



Shire of  
**Perenjori**  
Embrace Opportunity

Shire of Perenjori – Ordinary Council Meeting

# MINUTES

Thursday 22 February 2024

## Table of Contents

1.	Declaration of Opening/Announcement of Visitors: .....	4
2.	Opening Prayer:.....	4
3.	Disclaimer Reading: .....	4
4.	Record of Attendance/Apologies/Leave of Absence:.....	4
4.1	<b>ATTENDANCE:</b> .....	4
5.	Public Question Time: .....	4
5.1	<b>RESPONSE TO QUESTIONS TAKEN ON NOTICE:</b> .....	4
5.2	<b>QUESTIONS WITHOUT NOTICE:</b> .....	4
6.	Applications for Leave of Absence:.....	5
6.1	<b>APPLICATION/S FOR LEAVE OF ABSENCE:</b> .....	5
7.	Confirmation of Minutes of Previous Meetings: .....	5
7.1	<b>ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023</b> .....	5
7.2	<b>SPECIAL MEETING OF COUNCIL HELD ON 1 FEBRUARY 2024</b> .....	5
8.	Announcements by Presiding Member Without Discussion:.....	6
9.	Petitions/Deputations/Presentations: .....	6
10.	Announcements of Matters for Which Meeting May Be Closed:.....	6
11.	Declaration of Interest:.....	6
12.	Finance: .....	7
12.1	<b>MONTHLY FINANCIAL REPORT – DECEMBER 2023</b> .....	7
12.2	<b>SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2023</b> .....	9
12.3	<b>MONTHLY FINANCIAL REPORT – JANUARY 2024</b> .....	11
12.4	<b>SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JANUARY 2024</b> .....	13
12.5	<b>PROVISION OF BANKING SERVICE</b> .....	15
12.6	<b>2023-24 ANNUAL BUDGET REVIEW</b> .....	17
13.	Community Development and Services:.....	19
13.1	<b>CSRFF FUNDING APPLICATION - LATHAM BOWLING GREEN UPGRADE</b> .....	19
13.2	<b>MOBILE FOOD VAN</b> .....	22
13.3	<b>GOVERNMENT REGIONAL OFFICER HOUSING</b> .....	33
14.	Governance:.....	36
14.1	<b>OUTCOME OF DISPOSAL OF ASSETS – DFES CARAVANS</b> .....	36
14.2	<b>ANNUAL ELECTORS MEETING – 1 FEBRUARY 2024</b> .....	38
15.	Confidential Reports:.....	40
15.1	<b>COUNCIL DECISION TO GO BEHIND CLOSED DOORS</b> .....	40
15.2	<b>CONFIDENTIAL ITEM – REQUEST FOR TENDER 03 – 2023.24 PAVEMENT REPAIR &amp; ASPHALT WORKS</b> .....	40
15.3	<b>CONFIDENTIAL ITEM – REQUEST FOR TENDER 03 – 2023.24 PAVEMENT REPAIR &amp; ASPHALT WORKS</b> .....	40
15.4	<b>COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS</b> .....	41
16.	Ordering the Common Seal:.....	41
17.	Reports of Committees and Members: .....	41
18.	Motions of Which Previous Notice Has Been Given:.....	41
19.	Notice of Motions:.....	41
20.	New Business of an Urgent Nature Admitted by Council: .....	41
21.	Closure of Meeting: .....	41
22.	Next Meeting: .....	41

## 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 February 2024, at the Shire of Perenjori Council Chambers, Perenjori WA 6620, commencing at 3:00 pm.

### 1. Declaration of Opening/Announcement of Visitors:

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

### 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:

The Shire President read the opening prayer.

Acknowledgment of Pioneers;

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

### 3. Disclaimer Reading:

As printed.

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

#### 4.1 Attendance:

Members:

Cr Jude Sutherland – Shire President  
Cr Les Hepworth – Deputy Shire President  
Cr Daniel Bradford  
Cr Colin Bryant  
Cr Brian Campbell  
Cr Andrew Fraser  
Cr Dael Sparkman

Staff:

Paul Anderson – Chief Executive Officer  
Nola Comerford – Manager Corporate and Community Services  
Marty Noordhof – Manager Infrastructure Services  
Ally Bryant – Finance Manager

**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: 220224.1

Moved: Cr Campbell

Seconded: Cr Bradford

That Cr Bryant be granted leave of absence for the meeting of 21 March 2024.

Motion put and carried 7/0

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

Against: Nil

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

**7.1 ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023**

**COUNCIL DECISION**

Council Resolution Number: 220224.2

Moved: Cr Sparkman

Seconded: Cr Bryant

That the Minutes of the Ordinary Meeting of Council held on 14 December 2023, be confirmed as true and correct subject to no corrections.

Motion put and carried 7/0

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

Against: Nil

**7.2 SPECIAL MEETING OF COUNCIL HELD ON 1 FEBRUARY 2024**

**COUNCIL DECISION**

Council Resolution Number: 220224.3

Moved: Cr Hepworth

Seconded: Cr Fraser

That the Minutes of the Special Meeting of Council held on 1 February 2024, be confirmed as true and correct subject to no corrections.

