



Shire of  
**Perenjori**  
Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting

# MINUTES

Thursday 22 May 2025



## NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Perenjori will be held on Thursday 22 May 2025 in the Shire of Perenjori Council Chambers, Perenjori WA 6620, commencing at 3.00 pm.

A handwritten signature in black ink, appearing to be 'Paul Anderson', is located below the meeting details.

Paul Anderson

**CHIEF EXECUTIVE OFFICER**

Date: 16 May 2025

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## Council Roles

### **Advocacy:**

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

### **Executive/Strategic:**

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

### **Legislative:**

Includes adopting local laws, town planning schemes and policies.

### **Review:**

When Council reviews decisions made by Officers.

### **Quasi-Judicial:**

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

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

## Disclaimer

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

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

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

## Shire of Perenjori

Minutes for the Shire of Perenjori Ordinary Meeting of Council held on Thursday 22 May 2025, at the Shire of Perenjori Council Chambers, Perenjori WA 6620.

### 1. Declaration of Opening/Acknowledgement of Traditional Custodians/Audio Recording:

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

In accordance with r.14I of the *Local Government (Administration) Regulations 1996*, this meeting will be recorded and made publicly available on the Shire's website, with publication of meeting minutes.

#### **Acknowledgement of Traditional Custodians: -**

As per the Shire of Perenjori Policy (N° 1021) we wish to acknowledge the traditional owners of the land upon which the Shire of Perenjori is situated and to demonstrate respect for the original custodians.

***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/Acknowledgement of Pioneers:

The Shire President read the opening prayer.

#### **Acknowledgement 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 (President) Cr Les Hepworth (Deputy President) Cr Daniel Bradford Cr Colin Bryant Cr Andrew Fraser Cr Brian Campbell Cr Dael Sparkman
Staff:	Paul Anderson (Chief Executive Officer) Nola Comerford (Manager Corporate Community Services) Marty Noordhof (Manager Infrastructure Services) Ally Bryant (Finance Manager) Chloe Heard (Finance Officer)
Distinguished Visitors:	Nil
Members of The Public:	Nil
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:**

**COUNCIL DECISION**

**Council Resolution Number: 220525.1**

**Moved: Cr Bradford**

**Seconded: Cr Fraser**

**That Cr Hepworth be granted leave of absence for the meeting of July 2025.**

**Motion put and carried 7/0**

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

**Against: Nil**

**7. Confirmation of Minutes of Previous Meetings:**

**7.1 ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025**

**COUNCIL DECISION**

**Council Resolution Number: 220525.2**

**Moved: Cr Bryant**

**Seconded: Cr Hepworth**

**That the Minutes of the Ordinary Meeting of Council held on 16 April 2025, be confirmed as true and correct subject to no corrections.**

**Motion put and carried 7/0**

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

**Against: Nil**

**COUNCIL DECISION**

**Council Resolution Number: 220525.3**

**Moved: Cr Sparkman**

**Seconded: Cr Bradford**

**That the Minutes of the Special Meeting of Council held on 15 May 2025, be confirmed as true and correct subject to no corrections.**

**Motion put and carried 7/0**

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

**Against: Nil**

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**8. Announcements by Presiding Member Without Discussion:**

Successful negotiations with the preferred CEO candidate have been finalised.

**9. Petitions/Deputations/Presentations:**

Nil

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

Nil

**11. Declaration of Interest:**

Nil

**12. Finance:**

**12.1 MONTHLY FINANCIAL REPORT – 30 APRIL 2025**

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	22 May 2025
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<a href="#">12.1.1 - Monthly Statement of Financial Activity for 30 April 2025</a>

**Summary**

This item recommends that Council receives the Financial Activity Statements for the periods ending 30 April 2025.

**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 2024-25 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 2024-25 financial year is \$3,170,411. As previously advised, this surplus is notionally deceiving as the State Government transferred 85% of its 2024-25 financial assistance grants (totalling \$2.496m) to the Shire in June 2024.

Operating revenue YTD is \$6,997,976 over YTD budget by \$218,799

Operating expenditure YTD is \$10,803,434 under YTD budget by \$731,425

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



**COUNCIL DECISION**

**Council Resolution Number: 230525.4**

**Moved: Cr Campbell**

**Seconded: Cr Hepworth**

**That the Monthly Financial Report to 30 April 2025 as attached be received.**

**Motion put and carried 7/0**

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

**Against: Nil**

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## 12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 APRIL 2025

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0082
<b>Report Date:</b>	22 May 2025
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Simple Majority
<b>Author:</b>	Gypsie Douglas – Finance Officer
<b>Responsible Officer:</b>	Ally Bryant – Finance Manager
<b>Attachments:</b>	<a href="#">12.2.1 - Accounts for Payment 30 April 2025</a> <a href="#">12.2.2 – Corporate Credit Card Statement &amp; Breakdown (NAB)</a>

### 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 \$250,000;

### Statutory Environment

*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 30 April 2025.

Municipal Account	
EFT 18831 - 18909	\$1,469,296.60
Direct Debits	\$150,661.18
Cheques	\$0.00
Corporate MasterCard	\$2,383.42
Bank Fees	\$ 353.27
<b>Total</b>	<b>\$1,622,694.47</b>

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

Totalling **\$1,622,694.47** from *Municipal* and *Trust Accounts* for the month ending **30 April 2025**.

### COUNCIL DECISION

#### Council Resolution Number: 230525.5

Moved: Cr Fraser                      Seconded: Cr Bradford

That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$1,622,694.47 (One million, six hundred and twenty two thousand, six hundred and ninety four dollars and forty seven cents) be accepted.

Motion put and carried 7/0

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

Against: Nil

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### 12.3 FEES & CHARGES 2025/26

Applicant:	Shire of Perenjori
File:	ADM 0700
Date:	22 May 2025
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<a href="#">12.3.1 – Proposed Fees &amp; Charges for 2025/26</a>

#### Summary

For Council to consider the proposed Fees & Charges for the 2025/26 financial year.

#### Background

The 2025/2026 Schedule of Fees & Charges have been reviewed and prepared by the Administration to include the following changes. Generally, fees and charges have been increased by 2.4% in accordance with the WA Consumer Price Index (CPI) increasing for the annual year at March 31 2025.

An explanation of changes, increases and alterations outside of the predicted 2.4% CPI for the Fees & Charges Schedule are as follows:

- Electric Vehicle charge for electricity has been added to Fees and Charges at 0.60c per kWh
- PECC Consulting room added at a daily hire rate to Fees and Charges at \$27.00 per day

#### Statutory Environment

*Local Government Act 1995*

#### Subdivision 2 — Fees and charges

##### 6.16. Imposition of fees and charges

- (1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

*\* Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
  - (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
  - (b) supplying a service or carrying out work at the request of a person;
  - (c) subject to section 5.94, providing information from local government records;
  - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
  - (e) supplying goods;
  - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
  - (a) imposed\* during a financial year; and
  - (b) amended\* from time to time during a financial year.

*\* Absolute majority required.*

##### 6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
  - (a) the cost to the local government of providing the service or goods; and
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
  - (a) under section 5.96; or

- (b) under section 6.16(2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
  - (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.

#### **6.18. Effect of other written laws**

- (1) If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —
  - (a) determine an amount that is inconsistent with the amount determined under the other written law; or
  - (b) charge a fee or charge in addition to the amount determined by or under the other written law.
- (2) A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.

#### **Policy Implications**

Nil

#### **Consultation**

Paul Anderson – Chief Executive Officer

Marty Noordhof – Manager Infrastructure Services

Nola Comerford – Manager Corporate & Community Services

#### **Financial Implications**

Levels of income from fees and charges will be increased for the 2025-2026 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.

#### **Officer Comment**

Each year Council is required to review the annual fees and charges which are incorporated into the Annual Budget.

Fees and charges were last reviewed for the 2024-2025 Annual Budget.

