Planning whose Chief of Staff advised that:

'In September 2021, the State Government announced the end of native forest logging in Western Australia and the increasing need for tree farms in rural areas.'

Subsequently, various tree farm matters were brought to the attention of the Department of Planning, Lands and Heritage (Department). The Tree Farm Fact Sheet was prepared to clarify the position on tree farms in State Planning Policy 2.5 Rural Planning (SPP 2.5), which states that tree farms are supported and encouraged on rural land.'

TPI has been advised that the Fact Sheet explains the position already established in SPP2.5, however SPP2.5 makes allowance for local governments to develop their own Local Planning Policies. By their own emission, the Chief of Staff confirmed that a Fact Sheet cannot establish a new policy position.

Given 'Fact Sheets' have no real status, TPI recommends that Council pursue a policy that suits their own local aspirations.

Consultation

The Draft Policy has been formally advertised for public comment to gain broader public feedback. A summary of submissions is included below.

Table 1 – Submission Table	
Summary of Submissions	TPI recommendation and comment
<p>1. Department of Fire and Emergency Services</p> <p>It is acknowledged that an objective of the Draft Policy is to achieve high quality bushfire management plans which are independent and self-sufficient. It may be beneficial to clarify what is meant by this statement and also reference this need within the Policy Requirement section.</p> <p>Section 8.5.1 of the Draft Policy references the requirement for a BAL contour map. There may also be benefit in referencing the Bushfire Hazard Level assessment methodology for use when more strategic identification and assessment of risk is needed.</p> <p>The Draft Policy at section 8.5 discusses 'Strategic Fire Management', clarification of this reference would be beneficial.</p> <p>Section 8.5.2 refers to FMP's identifying bushfire risk associated with planting areas in 'their most mature state'. Bushfire risk associated with tree farms varies throughout the life cycle of the plantation. The Draft Policy may also refer to BMP's identifying the bushfire risk over the full farm lifecycle and with regard to the various lifecycle stages</p> <p>As per section 3.2.2 of the Guidelines, the Shire may wish to consider inclusion of commentary detailing the need for updates to be provided to the Office of Bushfire Risk Management of any development approval that increases the area of bushfire hazard for consideration in the next revision of the map of bushfire prone areas</p>	<p>Partially upheld</p> <p>TPI considers reference to high quality bushfire management plans to be self-explanatory.</p> <p>Noted. Recommend include reference to bushfire hazard level assessment under section 8.5 of the Policy.</p> <p>It simply means looking at the long term implications. No changes recommended.</p> <p>The Policy requires bushfire risk to be examined using the 'worst case' scenario of vegetation in their most mature state. TI considers it would be difficult to look at the life cycle of the plants.</p> <p>Usually consultation occurs with the local government so that opportunity is already in place.</p>

<p>In response to the Shire's enquiry, it is anticipated that the revised draft of the <i>Guidelines for Plantation Fire Protection</i> will be advertised for comments later this year.</p>	<p>Noted.</p>
<p>2. Department of Biodiversity, Conservation and Attractions</p> <p>DBCA support the use of native plant species of local provenance in rehabilitation and revegetation. It appears the word endemic is used where the term local provenance may be more suitable.</p> <p>It is recommended that under section 8.3 – Environmental benefits, point 2, where the draft policy states '<i>...endemic local species...</i>' and '<i>....species endemic to the area...</i>' the Shire of Perenjori consider changing this to native plant species of local provenance.</p>	<p>Upheld</p> <p>It is recommended that the terminology in the Policy be updated as suggested by DBCA for section 8.3.</p>
<p>3. Department of Water and Environmental Regulation</p> <p>Thank you for referring the draft local planning strategy No.1 – tree farms, to the Department of Water and Environmental Regulation for comment.</p> <p>The department has no objection to the policy and no comments to make.</p>	<p>Noted.</p>
<p>4. Forest Products Commission</p> <p>The Forest Products Commission suggests that the final Policy have regard to the Planning fact sheet – Tree Farms (www.wa.gov.au) which was developed recently by the Department of Planning, Lands and Heritage and the WA Planning Commission.</p>	<p>Noted.</p> <p>TPI recommends that Council pursue a Local Planning Policy that addresses their concerns for their local government area, and not be fettered by the WAPC Fact Sheet.</p>
<p>5. Department of Planning, Lands and Heritage</p> <p>Thank you for the opportunity to comment on the Shire's draft local planning policy for tree farms in which the Shire seeks to guide the type and scale of tree farm proposals in the Shire. The Department has recently published a Fact sheet to assist local government and industry in clarifying this element of State Planning Policy 2.5 - Rural Planning (SPP 2.5) https://www.wa.gov.au/government/publications/planning-fact-sheet-tree-farms.</p> <p>It is positive that Council is seeking to encourage integrated plantings and linkages to remnant vegetation. However, the objective of the policy that seeks to "actively oppose" the use of an entire lot for a tree farm is problematic, as it conflicts with the intent of State Policy, and because the use is capable of approval under the Shire's Scheme. It does not seem</p>	<p>Noted.</p> <p>TPI recommends that Council pursue a Local Planning Policy that addresses their concerns for their local government area, and not be fettered by the WAPC Fact Sheet.</p> <p>The Policy has been partially based on a Policy that has already successfully operated in the Shire of Jerramungup for some years.</p>