Motion put and carried 7/0

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

Against: Nil

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

Nil

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

Nil

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

Matters Behind Closed Doors

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

*A matter that if disclosed, would reveal –*

*Information that has a commercial value to a person; or*

*Information about the business, professional, commercial or financial affairs of a person.*

**11. Declaration of Interest:**

“Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.”

**ITEM 13.1 CSRFF – Latham Bowls Club**

Cr Bryant – Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007 (President of Latham Golf and Bowling Club).

Cr Campbell – Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007 (Club member).

**12. Finance:**

**12.1 MONTHLY FINANCIAL REPORT – DECEMBER 2023**

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	22 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.1.1 Monthly Statement of Financial Activity for December 2023

**Summary**

This item recommends that Council receives the Financial Activity Statements for the periods ending 31 December 2023.

**Background**

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

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

**Statutory Environment**

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

**Policy Implications**

Nil

**Consultation**

Nil

**Financial Implications**

Shown in the attached data.

**Strategic Community Plan**

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

Strategic Objectives

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

**Officer Comment**

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

Operating revenue YTD is \$4,351,825, over budget by \$160,228.

Operating expenditure YTD is \$6,160,797, over budget by \$964,730

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

**COUNCIL DECISION**

**Council Resolution Number: 220224.4**

**Moved: Cr Bradford**

**Seconded: Cr Bryant**

**That the Monthly Financial Report to 31 December 2023 as attached be received.**

**Motion put and carried 7/0**

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

**Against: Nil**



## 12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2023

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	22 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.2.1 - Accounts for Payment December 2023 12.2.2 - Corporate Credit Card Breakdown and Statement

### Summary

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

### Background

Council delegates authority to the Chief Executive Officer annually:

To make payments from Trust, Reserve and Municipal Fund;

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

### Legal Compliance

*Local Government Act 1995*

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

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

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

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

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

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

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

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

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

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

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction; and

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

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

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

**Policy Implications**

Nil

**Council Policy Compliance**

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

**Financial Implications**

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

**Strategic Community Plan**

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 31 December 2023

<b>Municipal Account</b>	
EFT 17182 - 17305	\$906,311.57
Direct Debits	\$80,558.17
Cheques	\$0.00
Corporate MasterCard	\$3,890.11
Bank Fees	\$159.23
<b>Total</b>	<b>\$990,919.08</b>

<b>Trust Account – Mt Gibson Public Benefit Funds</b>	
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 **\$990,919.08** from *Municipal* and *Trust Accounts* for the month ending **31 December 2023**.

**COUNCIL DECISION**

**Council Resolution Number: 220224.5**

**Moved: Cr Hepworth**

**Seconded: Cr Campbell**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$990,919.08 (nine hundred and ninety thousand, nine hundred and nineteen dollars and eight cents) be accepted.**

**Motion put and carried 7/0**

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

**Against: Nil**

### 12.3 MONTHLY FINANCIAL REPORT – JANUARY 2024

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	22 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.3.1 Monthly Statement of Financial Activity for January 2024

#### Summary

This item recommends that Council receives the Financial Activity Statements for the periods ending 31 January 2024.

#### Background

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

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

#### Statutory Environment

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

#### Policy Implications

Nil

#### Consultation

Nil

#### Financial Implications

Shown in the attached data.

#### Strategic Community Plan

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

Strategic Objectives

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

#### Officer Comment

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

Operating revenue YTD is \$4,512,961 over budget by \$226,930

Operating expenditure YTD is \$7,348,728, over budget by \$1,215,319

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

**COUNCIL DECISION**

**Council Resolution Number: 220224.6**

**Moved: Cr Bryant**

**Seconded: Cr Bradford**

**That the Monthly Financial Report to 31 January 2024 as attached be received.**

**Motion put and carried 7/0**

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

**Against: Nil**

## 12.4 SCHEDULE OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JANUARY 2024

Applicant:	Shire of Perenjori
File:	ADM 0082
Report Date:	22 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	12.4.1 - Accounts for Payment January 2024 12.4.2 - Corporate Credit Card Breakdown and Statement

### Summary

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

### Background

Council delegates authority to the Chief Executive Officer annually:

To make payments from Trust, Reserve and Municipal Fund;

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

### Legal Compliance

*Local Government Act 1995*

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

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

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

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

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

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

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

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

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

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

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction; and

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

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

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

**Policy Implications**

Nil

**Council Policy Compliance**

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

**Financial Implications**

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

**Strategic Community Plan**

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 31 January 2024

<b>Municipal Account</b>	
EFT	\$390,332.33
Direct Debits	\$144,676.10
Cheques	\$0.00
Corporate MasterCard	\$7,936.14
Bank Fees	\$200.05
<b>Total</b>	<b>\$543,144.62</b>

<b>Trust Account – Mt Gibson Public Benefit Funds</b>	
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 **\$543,144.62** from *Municipal* and *Trust Accounts* for the month ending **31 January 2024**.