#### **PROCEDURAL MOTION**

##### **Council Resolution Number: 230525.6**

**Moved: Cr Bradford**

**Seconded: Cr Sparkman**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.06 pm to allow for open discussion of Item 12.3.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### **PROCEDURAL MOTION**

##### **Council Resolution Number: 230525.7**

**Moved: Cr Bradford**

**Seconded: Cr Sparkman**

**That Council resume Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.08 pm.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### **OFFICER RECOMMENDATION**

**Pursuant to Section 6.16 of the *Local Government Act 1995*, Council adopts the Fees and Charges Schedule as presented and incorporates these fees and charges within the 2025-2026 Annual Budget.**

#### **AMENDMENT TO OFFICER RECOMMENDATION**

**The Council considered that due to the current state of the Latham Hall, the fees and charges applicable to this facility should be removed from the 2025-26 Fees and Charges document.**

#### **COUNCIL DECISION**

**Council Resolution Number: 230525.8**

**Moved: Cr Fraser**

**Seconded: Cr Hepworth**

**Pursuant to Section 6.16 of the *Local Government Act 1995*, Council adopts the Fees and Charges Schedule as presented and amended incorporates these fees and charges within the 2025-2026 Annual Budget.**

**Motion put and carried 7/0 by Absolute Majority**

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

**Against: Nil**

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## 12.4 REQUEST FOR DISCOUNTED ACCOMMODATION FEE

<b>Applicant:</b>	Ayo Bovell – Practice Manager, Perenjori Medical Centre
<b>File:</b>	ADM 0723
<b>Date:</b>	22 May 2025
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Author:</b>	Nola Comerford – Manager Corporate and Community Services
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	Nil

### Summary

For Council to consider implementation of a reduction in weekly rental fees for 29 Timmings St, Perenjori (Eco House 1) and the Caravan Park's Park Home for two x 4-week periods.

### Background

The following correspondence was received from Ayo Bovell, Practice Manager of the Perenjori Medical Centre.

---

From: Practice Manager <practicemanager@mopjmedical.com.au>  
Sent: Tuesday, 6 May 2025 12:13 PM  
To: Paul Anderson <ceo@perenjori.wa.gov.au>  
Subject: Re: 2 bed accommodation for students

Hi Paul,

I hope this finds you well and that you had a restful break.

I'm not sure if Nola had the chance to brief you before going on leave, so I just wanted to touch base. We're planning to begin hosting student doctors in Perenjori and are in the process of arranging suitable accommodation for their stay.

We currently have two doctors in town, and Dale Sparkman has generously offered her property to accommodate the students during their placement.

I have made bookings through Nola for the shire's ECO house for the upcoming student placement periods in June and September/October.

We are working within a budget of \$800 per week for student accommodation, and Nola mentioned you will need to discuss the possibility of a discount at the next council meeting.

I'm just following up to see if there has been any progress or discussion on this. Please do let me know if you require further information.

Your support in helping us provide a comfortable and practical living arrangement for the students is greatly appreciated, as this initiative plays a key role in supporting rural healthcare exposure and development.

Kind regards,

Ayo Bovell

Practice Manager

Morawa Medical Centre

Perenjori Medical Centre

0481739600



### Statutory Environment

Local Government Act 1995

Section 6.19 – Local Government to give notice of fees and charges

## **Policy Implications**

Nil

## **Consultation**

Paul Anderson – Chief Executive Officer

Ayo Bovell - Practice Manager, Perenjori Medical Centre

## **Financial Implications**

Current and anticipated weekly rental charges as per Council Fees & Charges are:

29 Timmings St (Eco 1) – minimum 3-night stay

2024/25 Budget - \$1,109 per week

Draft 2025/26 Budget - \$1,136 per week

Park Home – minimum 2-night stay

2024/25 Budget - \$855 per week

Draft 2025/26 Budget - \$876 per week

Cost of a weekly cleaning service is estimated at \$586 including wages and overheads.

Total discount over the four weeks accommodation for 29 Timmings St and the Park Home would be \$1,236 and \$304, respectively.

## **Strategic Community Plan**

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

2.3. The Shire's buildings and leases are administered to an appropriate standard for the benefit of the community according to their need and use.

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

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

## **Officer Comment**

Council provides financial support for the delivery of a medical service through the provision and maintenance of clinic premises in Perenjori, together with a proportional payment towards the residence and vehicle supplied by the Shire of Morawa.

Council's 2024/25 Annual Budget includes health expenditure as follows:

Medical Practitioner support	\$25,000
House and vehicle	\$6,000
Building maintenance and utilities	\$32,253
Software and computer	\$3,788
Cleaning	\$13,029

Accommodation is required for two x 4-week periods for two student doctors who will be assisting Dr Chris Bovell at the Morawa Hospital, Morawa Medical Centre, and Perenjori Medical Centre.

The Morawa Perenjori Medical Practice has previously utilised private accommodation in Morawa for the student doctors. Going forward, the students will be alternated between Morawa and Perenjori and the Shire of Morawa is renovating a house in Morawa for this purpose.

Availability of Perenjori Caravan Park accommodation is as follows:

Sunday 1 June – Sunday 29 June in Eco 1

Saturday 6 September – Sunday 5 October in the Park Home

Comparatively, the same period from the previous two years has seen sporadic occupation of the two accommodation options, with stays being generally two or three-nights. The Park Home has a minimum stay of 2 nights, whilst Eco 1 has a minimum stay of 3 nights. Financially, long term guests such as this proposal are preferred over short-term stays to minimise cleaning costs.



## **COUNCIL DECISION**

**Council Resolution Number: 230525.9**

**Moved: Cr Sparkman**

**Seconded: Cr Fraser**

**That Council:**

- 1. Endorse a discount of \$309 (three hundred and nine dollars) per week, totalling \$1,236 (one thousand, two hundred and thirty six dollars), for 29 Timmings St, Perenjori (Eco 1) for the purposes of Morawa/Perenjori Medical Practice student doctor accommodation during the period 1 June – 29 June 2025.**
- 2. Endorse a discount of \$76 (seventy six dollars) per week, totalling \$304 (three hundred and four dollars), for the Park Home situated at the Caravan Park for the purposes of Morawa/Perenjori Medical Practice student doctor accommodation during the period 6 September – 5 October 2025.**

**Motion put and carried 7/0 by Absolute Majority**

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

**Against: Nil**

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### 13. Community Development and Services:

#### 13.1 DISPOSAL OF COUNCIL RESIDENTIAL PROPERTIES

Applicant:	Shire of Perenjori
File:	ADM 0119, ADM 0120, ADM 0104
Date:	22 May 2025
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Adim Hajat – Community Development Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

#### Summary

The purpose of the report is for Council to consider the sale of three Shire houses as listed:

- 50 Russell Street - Lot 73 Certificate of Title 1160/334 Deposited plan 148047, Perenjori
- 59 Russell Street - Lot 48 Certificate of Title 976/150 Deposited plan 142140, Perenjori
- 19 Hesford Street - Lot 60 Certificate of Title 1648/98 Diagram 57548, Perenjori

#### Background

The proposal for the sale of three Shire's residential housing properties will generate the necessary funds to invest in building future new Shire staff housing and potentially increase the higher standard of Shire's housing stock. Investing in new staff housing can be a key attraction for new employees and provide quality housing for the Shire's current staff.

In 2022, valuations were undertaken on the listed properties being proposed for resale:

- 50 Russell St - \$156,943
- 59 Russell St - \$204,500
- 19 Hesford St - \$191,000



Above: 50 Russell Street



Above: 59 Russell Street



Above: 19 Hesford Street

Recent house sales indicate the market value for properties in Perenjori:

- 43 Russell Street – \$143,000 (31 Jan 2025)
- 1 Livingstone St - \$215,000 (17 October 2024)
- 6 Carnamah-Perenjori Rd - \$220,000 (8 Nov 2024)
- 58 Fowler Street - \$235,000

Below is a list of privately owned properties on the market in Perenjori:

- 28 Farrell Street - \$170,000
- 140 North Road - \$179,000
- 19 Livingstone Street - \$139,000

It is considered that the provision of housing remains a significant factor in the recruitment of staff without which it would be more difficult to recruit some positions.

It is proposed that the Council move forward by adopting an approach that will:

- a) Ensure that staff housing at an appropriate standard is available for the purposes of assisting the recruitment and retention of staff into key roles;
- b) Commence a process of renewal and upgrading of the Council housing stock;
- c) Enable the Council to determine the appropriate number of housing units, and their configurations, that should be held in the housing portfolio; and
- d) Ensure the Council obtains the optimum value in any property transactions that it undertakes.