<p>reasonable to limit a person from utilising their property for maximum benefit for a use that is capable of approval. This notion of arbitrarily limiting land uses on property is not something that would be applied to land uses such as cropping or grazing, or for residential or commercial properties.</p> <p>While SPP 2.5 actively encourages tree farming, this does not mean local governments are prevented from managing tree farm location and extent at a local level. Suitable locations for tree farms could be directed to areas with the most favourable environmental, bushfire management and road conditions. Some local governments also establish exclusion areas around townsites. This is recommended as a more proactive approach than seeking to oppose large-scale tree farms across the whole Shire. Attachment 13.2.1 to this letter indicates areas where modification is recommended.</p> <p>The Department supports the Shire’s intent to introduce a local planning policy to guide Council’s exercise of discretion, however, given the Scheme’s permissibility for the land use, the Department does not believe it is open to the Shire to limit the land use in the manner proposed. The Department would be pleased to assist the Shire to explore options to map and identify areas where tree farms would be suitable, and therefore where they would not.</p>	<p>The view of the Department is acknowledged, however TPI does not agree that there is conflict with SPP2.5 which clearly states that <i>'local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or <u>local planning policies</u>'</i>.</p> <p>Noted. A full copy of the DPLH submission is included as Attachment 13.2.3.</p> <p>State government have their own agenda when it comes to tree farms.</p> <p>Noted. The Shire may look at the issue strategically as part of a future Local Planning Strategy, however the Policy achieves the Council's short term aims to maintain a level of control for development applications.</p>
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Only minor modifications are suggested as a result of submissions.

Financial Implications

The Shire pays TPI consultancy fees.

Strategic Community Plan

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

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

Officer Comment

The Draft Local Planning Policy outlines the Policy Basis, Policy Objectives, Policy Aims, the need for planning controls and outlines the matters that will be considered in the planning assessment of Tree Farm applications (including carbon sequestration proposals).

In summary the Policy seeks to:

1. Outline Policy requirements for Tree Farms proposed in the Rural zone;
2. Ensure that traditional agricultural activities such as cropping, grazing and food production remain the predominant land use with Tree Farms as ancillary and complementary uses;
3. Where a Policy variation is sought to establish a Tree Farm on a whole lot, applicants are required to provide additional information and justification such as a Land Capability Study by a suitably qualified

environmental consultant, a farm management plan, information on areas unsuitable for agricultural production, site photographs, and information on environmental benefits;

4. Outline requirements for Fire Management Plans and the need to comply with relevant provisions of the Code of Practice for Timber Plantations in Western Australia and DFES Guidelines.
5. Places the onus on owners to lodge an annual checklist to the Shire to confirm they have complied with the Shires Annual Fire Break Notice and any other relevant documents such as a Fire Management Plan approved by Council.
6. Ensure that a Tree Farm can be attended to by the owner, tree farm manager or contractor in the event there is fire, and require they live within a 60 kilometre distance of any new Tree Farm.

It should be noted that a Local Planning Policy is a guide and Council will still have discretion to vary the Policy if warranted and take into account any special circumstances.

PROCEDURAL MOTION

Council Resolution Number: 210324.5

Moved: Cr Hepworth

Seconded: Cr Bradford

That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches at 3.15 pm, to allow for open discussion on item 13.2 of these minutes.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

PROCEDURAL MOTION

Council Resolution Number: 210324.6

Moved: Cr Bradford

Seconded: Cr Fraser

That Council reinstates Standing Orders at 3.19 pm.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

COUNCIL DECISION

Council Resolution Number: 210324.7

Moved: Cr Hepworth

Seconded: Cr Bradford

That Council:

- 1. Note the matters raised during advertising as summarised in Table 1 – Submission Table, and accept the officer recommendations on minor modifications to the Draft Policy (shown in Attachment 13.2.1).**
- 2. Resolve to adopt Draft Local Planning Policy No 1 – Tree Farms (Attachment 13.2.1), with modifications, pursuant to Schedule 2, Part 2, Division 2, Clause 4 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Authorise the Chief Executive Officer to publish a Notice on the Shire website to advertise adoption of the Local Planning Policy to comply with Clause 87 of the of the Deemed**

Provisions under Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

[Next Item](#)

14. Governance:

14.1 ADOPTION OF COMPLIANCE AUDIT RETURN 2023

Applicant:	Shire of Perenjori
File:	ADM 0540
Report Date:	21 March 2024
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Bianca Plug – Executive Assistant
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	14.1.1 – Compliance Audit Return 2023

Summary

This report presents the 2023 Compliance Audit Return (CAR) for review and adoption, in preparation of submission to the Department of Local Government.