**COUNCIL DECISION**

**Council Resolution Number: 220224.7**

**Moved: Cr Hepworth                      Seconded: Cr Bradford**

**That the cheques and electronic payments as per the attached schedules of accounts for payment totaling \$543,144.62 (five hundred and forty three thousand, one hundred and forty four dollars and sixty two cents) be accepted.**

**Motion put and carried 7/0**

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

**Against: Nil**

## 12.5 PROVISION OF BANKING SERVICE

Applicant:	Shire of Perenjori
File:	ADM0082
Date:	22 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson - Chief Executive Officer
Attachments:	12.5.1 Comparison Report of Banks

### Summary

Council is requested to endorse the proposed changing of Bank Institutions for the Shire of Perenjori.

### Background

On the 12<sup>th</sup> September 2023 the Shire was advised that all Bankwest business customers would be required to transition to CommBank or move to another service provider.

To ensure due diligence, process was undertaken and a proposal of services was requested from CommBank, NAB and Bendigo Bank.

### Statutory Environment

Nil

### Policy Implications

Nil

### Consultation

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager Corporate and Community Services

### Financial Implications

Bankwest currently do not charge bank account fees, neither do they pay interest on the funds held in the Municipal account. A low interest rate is paid on funds held in the Telenet saver account.

Both CommBank and NAB banks charge account fees, but also pay interest on all bank accounts (including the Municipal account).

### 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

A meeting was held with the Manager of Corporate and Community Services, Finance Manager and 2 representatives from CommBank on the 13<sup>th</sup> November 2023. Discussions focused on the services that CommBank could provide, fees and charges and the interest on offer for interest bearing accounts.

Another meeting was held on the 11<sup>th</sup> December 2023 with the Manager Corporate and Community Services, Finance Manager and 2 representatives from NAB. Again, discussions focused on the services that NAB could provide, fees and charges and the interest on offer for interest bearing accounts.

On the 13<sup>th</sup> December 2023 an email was sent to the Manager of Bendigo Bank in Jurien Bay requesting a proposal be prepared for the opportunity of the Shire transitioning to Bendigo Bank. To date there has been no response to this request from Bendigo Bank.

After analysis of the two submissions (see Attachment: Comparison Report of Banks), it is the recommendation of the Officer that the Shire of Perenjori transition banking services to the National Australia Bank, as although many services on offer were comparable, NAB offers lower fees and charges overall.

The transition will be booked in to commence planning after Council endorsement and interruptions to normal business operations during the transition process should be minimal.

**COUNCIL DECISION**

**Council Resolution Number: 220224.8**

**Moved: Cr Sparkman**

**Seconded: Cr Campbell**

**That Council endorse the transition of Shire of Perenjori banking services from Bankwest to National Australia Bank (NAB).**

**Motion put and carried 7/0**

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

**Against: Nil**



## 12.6 2023-24 ANNUAL BUDGET REVIEW

Applicant:	Shire of Perenjori
File:	ADM 0339
Date:	8 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson - Chief Executive Officer
Attachments:	12.6.1 2023-24 Annual Budget Review

### Summary

Section 33A of the *Local Government (Financial Management) Regulations 1996* requires that a review of its annual budget is carried out between 1 January and 31 March of every year.

### Background

The review has been carried out by senior staff responsible for budgets. Key areas where there have been changes in financial situation have been identified and changes to the budget recommended.

The Shire is required to provide a copy of the budget review to the Department of Local Government within 30 days after Council has made its determinations.

The more significant changes to income or expenditures are addressed in this report.

### Statutory Environment

Local Government (Financial Management) Regulations 1996 Part 33A requires the Council to consider the review for the period from 1 July and ending no earlier than 31 December of that financial year. The regulation also requires the Council to consider the local governments financial position, consider the options presented and decide whether to adopt the review as presented, any part of the review or any recommendations made in the review, and consider the outcomes that are forecast in the budget.

### Policy Implications

Nil

### Consultation

Paul Anderson – Chief Executive Officer

Nola Comerford – Manager of Corporate and Community Services

Marty Noordhof – Manager of Infrastructure Services

### Financial Implications

Shown in the attached report, with no changes to the budgeted closing net surplus/deficit.

### 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

The 2023-24 Budget was approved by Council in August 2023. At the time the budget was adopted, a comprehensive capital works program was forecast. Since the adoption the Shire issued a tender for capital road works to be undertaken

As a budget review compares to the original budget adopted it is to be noted that the budget review also addresses all amendments adopted by Council since August 23.

This budget review addresses the key changes in circumstances since the budget was approved. The key movements are:

- Reduction in Net operating of \$61,977. A thorough review of operating accounts was conducted and accounts altered to reflect their true budget requirements.