### **Statutory Environment**

*Local Government Act 1995 Section 3.58*

#### *3.58. Disposing of property*

*(1) In this section —*

*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not. Property includes the whole or any part of the interest of a local government in property but does not include money.*

*(2) Except as stated in this section, a local government can only dispose of property to —*

*(a) the highest bidder at public auction; or (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

*(3) A local government can dispose of property other than under Subsection (2) if, before agreeing to dispose of the property — (a) it gives local public notice of the proposed disposition —*

*(i) describing the property concerned; and*

*(ii) giving details of the proposed disposition; and*

*(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given. And*

*(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision, and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

*(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*

*(a) the names of all other parties concerned; and*

*(b) the consideration to be received by the local government for the disposition; and*

*(c) the market value of the disposition —*

*(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

*(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

*(5) This section does not apply to — (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or (d) any other disposition that is excluded by regulations from the application of this section.*

### **Policy Implications**

Policy No. 5005 – Staff Housing

### **Consultation**

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager Corporate & Community Services

### **Financial Implications**

The expected budget revenue for the sale of these properties is dependent on the market value.

Accumulative maintenance expenditure on the properties during the 2024/25 financial year is as follows:

50 Russell Street - \$6,703

59 Russell Street - \$12,967

19 Hesford Street - \$33,264

### **Strategic Community Plan**

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

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

2.3. The Shire's buildings and leases are administered to an appropriate standard for the benefit of the community according to their need and use.

### **Officer Comment**

The three Shire properties to be listed for sale are occupied by members of the public, all who are operators of local businesses in town.

The current median sales price in Perenjori is \$203,250 as indicated by REIWA (Real Estate Institute Western Australia).

Options to assist potential buyers in the purchase of the listed properties if financial institutions are unable to assist are shown below.

### **Option 1: Lending Scheme in the Sale of the Property**

The Shire of Perenjori may choose to facilitate a lending agreement and provide loans for the purpose of assisting the purchaser in buying the Shire premises they currently occupy.

Under such funding arrangements the Shire is exposed to a risk that the borrower could default upon their repayment obligations. This option sets out the general requirements that will guide Council when considering and assessing such requests to ensure consistent, transparent, equitable and accountable decision-making and to ensure that the Shire's financial resources are appropriately managed.

The Financial Assistance Options can be categorised into two types of financial assistance that may be offered by the Shire to an eligible purchaser up to the house price amount or a specified maximum such as 75% of the total house cost.

Self-supporting Loans managed by the Shire of Perenjori on behalf of an eligible individual compliant to a lending institution. The buyer meets all loan principal, interest, loan guarantee payments and associated loan costs. The maximum value of the loaned principal is determined by the Shire of Perenjori. The term of the loan shall be consistent to any loan agreement.

For assessment of all Self-supporting Loan applications, the applicant shall provide the Shire with the following but not limited to the following criteria:

- Detailed cash flow projection for the term of the loan, which demonstrates the Individual's capacity to repay the loan.
- Current bank account statements for the 12-month period immediately prior the application date.
- Any other documentation that the Shire may consider is relevant for assessing the application.

Additional items in the Loan Agreement may include Cash Advances to the owner/buyer. Eligibility that undertakes repayments to meet the loan principal, interest and associated loan costs are consistent. The interest applicable to a cash advance would be the current investment rates being received by the Shire for these funds to reflect the loss of interest earnings foregone by the Shire in providing the cash advance.

For assessment of all Cash Advance applications are tabled below as an example, the applicant shall provide the Shire with the following but not limited to:

- Detailed cash flow projection for the duration and finalisation of the project,
- Demonstration of the individual's capacity to repay the cash advance.
- Current account bank statements for the 12-month period immediately prior the application date.
- Any other documentation that the Shire may consider is relevant for assessing the application.

If the Council approves the sale of the properties a current market appraisal will need to be sourced.

## **Option 2: Conditions for the Sale of the Property**

The option of a Restrictive Covenant is an agreement between two parties that restricts the use or enjoyment of land (often referred to as the 'burdened land') owned by one of those parties, for the benefit of another party. A Restrictive Covenant is noted on a Certificate of Title for the land.

Restrictive Covenants provide a private means of controlling the use of the property, in circumstances. For example, a Restrictive Covenant may include purchasing of the property requires the owner/buyer to reside in Perenjori to support the local economy.

### **PROCEDURAL MOTION**

**Council Resolution Number: 230525.10**

**Moved: Cr Bradford**

**Seconded: Cr Sparkman**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.09 to allow for open discussion of Item 13.1.**

**Motion put and carried 7/0**

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

**Against: Nil**

### **PROCEDURAL MOTION**

**Council Resolution Number: 230525.11**

**Moved: Cr Fraser**

**Seconded: Cr Bryant**

**That Council reinstate Standing Orders at 3.11 pm.**

**Motion put and carried 7/0**

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

**Against: Nil**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. As per *Section 3.58(3) of the Local Government Act 1995*, authorise the Chief Executive Officer to explore options in regard to the sale of the following Shire properties, with the intent to ensure continued owner/occupancy status:**

**50 Russell Street Lot 73 Certificate of Title 1160/334 Deposited plan 148047 Perenjori WA**

**59 Russell Street Lot 48 Certificate of Title 976/150 Deposited plan 142140 Perenjori WA**

**19 Hesford Street Lot 60 Certificate of Title 1648/98 Diagram 57548 Perenjori WA**

- 2. Report to Council on recommended action for disposal of the above properties.**

### **COUNCIL DECISION**

**Council Resolution Number: 230525.12**

**Moved: Cr Bradford**

**Seconded: Cr Fraser**

**That item 13.1 Disposal of Council Residential Properties be laid on the table to provide ample time to advise tenants of potential residential property sales, prior to the report being presented to Council at the June 2025 Ordinary Council Meeting.**

**Motion put and carried 7/0**

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

**Against: Nil**

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### 13.2 FINANCIAL CONTRIBUTION TOWARDS IT HARDWARE FOR JUSTICE GOLBY-BRITTAIN

<b>Applicant:</b>	Justice Golby-Brittain
<b>File:</b>	ADM 0051
<b>Date:</b>	22 May 2025
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Author:</b>	Adim Hajat – Manager Corporate and Community Services
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	<a href="#">13.2.1 – YMCA Youth Parliament Program Application</a> <a href="#">13.2.2 – Letter to Shire President</a> <a href="#">13.2.3 – Letter to Shane Love MLA</a>

#### Summary

For Council to consider the financial support towards local youth, Justice Golby-Brittain's, technology equipment to assist her progress in attending the Y WA Youth Parliament Program.

#### Background

Ms Golby-Brittain's application to become a Y WA Youth Parliament member statement goal was to create change. To be a part of the Y WA Youth Parliament is a youth voice to be heard. To make impactful change and implementation the same importance as adults.

She states that young people have the right to voice their opinions. They want to change how they live; their towns/cities might not offer activities that they would like to be a part of, and they want to change that.

Celebrating its 30th anniversary this year, The Y WA Youth Parliament program is a unique opportunity for young people to have their voice heard by policy makers and create the change they want to see.

The program has been running yearly since 1995, with involvement from a broad range of young people from all backgrounds. It is an apolitical program and encourages all young people from across the state to apply – regardless of political beliefs.

Participants act as "youth members", representing a state electorate in parliament. The bills debated in the program are based on the interests and concerns of the state's youth. They are then presented to the Governor, Premier, and Leader of the Opposition in WA for reflection and consideration. The Y WA Youth Parliament Program also provides an outstanding opportunity for personal development, be that in leadership skills, public speaking ability, or lifelong friendships.

The Y WA Youth Parliament Program is organised by a dedicated team of young people, including volunteers and many former participants. Where possible, participants are supported so they can attend, including assistance with travel funds and gaining subsidies or sponsored program fees.

The Y WA Youth Parliament Program is open to young people aged 15 to 25 living in Western Australia and passionate about issues and representing their community. It is not a reflection of current parliament and is a non-partisan program. The program is a preview of parliamentary mechanisms. The time commitment to the program includes:

- Three training days
- Weekly online meetings
- A residential camp from the 6th to the 11th of July

The 2025 Program Dates include the following events for the participants.

- Training Day 1 – 26th of April
- Training Day 2 – 24th of May
- Training Day 3 – 21st of June
- Residential Camp – 6th to 11th of July

The applicant was unable to attend the first two training sessions but has committed to being involved in the remaining training day and residential camp.

The participants will be learning to work with a diverse range of people, with respect and consideration. They will attend Parliament House and debate in the chamber and learning how to create a piece of legislation and write speeches. The participants also gain credit toward a WACE Certificate and graduation through the Endorsed SCSA Program and there is the opportunity to join the Youth Parliament Alumni community.