Background

In accordance with section 7.13(1) of the *Local Government Act 1995* and regulation 14 of the *Local Government (Audit) Regulations 1996*, the Shire is required to carry out a compliance audit for the period 1 January 2023 to 31 December 2023 and prepare a Compliance Audit Return (CAR) in a form approved by the Minister.

The 2023 CAR is provided to the Shire by the Department of Local Government, Sport and Cultural Industries (the Department) and the areas of compliance are restricted to those considered high risk.

The CAR is required to be reviewed by the Audit Committee and presented to Council for adoption. The CAR must be adopted, signed and provided to the Department by the 31 March of each year.

Statutory Environment

Section 7.13(1) of the *Local Government Act 1995*

Local Government (Audit) Regulations 1996 r. 14

Financial Implications

Nil

Strategic Community Plan

Goal 4: A strong and diverse Council working closely with the proactive and involved community
4.6. The organisation, assets and finances of the Shire are managed responsibly.

Consultation

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager of Corporate and Community Services

Ally Bryant – Finance Manager

Nexia Australia

Officer Comment

In the internal review of the 2023 Compliance Audit Return, there were no non-compliance areas identified.

COUNCIL DECISION

Audit Committee Resolution Number: 210324.8

Moved: Cr Fraser

Seconded: Cr Bradford

The Audit Committee recommends that Council:

- 1. Adopts the Compliance Audit Return for the period 1 January 2023 to 31 December 2023, as attached.**
- 2. Authorise the President and Chief Executive Officer to sign and submit the Compliance Audit Return to the Department of Local Government, Sport and Cultural Industries by 31 March 2024.**

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

[Next Item](#)

14.2 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION: NATIONAL GENERAL ASSEMBLY REGISTRATION

Applicant:	Shire of Perenjori
File:	ADM 1653
Date:	21 March 2024
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Nola Comerford – Manager Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

Summary

For Council to consider the attendance of Elected Members and the Chief Executive Officer at the 2024 Australian Council of Local Government (ACLG) and the 2024 National General Assembly of Local Government (NGA), to be held from 2 – 4 July in Canberra.

Background

The ALGA annual National General Assembly is a professional development and networking opportunity involving the largest gathering of local government elected members throughout Australia, to learn about the work of local governments across Australia, to develop community leadership skills and to engage in advocacy on behalf of the Shire of Perenjori. Included in the NGA is the annual Regional Forum which includes relevant content for regional local governments.

This year's theme is "Building Community Trust". The 2024 Australian Council of Local Government will also be held in Canberra on Friday 5 July, immediately following the NGA. This is an opportunity to meet with Federal Government Ministers.

Early payment discounts on registrations require payment by 7 June 2024.

Statutory Environment

Nil

Policy Implications

9001 – ELECTED MEMBERS CONFERENCES AND SEMINARS

POLICY STATEMENT:

At the Shire's expense each Councillor may attend seminars or conferences of their choice provided the seminar or conference is relative to local government and the Council agrees by majority to fund the Councillor's attendance. This is generally restricted to one conference or seminar per year but may be increased with the majority of Council support.

The Shire will pay the cost of seminar registration and will accept costs associated with the seminar on the receipt of a copy of documentation.

These costs may include meals to a specified value, accommodation and/or travel to and from the conference. Councillors should seek to acquire modest accommodation if they cannot be accommodated in a conference package with the conference accommodation provider.

On one occasion per year the Shire will pay for the Councillors partners' accommodation and meal costs at an approved conference or seminar.

If the chosen conference is the annual Local Government Convention the Shire will also pay reasonable activity costs for the Councillors partner.

Consultation

Elected Members – Shire of Perenjori

Paul Anderson – Chief Executive Officer

Financial Implications

An allocation will be made in the 2023/24 Annual Budget for Elected Member training, travel and conference attendance. Funds of approximately \$20,000 (twenty thousand dollars) will be available for allocation to travel and attendance at the National General Assembly.