- Capital Grant income reducing by \$188,974 This is the reduction of RRG funding \$300k for Warriedar Coppermine Road and increase in revenue for Caron Dam Tank of \$38,400, Caron Dam Roofing of \$63,738, EV Charging Station Grant \$6,600 and minor increase of \$2,287 for balance of Evacuation Centre work.
- Capital projects increasing by \$332,589. This is made up by a reduction in Plant & Equipment of \$17,250, increase in Roads \$230,639, increase in Other Infrastructure \$99,200 and Furniture & Fittings increase \$20,00

Capital Job	Original Budget	Amend Budget	Comment
Mex System	\$0.00	\$20,000.00	
Fencing of Perenjori Tip	\$15,000.00	\$80,000.00	Resolution 231123.7
Perenjori Oval Water	\$92,703.00	\$73,918.00	Funded from CSRFF
Perenjori Town Water Project	\$35,394.00	\$42,694.00	Funded from DWER
Static Water Supply	\$10,000.00	\$7,685.00	Funded from DFES
Carnamah PJ Road	\$129,871.00	\$80,222.00	Funded from RRG
Warriedar Coppermine	\$950,000.00	\$0.00	Resolution 261023.7
Taylor Road	\$300,000.00	\$453,288.00	Resolution 261023.7
Loading Street (Tender Part B)	\$330,000.00	\$191,000.00	Funded from R2R
Road Tender Part A	\$0.00	\$1,216,000.00	Partial LRCIP Funded
CEO Vehicle	\$75,000.00	\$61,500.00	
Small Hybrid SUV	\$35,000.00	\$0.00	
EV Charging Station	\$0.00	\$13,260.00	Resolution 261023.7
Slasher/Tractor Latham Golf Club	\$38,000.00	\$30,990.00	
Sign Trailer SAM	\$0.00	\$25,000.00	
Caron Dam Tank	\$0.00	\$48,000.00	Funded from DWER
<b>Total</b>	<b>\$2,010,968.00</b>	<b>\$2,343,557.00</b>	
<b>Net Result</b>	<b>\$332,589.00</b>		

- Transfer from Reserves increasing by \$279,386 being \$14,386 from Leave reserve to cover long services leave taken this year, additional \$65,000 from Refuse Reserve and \$200,000 from Housing Reserve to support funding of increased maintenance expenditure.
- Transfer to Reserves decreasing by \$121,165 due to reducing transfer to Plant Reserve from \$305,254 to \$184,089.

Attached is the statutory budget review document which details the recommended budget adjustments. The net impact of the adjustment is to maintain the closing surplus/deficit at \$0.

**COUNCIL DECISION**

**Council Resolution Number: 220224.9**

**Moved: Cr Bryant**

**Seconded: Cr Bradford**

**In accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, Council adopts the 2023-24 Budget Review and submits a copy of the adopted 2023-24 Budget Review to the Department of Local Government within 30 days of Council adoption.**

**Motion put and carried by absolute majority 7/0**

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

**Against: Nil**

**13. Community Development and Services:**

**13.1 CSRFF FUNDING APPLICATION - LATHAM BOWLING GREEN UPGRADE**

Applicant:	Shire of Perenjori
File:	ADM 0735
Date:	12 February 2024
Disclosure of Interest:	Cr Bryant – Impartiality Cr Campbell - Impartiality
Voting Requirements:	Absolute Majority
Author:	Nola Comerford – Manager Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Letter from Latham Bowling Club Quotes for bowling green upgrade

**Cr Bryant and Cr Campbell left the meeting at 3.09 pm.**

**Summary**

For Council to consider financial support towards upgrading the Latham Bowling Green and submit a request for funding under the Community Sport and Recreation Facilities Fund (CSRFF) Small Grant round.

**Background**

The existing bowling green surface was changed from lawn green to synthetic green in 2013 as a result of funding from the Shire and Mt Gibson Mining. It is now past the original life expectancy of 10 years and is deteriorating with the elasticity of the surface altering and the surface splitting, more so since Cyclone Seroja occurred in April 2021. Prior to the 2023 lawn bowls season, the Latham Bowls Club had to have parts of the synthetic surface stitched to enable the season to continue.

The Latham Bowling Club has both men’s and women’s pennants sides, encompassing 28 members. After a hiatus of a few decades, the women’s’ side was re-established in 2023 due to increased community interest. There has also been an increased interest to play lawn bowls from young adults, with eight regular players aged 21-30 years old throughout the 2023 season.

The Department of Local Government, Sports and Cultural Industries (DLGSC) administers the CSRFF program, with the purpose of providing State Government financial assistance to Local Government Authorities and local community groups (up to one third of the total capital cost), to develop well-planned facilities for sport and recreation. In order to assist with the evaluation of submissions and to ensure projects are viable and appropriate, DLGSC has developed “Key Principles of Facility Provision”. Accordingly, each submission is to be assessed against those criteria.