Justice Golby-Brittain is seeking a financial contribution from Council, amount not specified but will contribute towards the purchase of a HP Laptop which is in the price range of \$1,200 and \$2,000. The hardware will assist her with actively engaging with the program such as attending Team meetings, research and bill preparations. The IT hardware had been recommended by members of the youth parliament.

Justice Golby-Brittain has been actively seeking sponsorships through the Local Member of Parliament, local businesses, local mining companies as well as the Shire. Her applications for other sponsorships are still pending.

### Statutory Environment

Nil

### Policy Implications

Nil

### Consultation

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager Corporate & Community Services

Justice Golby-Brittain – Recipient of Y WA Parliament Program

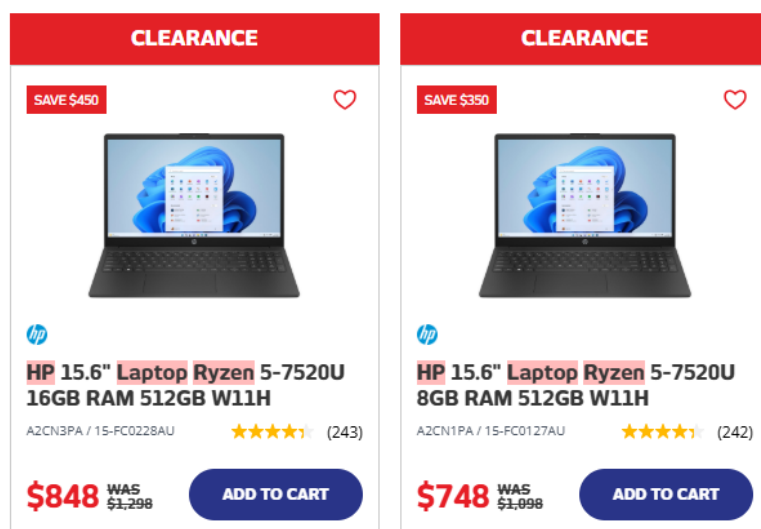
Emer Obrien – Y WA Youth Parliament Youth Sponsorship Officer

### Financial Implications

The Shire does not have designated financial support for Youth Scholarships and this application is a first-time request from a local Perenjori youth. The request is required to be assessed objectively against the criteria. The applicant is seeking other co-contributions and support from local businesses and currently has not yet been notified of their commitment.

Equitable distribution of funds across the geographic communities of the Shire of Perenjori and the priority of the needs of young people being addressed in the application will be taken into account when financial contributions are made. Council will need to have a process which is transparent and accountable.

The financial support is minimal and can be easily absorbed by Council's Youth Programs budget which currently stands at \$9,000.



*Above: Suggested options for laptop request*

### Strategic Community Plan

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

1.6 Young people are engaged in pro-social activity and civic life.

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

4.2 The Shire listens to and works closely with the community and its decision making is transparent and accountable.

4.5 People receive a high standard of customer service in their dealings with the Shire.

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



### **Officer Comment**

The Shire has a budget of \$9,000 towards Youth Programs, but not specifically pertaining to individual scholarship support or extracurricular activities.

Attached is Justice Goldby-Brittian's application to the Y WA Youth Parliament Program which shows dedication of her commitment to pursue a leadership role in the Perenjori community. The financial request as stated in her letter to the Shire President is up to the discretion of Council.

The Y WA Youth Parliament Program promotes active participation of local young people to build community strength and capacity. Young people, community groups and the Shire need to work in partnership to support participation of young people in decision making and in the design of services to meet diverse needs.

Justice Golby-Brittian is a 15-year-old Perenjori youth who attends Morawa District High School and participates in community activities and shows initiative in the Perenjori community. She is an active member of the Carnamah Perenjori Hockey Club, member of the Morawa Brass Band and volunteers in the community. It is an initiative that has been personally driven, and she is developing her personal and life skills and increasing her opportunities by participating in the YMCA's Y WA Youth Parliament Program.

### **PROCEDURAL MOTION**

**Council Resolution Number: 230525.13**

**Moved: Cr Campbell**

**Seconded: Cr Sparkman**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.12 pm to allow for open discussion of Item 13.2.**

**Motion put and carried 7/0**

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

**Against: Nil**

### **PROCEDURAL MOTION**

**Council Resolution Number: 230525.14**

**Moved: Cr Hepworth**

**Seconded: Cr Bryant**

**That Council resume Standing Orders at 3.20 pm.**

**Motion put and carried 7/0**

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

**Against: Nil**

### **COUNCIL DECISION**

**Council Resolution Number: 230525.15**

**Moved: Cr Cambell**

**Seconded: Cr Bryant**

**That Council:**

- 1. Endorse financial support of local youth, Justice Golby-Brittian, of 28 Livingstone St, Perenjori to the amount of \$1,200 towards the cost of a laptop to assist in participation in the Y WA Youth Parliament Program.**
- 2. Request a Y WA Parliament Program report be provided to Council by Justice Golby-Brittian at the August 2025 Ordinary Meeting of Council.**

**Motion put and carried 7/0**

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

**Against: Nil**

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## 14. Governance:

### 14.1 OUTBUILDINGS LOCAL PLANNING POLICY

Applicant:	Shire of Perenjori
File:	ADM 0311
Date:	22 May 2025
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Simon Lancaster - Planning Advisor
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	<a href="#">14.1.1 - Draft Shire of Perenjori Outbuildings Local Planning Policy</a>

#### Summary

The Shire of Perenjori Outbuildings Local Planning Policy requires updating to have regard for recent planning legislation changes. A copy of the policy, with the modifications considered necessary to give regard for the updated Regulations, is provided as [Attachment 14.1.1](#).

#### Background

As part of its ongoing planning reforms the State Government has implemented changes to local government decision making roles relating to development applications for single houses and associated development.

This reform has introduced Part 4 of the *Planning and Development Amendment Act 2023* supported by amendments to *Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations* that:

- introduce a new section 257C into the Act which provides the Regulations ability to specify that certain types of development applications must be determined by the officers of the local government; &
- amend Schedule 2 of the Regulations to specify that a single house development or any development associated with a single house, where not otherwise exempt, are to be determined by the local government CEO (or other local government officers authorised by the CEO).

In summary this means that the *Planning and Development (Local Planning Schemes) Regulations 2015* have been amended so that development applications for single houses or any development associated with a single house, and this includes outbuildings/sheds and ancillary dwellings/granny flats (excluding development associated with a heritage place), can now only be determined by the local government CEO or authorised employees of the local government i.e. they explicitly cannot be determined by Council.

The new Clause 84 of the Regulations is provided below:

*“Division 2A — Performance of development approval functions in relation to single houses*

*84A Terms used*

*In this Division –*

**authorised employee** means an employee of the local government authorised by the local government CEO under clause 84D;

**prescribed development approval function** means any of the following -

- a function of the local government under clause 61A(2) or (4) or Part 8 or 9;*
- a function of approving further details of any works or use under a condition of a kind referred to in clause 74(1) imposed on a development approval;*
- a function of the local government under this Scheme that is ancillary or incidental to a function referred to in paragraph (a) or (b);*

**prescribed single house development** has the meaning given in clause 84B.

*84B. Prescribed single house development*

*(1) In this Division, **prescribed single house development** means development that consists of -*

- the erection of, or alterations or additions to, a single house; or*
- the erection or installation of, or alterations or additions to, any of the following that is ancillary or incidental to a single house*
  - an ancillary dwelling;*

- (ii) *an outbuilding;*
  - (iii) *an external fixture;*
  - (iv) *a boundary wall or fence;*
  - (v) *a patio;*
  - (vi) *a pergola;*
  - (vii) *a verandah;*
  - (viii) *a deck;*
  - (ix) *a garage;*
  - (x) *a carport.*
- (2) *Despite subclause (1), development in a heritage-protected place is not **prescribed single house development**.*
- 84C. *Performance of prescribed development approval functions in relation to prescribed single house development*
- (1) *When a prescribed development approval function is performed in relation to prescribed single house development, the function must be performed for and on behalf of the local government by –*
    - (a) *the local government CEO; or*
    - (b) *an authorised employee.*
  - (2) *A prescribed development approval function cannot be performed by the local government in relation to prescribed single house development otherwise than in accordance with subclause (1) (for example, the function cannot be performed by the council of the local government or a committee of that council).*
  - (3) *In performing a prescribed development approval function for and on behalf of the local government in relation to prescribed single house development, the local government CEO or an authorised employee –*
    - (a) *is not subject to the direction of the council of the local government or a committee of that council; and*
    - (b) *may, if the performance of the function is dependent on the opinion, belief or state of mind of the local government, perform the function on the opinion, belief or state of mind of the CEO or authorised employee (as the case requires).*
- 84D. *Authorisation of employees*
- (1) *The local government CEO may authorise any employee of the local government to perform prescribed development approval functions for and on behalf of the local government in relation to prescribed single house development.*
  - (2) *An authorisation under this clause must be in writing and may be general or limited to prescribed development approval functions of a specified class."*

Further information on this (and other previous) planning reforms can be viewed at the following link: [Planning and Development Amendment Act 2023 and Associated Regulations](#).