Conference costs:

- Full conference registration \$945.00
Includes all National General Assembly sessions, access to the Exhibition Hall, catering, Welcome Reception & Exhibition Opening, satchel and materials.
- Virtual Delegate \$739.00
Watch the NGA live from the purpose built platform from your home.
- Regional Forum \$275.00

Optional costs:

- NGA Dinner Ticket \$175.00
- Partner registration \$330.00

Accommodation Options:

- A by Adina \$255.00 per night
- Nesuto Apartments \$275.00 per night
- Qt Canberra \$239.00 per night
- Sebel Canberra Civic \$235.00 per night

Flights: \$850.00 return (estimated)

TOTAL: \$3,070.00 per person (plus optional costs)

Strategic Community Plan

Goal 4: A strong and diverse Council working closely with the proactive and involved community.

4.3. The Shire advocates and partners effectively on behalf of the community.

Officer Comment

The National General Assembly is a unique opportunity for Elected Members to engage directly with the Federal Government and other local governments from around Australia.

As per Policy No. 9001 – Elected Members Conferences and Seminars, authorisation for the Shire to fund a chosen conference or seminar is dependent upon a majority vote of Council.

As recommended by previous attendees, flights would be reserved for a day following the Assembly to allow a more leisurely departure.

PROCEDURAL MOTION

Council Resolution Number: 210324.9

Moved: Cr Fraser

Seconded: Cr Sparkman

That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches at 3.21 pm, to allow for open discussion on item 14.2 of these minutes.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

PROCEDURAL MOTION

Council Resolution Number: 210324.10

Moved: Cr Hepworth

Seconded: Cr Bradford

That Council reinstates Standing Orders at 3.25 pm.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

OFFICER RECOMMENDATION

Council Resolution Number:

Moved:

Seconded:

That Council authorise the attendance of the Chief Executive Officer and the following Elected Members to attend the 2024 National General Assembly from 2 – 4 July and the Australian Council of Local Government Forum on 5 July 2024.

- _____
- _____
- _____

Motion put and carried / lost by absolute majority

PROCEDURAL MOTION

Council Resolution Number: 210324.11

Moved: Cr Sparkman

Seconded: Cr Hepworth

That the matter presented to Council in item 14.2 be deferred to the April 2024 Ordinary Meeting of Council to allow for further consideration.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

[Next Item](#)

15. Confidential Reports:

15.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution: 210324.12

Moved: Cr Fraser

Seconded: Hepworth

That in accordance with section 5.23 of the Local Government Act 1995, Council accept that the meeting is to be closed at 3.30 pm to all members of the public to consider confidential item 15.2 which may contain information about the business, professional, commercial or financial affairs of a person.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

15.2 CONFIDENTIAL ITEM – RFT02-2023-2024 DESIGN AND CONSTRUCTION OF A SUPERMARKET

Applicant:	Shire of Perenjori
File:	RFT02-2023/24A
Date:	21 March 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Paul Owen – GFG Consulting
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	15.2.1 – Revised Submission

COUNCIL DECISION

Council Resolution: 210324.13

Moved: Cr Campbell

Seconded: Cr Hepworth

That Council consider the officer recommendation as contained within the confidential report 15.2, Request for Tender 02-2023-2024 Design and Construction of a Supermarket.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

COUNCIL DECISION

Council Resolution: 210324.14

Moved: Cr Sparkman

Seconded: Cr Bradford

Option 1 - Appoint the Beffni Group as the preferred contractor for the design and construction of a supermarket with revised designs and costing to be presented back to Council for adoption before final contracts are executed.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

15.3 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

PROCEDURAL MOTION

Council Resolution: 210324.15

Moved: Cr Sparkman

Seconded: Cr Bradford

That Council return to standing orders and re-open the meeting to the public at 3.32 pm.

Motion put and carried 6/0

For: Cr Sutherland, Cr Hepworth, Cr Fraser, Cr Campbell, Cr Sparkman, Cr Bradford

Against: Nil

16. Ordering the Common Seal:

Nil

17. Reports of Committees and Members:

Cr Hepworth attended the Regional Road Group North Midlands Subgroup Meeting in Coorow on Thursday 14 March 2024 and provided a brief report.

18. Motions of Which Previous Notice Has Been Given:

Nil

19. Notice of Motions:

Nil

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

Nil

21. Closure of Meeting:

The Shire President declared the meeting closed at 3.36 pm.

22. Next Meeting:

The Shire President advised that the next Ordinary Meeting of Council will be held on Thursday 18 April 2024 at Council Chambers, 56 Fowler St, Perenjori WA 6620, commencing at 3.00 pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 21 March 2024.

Signed: 
Shire President

Date: 18/4/2024