Under the provision, Local Government Authorities are required to rate and prioritise submissions using the following guide:

RATE	DESCRIPTION
A	Well planned and needed by the municipality
B	Well planned and needed by the applicant
C	Needed by the municipality, more planning required
D	Needed by the applicant, more planning required
E	Idea has merit, more preliminary work needed
F	Not recommended

Each Local Government Authority is required to assess and prioritise the applications before forwarding all documentation to the Midwest Gascoyne Office of the DLGSC no later than Friday 29 March 2024. Applications will be evaluated and ranked by relevant State Sporting Associations and the CSRFF Assessment Panel, prior to the outcome being announced by the Minister for Sport and Recreation. Funds for successful applications will become available mid-2024.

One (1) application was received for the current Small Grants round as follows:

1. Shire of Perenjori – Latham Bowling Green Upgrade

**Statutory Environment**

Local Government Act 1995

### **Policy Implications**

Nil

### **Consultation**

Craig Vinci - DLGSC Midwest Gascoyne Regional Office

Paul Anderson – Chief Executive Officer

Ally Bryant – Treasurer, Latham Bowls & Golf Club

### **Financial Implications**

In accordance with the CSRFF guidelines, the applicant can apply for one third of eligible project costs, with the potential for a 50% contribution if a Development Bonus request is successful. Two quotes have been sought from reputable suppliers of synthetic bowling greens by the Latham Bowls & Golf Club. The Latham Bowling Green Upgrade Project has an estimated project cost of \$184,208 (ex GST) including a 10% cost escalation as required by the CSRFF Application. A one third contribution is intended to be sought from the CSRFF program being \$61,403 (ex GST) and the Latham Bowls & Golf Club has committed \$50,000 (ex GST), in addition to an in-kind contribution to remove the existing surface. The gap of \$72,805 (ex GST) is being requested from the Shire in the 2024/25 Annual Budget.

### **Strategic Community Plan**

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

1.1. The community is active and has access to a range of sport and recreation facilities.

1.2. Community life is enhanced and nurtured with well supported clubs, community groups, and essential volunteer-based services.

### **Officer Comment**

The next round of the Community Sport and Recreation Fund (CSRFF) closes on 29 March 2024 and staff will work with the Latham Bowls & Golf Club and the Department of Local Government, Sport and Cultural Industries to seek funding and deliver this Project in 2024/25.

### **PROCEDURAL MOTION**

**Council Resolution Number: 220224.10**

**Moved: Cr Hepworth**

**Seconded: Cr Bradford**

**That Council suspend Standing Orders, Clause 9.5 Limitation on number of speeches at 3.10 pm, to allow for open discussion on item 13.1 of these minutes.**

**Motion put and carried 5/0**

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

**Against: Nil**

### **PROCEDURAL MOTION**

**Council Resolution Number: 220224.11**

**Moved: Cr Sparkman**

**Seconded: Cr Bradford**

**That Council reinstates Standing Orders at 3.15 pm.**

**Motion put and carried 5/0**

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

**Against: Nil**

## **COUNCIL DECISION**

**Council Resolution Number: 220224.12**

**Moved: Cr Fraser**

**Seconded: Cr Bradford**

**That Council:**

- 1. ENDORSE a CSRFF Small Grant Application seeking a one third contribution towards the upgrade of the Latham Bowling Green;**
- 2. RANK the Latham Bowling Green Upgrade project as 'A – Well Planned and Needed by Municipality'; and**
- 3. COMMIT expenditure in the 2024/25 financial year in the sum of \$72,805 towards the Latham Bowling Green Upgrade project.**

**Motion put and carried by absolute majority 5/0**

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

**Against: Nil**

**Cr Bryant and Cr Campbell returned to the meeting at 3.17 pm.**

### 13.2 MOBILE FOOD VAN

Applicant:	K. Holland
File:	A 101
Date:	7 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Simon Lancaster - Planning Advisor
Responsible Officer:	Paul Anderson - Chief Executive Officer
Attachments:	13.2.1 Received Application 13.2.2 Shire of Perenjori Trading Local Law

#### Summary

Council resolved at its 21 September 2022 meeting to approve a mobile food van to operate from the following locations in the Perenjori & Latham townsites:

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

The approval was subject to a 12 month trial period after which time the matter was to be returned to Council for further consideration. The trial period has now concluded and the food van operator wishes to continue.

This report recommends that Council approve the food van for a further 12 months and issue delegated authority to the Shire CEO to issue further annual approvals beyond that time in the event that no complaints or issues are raised with the operation of the food van.

#### Background

The originally submitted application is provided as **separate Attachment 13.1.1** for Council's information. In support of their proposal the applicant originally advised as follows:

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

The minutes from the 21 September 2022 meeting can be accessed at the following link:

[confirmed-minutes-ocm-september-2022.pdf \(perenjori.wa.gov.au\)](#)

More information on the mobile food van business can be viewed at the following link:

[Daphne's Timeless Treats | Perenjori WA | Facebook](#)

### Statutory Environment

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

*“development means the development or use of any land, including —*

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

Whilst the siting of a mobile food van does not constitute a development as defined within parts (a)-(c) it is considered development as operating a commercial/retail activity constitutes the “*use of any land*”.