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, projects, budgeting, strategic planning and community leadership, with the organisation focusing on the day-to-day operations of the Shire. The use of delegated authority means the large volume of routine work can be effectively managed and acted on promptly, to provide efficient service delivery to the community.

However, in the past Shire staff have referred shed applications that were considered to have potential for impact on the amenity of an area to Council for determination and the Shire's Outbuildings Local Planning Policy provide guidance on what type of developments should be referred to Council. Shire staff have also not refused shed applications in the past considering instead that is reasonable for applicants to be given the opportunity to make a presentation to Council on the merits of their application in the interest of fairness. Also this practice has ensured Councillors are aware of applications that may have a higher level of interest and are fully aware of them and involved in their determination and not 'blindsided' by a community member who wishes to discuss such an application.

With the recent Regulations amendments, however, Shire staff are now unable to present applications involving single houses and associated development, such as sheds and granny flats, to Council and must determine them at a staff level.

This might be viewed as an improvement in efficiency particularly with larger metropolitan Councils but also could be viewed as removing a democratic process whereby elected parties with a public mandate are making decisions, and less appropriate in a rural and regional context.

Shire staff intend to take the view that as 'Repurposed Dwelling' and 'Second Hand Dwelling' are listed as specific land use definitions in the Shire of Perenjori Local Planning Scheme No.3 that they are separate to 'Single House' and these types of applications will continue to be presented to Council for determination as necessary.

### **Statutory Environment**

Schedule 2 Part 2 Division 2 Clauses 4 & 5 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* establishes the procedure for amending Local Planning Policies.

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

- (5) *A policy has effect on publication of a notice under subclause (4).*
- (6) *The local government must ensure that an up-to-date copy of each local planning policy made under this Scheme that is in effect is published in accordance with clause 87.*
- (7) *Subclause (6) is an ongoing publication requirement for the purposes of clause 87(5)(a).*
- 5 *Procedure for amending local planning policy*
  - (1) *Clause 4, with any necessary changes, applies to the amendment to a local planning policy.*
  - (2) *Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.*
- 6 *Revocation of local planning policy*
  - A local planning policy may be revoked —*
    - (a) *by a subsequent local planning policy that —*
      - (i) *is prepared in accordance with this Part; and*
      - (ii) *expressly revokes the local planning policy;*
    - or*
    - (b) *by a notice of revocation —*
      - (i) *prepared by the local government; and*
      - (ii) *published by the local government in accordance with clause 87.”*

Given that the determination aspects of the policy amendments are required by overriding legislative changes it is considered they should be made under Schedule 2 Part 2 Clause 5(2) (i.e. without further advertising). Similarly it is suggested that the proposed adjustments in policy delegation relevant to maximum shed floor area are minor in nature. However, Council can advertise the draft amended Outbuildings Policy for comment if it wishes to do so.

### **Policy Implications**

The Shire of Perenjori 'Outbuildings' Local Planning Policy was adopted by Council at its 20 October 2022 meeting.

Where Council wishes to establish its own development guidelines and assessment criteria a Local Planning Policy can be more suited than Local Planning Scheme provisions and allow for more local planning considerations than the state-wide Residential Design Codes. A Policy is still considered as reasonable basis for a local government to make determinations, and is an instrument that must be given due regard in instances where a development decision is appealed to the State Administrative Tribunal. Policies also have an improved, more responsive ability to be modified by Council where it considers that a Policy is no longer in-line with its planning.

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

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

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

### **Consultation**

Schedule 2 Part 2 Division 2 Clauses 4 & 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that Council generally advertise the amendment of a Local Planning Policy for a minimum period of 21 days with a notice being placed on the Shire website. At the conclusion of the advertising period Council can review any submission received and proceed with the policy with/without modification, or not proceed with the policy.

Council may therefore wish to advertise the proposed modification to its Outbuildings Policy and consider this matter again at a future meeting.

However, the Officer Recommendation does not suggest that consultation be undertaken in this instance, as the proposed modifications are considered minor. This is because they reference the determination changes

already introduced by overriding legislation, and only propose to increase the maximum shed floor area on residential lots to match neighbouring Shires to achieve regional consistency.

### Financial Implications

Nil

### Strategic Community Plan

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

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

### Officer Comment

The updating of the Regulations requires the Shire to amend its Outbuildings Local Planning Policy to remove reference to applications being placed before Council.

It is also suggested that the Outbuilding Local Planning Policy be expanded to include further text outlining that applications seeking to vary requirements of the policy must be accompanied by supporting reasoning, and must be advertised for comment prior to determination, and that they are unlikely to be supported, and the basis for this approach. The insertion of this additional text may provide some further assistance to Shire staff in the event they are required to refuse an application and defend this at the State Administrative Tribunal.

A copy of the Shire of Perenjori Local Planning Policy, with the modifications considered necessary to give regard for the updated Regulations included as tracked changes, is provided as [Attachment 14.1.1](#).

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

Council last gave specific consideration to its Outbuildings Local Planning Policy at its 20 October 2022 meeting with preceding discussion given to the size and area requirements of the policy and exempting rural sheds from any limitations.

The following maximum standards apply to outbuildings under the current policy:

**Table 1 – Current Outbuilding Policy Requirements**

Zone	Maximum area	Maximum wall height*	Maximum roof height*
Rural	Exempt from the area and height requirements of this policy		
Rural Residential	240m <sup>2</sup>	4.5m	5.5m
Residential & Rural Townsite	80m <sup>2</sup>	4m	5m

*\*all height measurements taken from natural ground level*

As a basis for comparison the below **Table 2** provides the outbuilding sizes permitted in the neighbouring local governments. In previous discussions a conservative stance was adopted over concern that permitting larger outbuildings may encourage landowners to operate businesses or park large vehicles and haulage trailers that can give rise to complaint on residential zoned townsite lots.

**Table 2 – Nearby Local Government Outbuilding Policy Requirements**

Maximum standards	Shire of Perenjori	Shire of Mingenew	Shire of Irwin	Shire of Carnamah	Shire of Coorow	Shire of Three Springs
<b>Residential &amp; Townsite (R10 and higher density) (i.e. lots generally under 1,500m<sup>2</sup>)</b>						
Area (total aggregate)	80m <sup>2</sup>	120m <sup>2</sup> (90m <sup>2</sup> enclosed/ 30m <sup>2</sup> open)	120m <sup>2</sup> (90m <sup>2</sup> enclosed/ 30m <sup>2</sup> open)	60m <sup>2</sup>	150m <sup>2</sup>	80m <sup>2</sup>
Wall Height	4m	4m	3.6m	2.4m	4m	4m
Overall Height	5m	5m	4.5m	4.2m	4.5m	5m
<b>Residential (R5 and lower density) (i.e. lots generally over 1,500m<sup>2</sup>)</b>						
Area (total aggregate)	80m <sup>2</sup>	240m <sup>2</sup>	240m <sup>2</sup> (180m <sup>2</sup> enclosed/	60	180m <sup>2</sup>	80m <sup>2</sup>

		(180m <sup>2</sup> enclosed/ 60m <sup>2</sup> open)	60m <sup>2</sup> open)			
Wall Height	4m	4m	4.2m	2.4m	4.5m	4m
Overall Height	5m	5m	5m	4.2m	5m	5m
<b>Rural Residential (Lots over 4 ha)</b>						
Area (total aggregate)	240m <sup>2</sup>	-	330m <sup>2</sup> (240m <sup>2</sup> enclosed/ 90m <sup>2</sup> open)	-	200m <sup>2</sup>	240m <sup>2</sup>
Wall Height	4.5m	-	4.8m	-	5m	4.5m
Overall Height	5.5m	-	6.5	-	6.5m	5.5m

*\*all height measurements taken from natural ground level*

In recent years Council has approved the following applications in excess of the policy requirements.