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

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

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

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

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

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

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

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

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government;*  
*or*

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

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

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

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



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





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

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

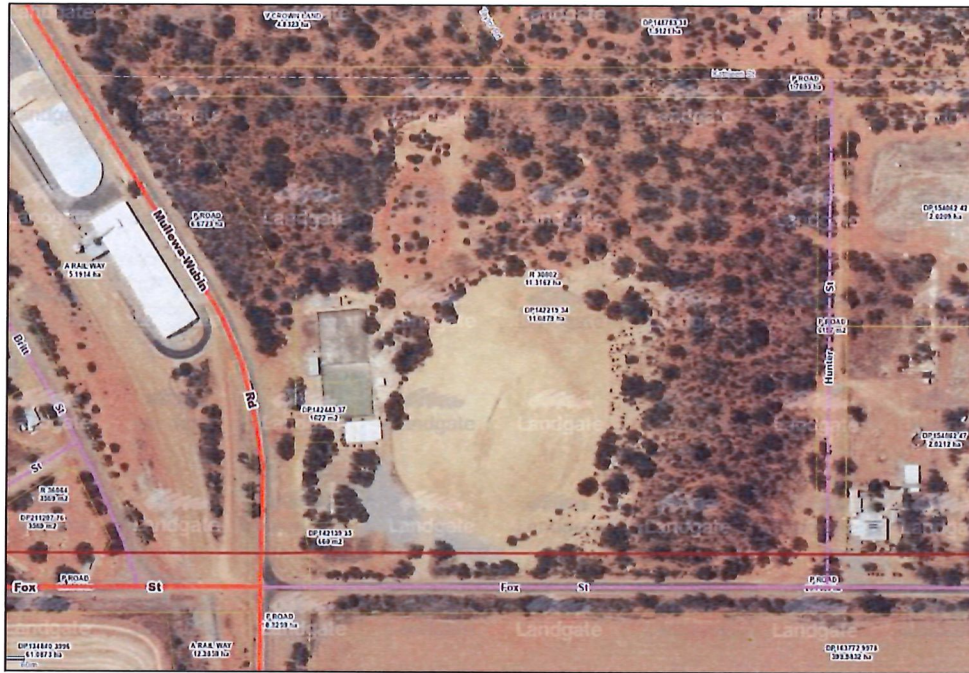
**Figure 3 – Aerial Photo of Reserve 17056 Fowler Street, Perenjori (Perenjori Oval)**



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



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



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

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

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



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

- *To provide for a range of community facilities which are compatible with surrounding development.*

- *To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.”*

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



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

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

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* lists the following relevant matters to be considered by local government in considering a development application:

- “(a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;...*
- ...(m) *the compatibility of the development with its setting including –*
  - (i) *the compatibility of the development with the desired future character of its setting; and*
  - (ii) *the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following –*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;...*
- ...(s) *the adequacy of –*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application...*
- ...(zb) *any other planning consideration the local government considers appropriate.”*

Council also has an 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law' which is provided as **separate Attachment 13.1.2** for Council's information.

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

*"5.3 Trader's permit*

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

*"5.8 Conduct of stallholders and traders*

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

## **Policy Implications**

Nil

## **Consultation**

The original application was advertised for comment from 22 August 2022 until 13 September 2022 by means of the Shire writing to relevant parties including commercial operators, sporting/community groups, Cooperative Bulk Handling, Public Transport Authority, Main Roads WA and Arc Infrastructure. A copy of the application was also placed on the Shire website for viewing and at the Shire office.

3 submissions were received during the advertising period, with 1 of these expressing support and 2 in objection. A copy of the received submissions were provided to Councillors with the 21 September 2022 Council Agenda and can be provided again to Councillors upon request.

The 1<sup>st</sup> objection concerned the applicant operating the food van from their home property of 14 (Lot 67) Carnamah-Perenjori Road, Perenjori and the traffic safety issues this caused in terms of vehicles manoeuvring and parking on an 80km/hour section of road.

The applicant had operated the food van from their property at 14 Carnamah-Perenjori Road without the necessary local government approval over a series of weekends and was contacted by the Shire to cease operations and make application, which they complied with, leading to the original application's advertising and presenting to Council.

Given the traffic concerns raised with the 14 Carnamah-Perenjori Road location, and it being zoned 'Residential' which is not an appropriate zoning for this activity, Council included the following condition in its 21 September 2021 approval:

*"This approval is for parking of the food van and preparations associated with the food van only to take place upon 14 (Lot 67) Carnamah-Perenjori Road, Perenjori and retailing from the property or road reserve is not permitted."*

The 2<sup>nd</sup> objection concerned the issue of the influence that the mobile food van's operation would have upon other businesses such as the roadhouse that may lead to them closing on Sundays or other days of the week.

It is a reasonable view to take that a mobile food van whilst offering a new service to the residents of, and visitors to, the Shire of Perenjori also has the potential to impact upon existing Perenjori businesses.