- 84m<sup>2</sup> outbuilding upon 1,012m<sup>2</sup> property at 29 (Lot 25) Russell Street, Perenjori at 16/4/20 Council meeting.
- 180m<sup>2</sup> outbuilding upon 3,035m<sup>2</sup> property at 22 (Lot 182) Russell Street, Perenjori at 16/6/22 Council meeting.
- 109.67m<sup>2</sup> outbuilding upon 1.2ha property at 24 (Lot 71) Carnamah-Perenjori Road, Perenjori at 23/2/23 Council meeting.

It is suggested that Council may wish to consider increasing its shed policy floor area requirements to give regard for what it has found acceptable in the past few years and to match nearby local governments to provide cross-boundary consistency, with the suggested ceiling figures being those of the Shire of Irwin and Shire of Mingenew policy requirements i.e. increased from 80m<sup>2</sup> to 120m<sup>2</sup> (noting these are also the same sizes being considered by the Shire of Three Springs as part of their policy review).

These suggested changes as outlined in the below **Table 3** would mean that a 'line in the sand' is drawn more clearly, in that an application that complies with the policy requirements would be approved without advertising. It would also make clear that any application seeking to undertake development of greater, or higher, dimensions, or closer to neighbouring or street boundaries must be accompanied by supporting information outlining the reasons for seeking variation, and any application that proposes variation to the policy would be advertised for comment with a likelihood that it may be refused.

**Table 3 – Proposed Outbuilding Policy Requirements**

Zone	Maximum area	Maximum wall height*	Maximum roof height*
Rural	Exempt from the area and height requirements of this policy		
Rural Residential	240m <sup>2</sup>	4.5m	5.5m
Residential & Rural Townsite	120m <sup>2</sup>	4m	5m

*\*all height measurements taken from natural ground level*

In practice, it is considered the policy could still provide some flexibility, where an application is considered to offer very minor variation, for example where a block may be sloping and the use of cut and fill earthworks may necessitate the outbuilding is slightly higher than the policy requirement, and when it is advertised for comment it is supported by neighbours. However, where applications propose more significant variation the updated policy makes clear that the requirements have been established through good planning practice and regard for amenity and provide a solid basis for refusing applications.

#### PROCEDURAL MOTION

**Council Resolution Number: 230525.16**

**Moved: Cr Sparkman**

**Seconded: Cr Bradford**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.22 pm to allow for open discussion of Item 14.1.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### PROCEDURAL MOTION

**Council Resolution Number: 230525.17**

**Moved: Cr Sparkman**

**Seconded: Cr Bryant**

**That Council resume Standing Orders at 3.25 pm.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### COUNCIL DECISION

**Council Resolution Number: 230525.18**

**Moved: Cr Bradford**

**Seconded: Cr Fraser**

**That Council resolve, pursuant to Schedule 2 Part 2 Division 2 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* to amend its 'Outbuildings Local Planning Policy' subject to the modifications as contained in Attachment 14.1.1 and proceed to give notice to this effect.**

**Motion put and carried 7/0**

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

**Against: Nil**

[Next Item](#)



**14.2 ELECTED MEMBER FEES, ALLOWANCES AND EXPENSES 2025-26**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM 0744
<b>Date:</b>	22 May 2025
<b>Disclosure of Interest:</b>	Nil
<b>Voting Requirements:</b>	Absolute Majority
<b>Author:</b>	Paul Anderson – Chief Executive Officer
<b>Responsible Officer:</b>	Paul Anderson – Chief Executive Officer
<b>Attachments:</b>	Nil

**Summary**

This report seeks Council's consideration and approval for Elected Member fees, allowances and expenses for the upcoming 2025-26 financial year.

**Background**

At the Ordinary Council Meeting held on 16 April 2025 Council resolved that the item Elected Member Fees, Allowances and Expenses 2025-26 be laid on the table to allow time for clarification of provisions under the *Local Government Act 1995* in relation to Elected Member attendance fees and reimbursement of expenses.

This report provides the requested clarification and seeks a new resolution from Council on the proposed Elected Member Fees, Allowances and Expenses for the 2025-26 financial year.

Section 7B(2) of the *Salaries and Allowances Act 1975*, requires the Salaries and Allowances Tribunal to inquire into and determine, the amount of:

- fees, or the minimum and maximum amounts of fees, to be paid under the *Local Government Act 1995* ('the LG Act') to elected council members for attendance at meetings;
- expenses, or the minimum and maximum amounts of expenses, to be reimbursed under the LG Act to elected council members; and
- allowances, or the minimum and maximum amounts of allowances, to be paid under the LG Act to elected council members.

The SAT's current determination published on 4 April 2025, specifies the minimum and maximum payments and includes a 3.5% increase to Elected Member attendance fees and annual allowance ranges.

The Shire of Perenjori is deemed a Band 4 Council.

<b>COUNCIL MEETING ATTENDANCE FEES - PER MEETING</b>	<b>SAT Minimum</b>	<b>SAT Maximum</b>	<b>2024-25 Payments</b>
Elected Council Member President (Council Meeting)	\$105	\$550	N/A
Elected Council Member (Council Meeting)	\$105	\$270	N/A
Elected Council Member Including President (Committee Meeting)	\$55	\$135	N/A
<b>INDEPENDENT MEMBER ATTENDANCE FEES - PER MEETING</b>	<b>SAT Minimum</b>	<b>SAT Maximum</b>	<b>2024-25 Payments</b>
Independent Committee Member	\$0	\$450	N/A*
<b>ANNUAL ATTENDANCE FEES - IN LIEU OF MONTHLY FEES</b>	<b>SAT Minimum</b>	<b>SAT Maximum</b>	<b>2024-25 Payments</b>
Elected Council Member President (Council Meeting)	\$4,020	\$21,880	\$5,284.50
Elected Council Member (Council Meeting)	\$4,020	\$10,650	\$7,714.50
<b>ANNUAL ALLOWANCES - PRESIDENT &amp; DEPUTY PRESIDENT</b>	<b>SAT Minimum</b>	<b>SAT Maximum</b>	<b>2024-25 Payments</b>
Elected Council Member President	\$575	\$22,470	\$21,710



Elected Council Member Deputy President (25% of the Presidents Annual Allowance)	\$115	\$5,617.50	\$5,427.50
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\* The SAT introduced a new provision in its April 2025 determination (Section 6.4), allowing local governments to pay meeting attendance fees to independent committee members. This provision applies to any committee formally established by Council and provides flexibility to compensate individuals who are not Elected Members but contribute specialist knowledge or expertise.

### **Statutory Environment**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

*Salaries and Allowances Act 1975*

#### **5.98. Fees, reimbursements and allowances for council members**

*(1A) In this section —*

*determined means determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B.*

*(1) A council member who attends a council or committee meeting is entitled to be paid —*

*(a) the fee determined for attending a council or committee meeting; or*

*(b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.*

*(2A) A council member who attends a meeting of a prescribed type at the request of the council is entitled to be paid*

*(a) the fee determined for attending a meeting of that type; or*

*(b) where the local government has set a fee within the range determined for meetings of that type, that fee.*

*(2) A council member who incurs an expense of a kind prescribed as being an expense —*

*(a) to be reimbursed by all local governments; or*

*(b) which may be approved by any local government for reimbursement by the local government and which has been approved by the local government for reimbursement,*

*is entitled to be reimbursed for the expense in accordance with subsection (3).*

*(3) A council member to whom subsection (2) applies is to be reimbursed for the expense —*

*(a) where the extent of reimbursement for the expense has been determined, to that extent; or*

*(b) where the local government has set the extent to which the expense can be reimbursed and that extent is within the range determined for reimbursement, to that extent.*

*(4) If an expense is of a kind that may be approved by a local government for reimbursement, then the local government may approve reimbursement of the expense either generally or in a particular case but nothing in this subsection limits the application of subsection (3) where the local government has approved reimbursement of the expense in a particular case.*

*(5) The mayor or president of a local government is entitled, in addition to any entitlement that the mayor or president has under subsection (1) or (2), to be paid —*

*(a) the annual local government allowance determined for mayors or presidents; or*