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

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

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

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

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

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

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

*Stephen J at [687] noted that:*

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

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

*“A councillor —*

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

In regards to this aspect Council included the following condition in its 21 September 2021 approval:

*“The location of the food van must not be within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader in accordance with Section 5.8(2)(a) of the Shire of Perenjori Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.”*

No further complaints have been received concerning the food van during its trial period, however, Council may consider it appropriate to conduct a further consultation period prior to making determination.

### **Financial Implications**

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

This fee is set with council fees and charges on an annual basis. The annual fee for mobile and itinerant vendors in the 2023/24 fees and charges is \$565.

### **Strategic Community Plan**

The Shire of Perenjori Strategic Community Plan and Corporate Business Plan 2022/23-2032/33 contains the following of relevance:

“Goal 3: A diverse economy, with flourishing businesses offering a suite of trades, services and retail offerings

3.1 *Opportunities are maximised to promote economic growth and local development*

3.2 *Visitors are welcomed and well-catered for”*

### **Officer Comment**

The Shire has received no complaints concerning the operation of the food van during its trial period.

Nonetheless, it is recommended that approval of the application be made subject to a ‘rolling’ 12 month approval, as this would enable the Shire to annually review the operation and impacts of the development when determining whether to grant any further approval.

It is further recommended that Council issue delegated authority to the Shire CEO to issue the further approvals (for a period not greater than 12 months) in the event that no complaints or issues are raised with the operation of the food van. In the event that a substantiated complaint is received or the development raises concern then the Shire CEO would have the ability to return the matter to Council for its consideration.

### **PROCEDURAL MOTION**

**Council Decision Number: 220224.13**

**Moved: Cr Bradford                      Seconded: Cr Fraser**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches* at 3.16 pm, to allow for open discussion on Item 13.2 of these Minutes.**

**Motion put and carried 7/0**

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

**Against: Nil**

### **PROCEDURAL MOTION**

**Council Decision Number: 220224.14**

**Moved: Cr Sparkman                      Seconded: Cr Bryant**

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

**Motion put and carried 7/0**

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

**Against: Nil**

### **COUNCIL DECISION**

**Council Recommendation Number: 220224.15**

**Moved: Cr Sparkman                      Seconded: Cr Hepworth**

**That Council extend approval for a mobile food van to operate at the following locations subject to the listed conditions and advice notes contained in this resolution:**

- **39 (Lot 88) Livingstone Street, Perenjori (The Lodge);**
- **Reserve 17056 Foler Street, Perenjori (Perenjori Oval);**

- Reserve 26910 Crossing Road, Perenjori (Perenjori Caravan Park);
- Rail Reserve Loading Street, Perenjori (CBH);
- Rail Reserve Fowler Street, Perenjori (Village Green);
- Reserve 24180 Summers Road, Latham (Latham Golf Club); &
- Reserve 30802 Fox Street, Latham (Latham Community Hall).

Conditions:

- 1 The approval is valid for a period of 12 months (until 22 February 2025) after which time the application shall be reconsidered by the Shire Chief Executive Officer (under the delegated authority of Council) as to any impacts arising from the operation of the development in the local government's determination on whether to grant any extension to the approval period.
- 2 Any additions to or change of use of any part of the development (not the subject of this consent/approval) considered by the Shire Chief Executive Officer to represent significant variation from the approved development requires further application and planning approval for that use/addition.
- 3 The location of the mobile food van, and maintenance of public access about the mobile food van, being to the approval of the local government.
- 4 The operator of the food van must specify the proposed days and hours of trading in accordance with Section 5.3(2)(d) of the Shire of Perenjori Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
- 5 The location of the food van must not be within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader in accordance with Section 5.8(2)(a) of the Shire of Perenjori Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.
6. The applicant shall ensure that the mobile food van and immediate surrounding area is kept clean and tidy to the approval of the local government.
7. The applicant shall ensure that rubbish associated with the operation of the mobile food van is managed to the approval of the local government.
8. No freestanding signs or hoardings advertising the operation of the mobile food van are permitted to be erected whether temporary or permanent in nature without the approval of the local government.
- 9 The use of mechanical chimes or amplified music which could cause a noise nuisance is not permitted. The mobile food van shall at all times comply with the *Environmental Protection (Noise) Regulations 1997*.
- 10 The mobile food van shall comply with the requirements of the *Food Act 2008* and *Food Regulations 2009*.
- 11 The applicant shall obtain the written approval of the local government that the mobile food van meets the required food, health, waste management and access standards before the commencement of operations.
- 12 The applicant must possess (and provide copy to the local government) public liability insurance cover of not less than \$10 million.
- 13 This approval is issued only to the applicant and is not transferable to any other party.
- 14 This approval is for parking of the food van and preparations associated with the food van only to take place upon 14 (Lot 67) Carnamah-Perenjori Road, Perenjori and retailing from the property or road reserve is not permitted.

Advice Notes:

- (a) In relation to condition 1 the applicant is advised that this approval is issued for a period of 12 months and the operation of this development will be monitored by the local government and should complaints arise and not be adequately managed to the satisfaction of the local government, then the local government reserves the right to terminate the approval period prior to the expiry date of 22 February 2025.
- (b) That Council delegate authority to the Shire Chief Executive Officer for the annual renewal of the approval should no written, author-identified complaints be received during the preceding 12 month period, and there being no change in the circumstances under which the previous

approval was granted. In the event that written, author-identified complaints are received in relation to the development this matter may be returned to Council for further consideration.