*(b) where the local government has set an annual local government allowance within the range determined for annual local government allowances for mayors or presidents, that allowance.*

*(6) A local government cannot make any payment to, or reimburse an expense of, a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with —*

*(a) this Division; or*

*(b) a policy adopted by the local government under section 5.129.*

*(6A) Neither subsection (6), nor any other provision of this Act, prevents a local government from doing the following —*

*(a) making a unanimous resolution as referred to in the Taxation Administration Act 1953 (Commonwealth) Schedule 1 section 12-45(1)(e);*

*(b) if the local government makes such a resolution — doing anything under the Taxation Administration Act 1953 (Commonwealth), the Superannuation Guarantee (Administration) Act 1992 (Commonwealth) or any other law of the Commonwealth as a result of the making of the resolution.*

**5.98A. Allowance for deputy mayor or deputy president**

*(1) A local government may decide\* to pay the deputy mayor or deputy president of the local government an allowance of up to the percentage that is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B of the annual local government allowance to which the mayor or president is entitled under section 5.98(5).*

*\* Absolute majority required.*

*(2) An allowance under subsection (1) is to be paid in addition to any amount to which the deputy mayor or deputy president is entitled under section 5.98.*

**5.99. Annual fee for council members in lieu of fees for attending meetings**

*A local government may decide\* that instead of paying council members a fee referred to in section 5.98(1), it will instead pay*

*all council members who attend council or committee meetings —*

*(a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or*

*(b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.*

**5.99A. Allowances for council members in lieu of reimbursement of expenses**

*(1) A local government may decide\* that instead of reimbursing council members under section 5.98(2) for all of a particular type of expense it will instead pay all eligible council members —*

*(a) the annual allowance determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for that type of expense; or*

*(b) where the local government has set an allowance within the range determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B for annual allowances for that type of expense, an allowance of that amount,*

*and only reimburse the member for expenses of that type in excess of the amount of the allowance.*

*\* Absolute majority required.*

*(2) For the purposes of subsection (1), a council member is eligible to be paid an annual allowance under subsection (1) for a type of expense only in the following cases —*

*(a) in the case of an annual allowance that is paid in advance,*

*member will incur expenses of that type during the period to which the allowance relates;*

*(b) in the case of an annual allowance that is not paid in advance, if the council member has incurred expenses of that type during the period to which the allowance relates.*

**30. Meeting attendance fees (Act s. 5.98(1) and (2A))**

*[(1), (2) deleted]*

*(3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —*

*(a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;*

*(b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;*

*(c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;*

*(d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;*

*(e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.*

*[(3B) deleted]*

*(3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —*

- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or*
- (b) the council member is paid an annual fee in accordance with section 5.99; or*
- (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.*

**31. Expenses to be reimbursed (Act s. 5.98(2)(a))**

*(1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —*

- (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and*
- (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member; and*
- (c) child care and travel costs incurred by a council member in completing the training required by section 5.126(1).*

**32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b))**

*(1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —*

- (a) an expense incurred by a council member in performing a function under the express authority of the local government; and*
- (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and*
- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.*

**Policy Implications**

7009 – Elected Member Fees and Expenses

7003- Elected Members use of Shire Vehicles

**Consultation**

Paul Anderson – Chief Executive Officer

Ally Bryant - Finance Manager

**Financial Implications**

Council member fees, allowances and expenses will be included in the 2025-26 draft budget considerations.

**Strategic Community Plan**

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

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

**Officer Comment**

In 2024-25, Elected Member attendance fees were paid quarterly, and the President and Deputy President allowances were paid in two instalments.

The council at the ordinary meeting held in April 2024 resolved to pay the President as follows

***An annual attendance fee for the Shire President of 25% of the maximum fee set by the SAT in April 2024 and in accordance with section 5.99 of the Local Government Act 1995.***

The Recommendation presented at the Ordinary meeting held in April 2025 at point 3 (a) replaced the reference to an annual attendance payment fee for the Shire President of 25% and with

***An annual attendance fee for Elected Members set at 75% of the maximum fee as determined by the Salaries and Allowances Tribunal (SAT) on 4 April 2025.***

The reference to elected members includes the Shire President and effectively increases the fee from 25% to 75% of the maximum set by SAT in April 2025.

The SAT also provides for payments on a per meeting basis. Regulation 19B(2)(f) of the Administration regulations requires the publishing of number of Ordinary, Special and Committee meetings that were held during the year.

In the 2024/25 year there were 15 Ordinary and Special council meeting held and two committee meetings held, this does not include other external meetings, such as WALGA and Regional Road group.

In accordance with SAT determination payment on a meeting basis would equate to an estimated maximum payment as follows

<b>Council Meeting Fees @ 15 Council Meetings</b>			
	SAT MAX	Est attending all Council meetings	Actual amount paid
Council President	\$550	\$8,250	\$5,284.50
Council Member	\$270	\$4,050	\$7,714.50

The proposed annual fee structure, presented at the April 2025 council meeting with increases highlighted in yellow, was as follows:

<b>Council Meeting Fees – Annual Payment</b>						
Council President	\$21,138	\$5,284.50	\$21,880	75% increase	\$16,410	\$11,125.50
			\$21,880	50% increase	\$10,940	\$5,655.50
			\$21,880	25% increase	\$5,470	\$185.50
Council member	\$10,286	\$7,714.50	\$10,650	75%	\$7,987.50	\$273.00
Councillor Allowance calculated at 75% of SAT maximum						
<b>Annual Allowances based on 100% of SAT Maximum</b>						
Council President	\$21,710	\$21,710.00		\$22,470	\$22,470	\$760.00
Council Deputy president (25% of President)	\$5,427.50	\$5,427.50		\$5,617.50	\$5,617.50	\$190.00

Council to nominate percentage for section 2a and 2b.

#### PROCEDURAL MOTION

**Council Resolution Number: 220525.19**

**Moved: Cr Hepworth                      Seconded: Cr Bryant**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.27 pm to allow for open discussion of Item 14.2.**

**Motion put and carried 7/0**

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

**Against: Nil**

## PROCEDURAL MOTION

**Council Resolution Number: 220525.20**

**Moved: Cr Fraser**

**Seconded: Cr Bryant**

**That Council resume Standing Orders at 3.32 pm.**

**Motion put and carried 7/0**

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

**Against: Nil**

## COUNCIL DECISION

**Council Resolution Number: 220525.21**

**Moved: Cr Hepworth**

**Seconded: Cr Fraser**

**That Council:**

- 1. Adopts (in accordance with section 5.98, 5.99 and 5.99A of the Local Government Act 1995) annual attendance fees to be paid to all Councillors in lieu of individual meeting fees and annual allowances, in lieu of reimbursement of expenses.**
- 2. Approve for inclusion in the 2025/26 budget, the following meeting attendances fees for the financial year payable quarterly in advance from 1 July 2025:**
  - a) An annual meeting attendance fee for the Shire President of 75% of the maximum fee set by SAT in April 2025, and in accordance with section 5.99 of the Local Government Act 1995.**
  - b) An annual attendance fee for council members of 75% of the maximum fee set by the SAT in April 2025, and in accordance with section 5.99 of the Local Government Act 1995**
- 3. Approve for inclusion in the 2025/26 budget, the following Annual allowances for the Shire President and Deputy Shire President for the financial year 2025/26 payable in two payments in accordance with council policy no.9009:**
  - a) An annual allowance for the Shire President the maximum allowance of \$22,470 set by SAT in April 2025, and in accordance with section 5.99 of the Local Government Act 1995.**
  - b) An annual allowance fee for the Deputy President of 25% (\$5,617.50) of the maximum fee set by SAT in April 2025 and in accordance with section 5.99 of the Local Government act 1995.**
- 4. Approve in accordance with section 6.4 of the SAT determination, Council remunerate independent committee members the maximum amount determined by SAT on 4 April 2025.98(2)(b) and (3) of the Act and regulation 31(1)(b), and 32(1) of the Local Government (Administration) Regulations 1996, and in accordance with the Salaries and Allowances Tribunal's current determination for 2025/26.**
- 5. Approve the reimbursement of expenses incurred by a Council member in accordance with section 5.98(2)(b) and (3) of the Act and regulation 31(1)(b), and 32(1) of the Local Government (Administration) Regulations 1996, and in accordance with the Salaries and Allowances Tribunal's current determination for 2025/26.**

**Motion put and carried 7/0 by Absolute Majority**

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

**Against: Nil**

The agreement was executed on the 23 December 2024 and is due to expire on 31 March 2025.

At a special meeting held 5 September 2024 the Shire considered a request for a trial period to allow Terra Mining to cart ore to the Karara Minesite to utilise their rail facilities.

Council Resolution Number: 050924.5

Moved: Cr Bryant

Seconded: Cr Campbell

That Council advise Terra Mining that the request for a trial period of 10-12 days to utilise Perenjori-Rothsay Road, Warriedar Copper Mine Road and Karara Road to supply 55,000 tonne of iron ore to the Karara Minesite utilised vehicles that meet the current RAV guidelines be approved on the following conditions:

1. That Karara Mining Limited and Terra Mining accept all responsibility to maintain and keep Karara Road in an acceptable condition to ensure road user safety during the trial.
2. That Karara Mining Limited and Terra Mining be advised that any further transportation of ore at the conclusion of the proposed 55,000 tonne trial will only be considered on the following conditions, the existing Road User Agreement and conditions contained within with Terra Mining being amended to include the following Shire roads: Perenjori-Rothsay Road, Warriedar Copper Mine Road and Karara Road, including but not limited to the proponents being fully responsible for commissioning of an updated engineering report(s) prior to further utilising the roads that details the roads suitability, upgrades required by the proponents, commitment to undertaking the upgrades and maintenance schedule by the proponents to the satisfaction of the Shire.
3. A requirement for Terra Mining to accept the baseline report from Greenfields Technical Services within 10 working days of receiving the report from the Shire of Perenjori.

Motion put and carried 5/0

For: Cr Sutherland, Cr Hepworth, Cr Bradford, Cr Bryant, Cr Campbell

Against: Nil

As Council are aware, the trial has not progressed as planned and is now scheduled to commence in May/June 2025.

At the Ordinary Council meeting held 20 February 2025 the Shire extended the agreement to 30 June 2025 as follows.

Council Resolution Number: 200225.30

Moved: Cr Fraser

Seconded: Cr Hepworth

That Council resolve option:

2. Approve the extension to the existing Road User, Contribution and Upgrade Agreement for a period of 3 months to 30 June 2025, aligning with the extension provided by Main Roads and allowing Terra Mining to secure an arrangement with a rail provider by 30 June 2025.

Motion put and carried 7/0

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

Against: Nil

Clause 23 of the road user agreement requires the Shire and Terra Mining to agree to an extension prior to expiration of the term:

- a) *the Shire and Terra Mining shall negotiate in good further to renew this Agreement, noting that the entry of the Shire into any renewed agreement will be subject to the approval of the Council of the Shire;*
- b) *if the Agreement is renewed, it will be a term of any renewed agreement that the Road Use shall only be permitted outside of School Hours, the Community Infrastructure Fund Contribution will be renegotiated and speed limits through the Perenjori townsite will be imposed as part of the conditions on any Road Use.*

As Council are aware Terra Mining have experienced setbacks in undertaking the proposed trial to the Karara minesite and have now advised and requested the following

- *If the trial is successful, we can continue hauling into Karara along the Rothsay-Perenjori Rd/ Warriedar Copper Mine Rd and Karara Rd to Karara mine site under an agreed road agreement with the shire*



- *To be able to utilize quads on the Karara mine site operations after completion of the current road works being completed by KML. We have commenced getting a quote for the T Junction at Karara/Warriedar Copper Mine Rd*
- *Extension for the current road agreement from 30 June 2025 to 30 June 2026 in line with Main Roads should be approved. We have requested a meeting with the new DoT adviser who has taken over Tim Hoffman who has moved to ports.*

### **Statutory Environment**

*Main Roads Act 1930*

*Road Traffic (administration) Act 2008 - s132*

*Public Works Act 1902*

*Land Administration Act 1997- s55(2)*

*Local Government Act 1995 - s3.57*

### **Policy Implications**

Nil

### **Consultation**

Elected Members

Barry Cook – Chief Operating Officer, Terra Mining

Damian Lesque – Project Compliance Manager, Terra Mining

### **Financial Implications**

The current road agreement places the costs associated with maintaining the road to an acceptable standard with Terra Mining while they are operating and utilising the affected roads.

The current agreement also includes the provision for a community infrastructure fund contribution per tonne of product from the mining operations. As previously acknowledged by Terra mining, the community fund will not cease even if arrangement with a rail provider is met.

The Council in only authorising use for a 12-month period can include a provision in future agreements for a variation in the terms of the agreement.

### **Strategic Community Plan**

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

2.6. Roads, footpaths and drainage are appropriately managed according to their need and use.

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.

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

### **Officer Comment**

The overall premise of the agreement is that Terra Mining are fully responsible for maintaining the road in an agreed acceptable condition and have a legal responsibility regarding road use whilst they are carting ore from Extension Hill Minesite, this would include any additional roads proposed to be utilised by Terra Mining to Transport ore along the route.

The inclusion of the additional route in the agreement is based on the expectation that the trial will be a success and this alternative route to utilise the Karara minesite rail will be a success.

The utilisation of the Karara rail siding to transport ore to the Geraldton ports should initially, depending on shipping movements, reduce the heavy haulage through the Perenjori townsite and along the route to Geraldton ports.

The request to utilise Quad configuration vehicles (Rav 10) on the route to the Karara minesite will need a separate assessment as the road is currently only rated for RAV 7 vehicles.

The road will need to be further assessed and where required upgraded to ensure the roads safety and suitability, any works required to raise the road to the RAV 10 standard will need to be undertaken prior to vehicles of this classification utilising the road.

The Council also needs to aware that by increasing the RAV rating on the road, this will allow other road users to utilise vehicles of the same classification.



#### PROCEDURAL MOTION

**Council Resolution Number: 230525.22**

**Moved: Cr Bradford**

**Seconded: Cr Campbell**

**That Council accepts Late Agenda Item 20.1 - Terra Mining Road User Agreement for consideration.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### PROCEDURAL MOTION

**Council Resolution Number: 230525.23**

**Moved: Cr Campbell**

**Seconded: Cr Bradford**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches*, at 3.34 pm to allow for open discussion of late item 20.1.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### PROCEDURAL MOTION

**Council Resolution Number: 230525.24**

**Moved: Cr Bradford**

**Seconded: Cr Sparkman**

**That Council resume Standing Orders at 3.37 pm.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### OFFICER RECOMMENDATION

**That Council resolve to:**

- 1. Approve the amendment to the existing Road User, Contribution and Upgrade Agreement to include the route to the Karara minesite and approve the extension to the agreement for a period of 12 months to 30 June 2026, to allow time for Terra Mining additional time to secure an arrangement with a rail provider.**
- 2. Prior to authorising the use of RAV10 Quads on the proposed route to the Karara minesite, Terra Mining be required to commission an engineer's report to the Council's satisfaction on the roads suitability, capability and improvements to be undertaken, with any improvements and modifications being undertaken at Terra Mining's cost prior to the utilisation of RAV10 rated vehicles.**

#### AMENDMENT TO OFFICER RECOMMENDATION

**The Council considered that an additional 6 month extension would enable Terra sufficient time to explore Rail Options and the incoming CEO time to report back to council prior to any further extension and amended the recommendation.**

## **COUNCIL DECISION**

**Council Resolution Number: 230525.25**

**Moved: Bradford**

**Seconded: Campbell**

**That Council resolve to:**

- 1. Approve the amendment to the existing Road User, Contribution and Upgrade Agreement to include the route to the Karara minesite and approve the extension to the agreement for a period of 6 months to 30 December 2025, to allow time for Terra Mining additional time to secure an arrangement with a rail provider.**
- 2. Prior to authorising the use of RAV10 Quads on the proposed route to the Karara minesite, Terra Mining be required to commission an engineer's report to the Council's satisfaction on the roads suitability, capability and improvements to be undertaken, with any improvements and modifications being undertaken at Terra Mining's cost prior to the utilisation of RAV10 rated vehicles.**

**Motion put and carried 7/0**

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

**Against: Nil**

**21. Closure of Meeting:**

The Shire President declared the meeting closed at 3.38 pm.

**22. Next Meeting:**

The Shire President advised that the next Ordinary Meeting of Council will be held on Thursday, 19 June 2025 in the Shire of Perenjori 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 22 May 2025.**

**Signed:** \_\_\_\_\_

**Shire President**

**Date:** \_\_\_\_\_