- (c) In relation to conditions 4 & 5 the Shire's Chief Executive Officer can vary the approved hours and days of operation in the event that complaint is received, or concern raised, in regards to the food van operation, and also reserves the right to return this matter to Council for further consideration in the event that complaint is received, or concern raised, in regards to the food van operation.
- (d) In relation to conditions 10 & 11 the applicant is advised that they are required to liaise with the Shire's Environmental Health Officer to ensure compliance of the operations (and as required by legislation thereafter to continue operations).
- (e) The applicant is advised that this planning approval does not negate the requirement for any additional approvals which may be required under separate legislation and it is the applicant's responsibility to obtain any additional approvals required before the development commences.
- (f) The applicant is required to obtain any separate consents as may be required from the Public Transport Authority and its rail operators such Arc Infrastructure and Cooperative Bulk Handling in regards to the Loading Street site prior to commencement of operations.
- (g) This planning approval issued to the applicant is not to be construed as the granting of an exclusive commercial use and the local government reserves the right to issue approval to other parties who may seek to conduct commercial activities.
- (h) If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

Motion put and carried 7/0

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

Against: Nil



### 13.3 GOVERNMENT REGIONAL OFFICER HOUSING

Applicant:	Shire of Perenjori
File:	ADM 0436
Date:	9 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Paul Anderson – Chief Executive Officer
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	13.3.1 GROH Information for Investors
	13.3.2 GROH Construction Specifications
	13.3.3 Letter of Intent
	13.3.4 Agreement for Lease (Proforma)
	13.3.5 GROH Residential Tenancy Agreement (Proforma)

#### Summary

The Chief Executive Officer has been in discussions and has now finalised a lease to Government Regional Officers Housing (GROH) of 9 Hirshauer Road. This has now progressed to a discussion regarding the opportunity for Council to build new houses within the Perenjori townsite on a 10-year leaseback proposal to GROH.

#### Background

GROH provides housing to State Government employees and currently has three premises in Perenjori at the following locations: 28 Livingstone Street, 30 Livingstone Street and 27 Hesford Street.

These properties are aging and their ongoing suitability for key worker accommodation will be reviewed when new stock is available.

GROH have not advised what their intentions are regarding the existing housing stock if the new houses are constructed and this can be discussed further, dependent upon GROH's ongoing housing requirements.

GROH have indicated that they have future requirements for 3 Houses - 2 for Police and 1 for the Education Department.

#### Statutory Environment

*Local Government Act 1995*

#### Policy Implications

Nil

#### Consultation

Elected Members – Shire of Perenjori

#### Financial Implications

The funding of the buildings would be through loan funding with GROH paying a weekly rent.

An indication from GROH of the rent that could be achieved on a \$650,000 spend is \$1,100 per week.

The total costs of the loan and a full financial assessment would need to be undertaken to ensure the Council was not putting significant own source funds to the project, both to establish the properties and in ongoing costs.

The utilisation of loan funding for GROH housing would also limit the Shire's ability to access future funding as this facility is limited by Treasury based on the Council's loan liability and ability to repay the loan funds.

#### Strategic Community Plan

Area 2: Industry and Business Development – Our Economy

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

## Officer Comment

The opportunity to provide new housing to GROH for key worker accommodation, predominantly police and teachers, assists in the attraction and possible retention of these government employees in the Shire.

While it is unfortunate that the State Government will not fund the capital costs to build the properties required for their employees, it is an opportunity for the Council to continue its housing program for the townsite.

The Council may, dependent upon funding availability, consider the opportunity of a staged approach to the construction of the required housing to ensure the ability to fund other opportunities as they arise is not diminished.

GROH have advised as follows:

*Under the Government Regional Officers' Housing (GROH) Program we have limited monies available to construct new dwellings across the State to support the delivery of State Government Services, through the provision of suitable and appropriate accommodation. Most of our capital works is directed towards remote nonmarket locations across the State, where funds from external investors are not available.*

*We would like to explore the option of entering into similar arrangements with you to build dwellings for the GROH Program, in return for a 10-year lease arrangement with a one-year lease option.*

*Note that rents will be at a negotiated cost rent and annual reviews will be based on CPI (The commencing rent will be a weekly cost rent of \$1,100 per week based on a capital spend of \$650,000 for example, we would need to be provided with contract information and other project related costs to verify the total project cost).*

*Before you commit any capital, we will enter into a 'Letter of Intent (LOI)' (email attachment 3) followed by an 'Agreement for Lease (AFL)' (email attachment 4) which will be signed by the relevant delegated authority within our Department, note these documents are prepared by our legal division. Also attached is our standard GROH residential tenancy agreement (email attachment 5). Once the AFL is executed this will allow you to seek finance, if required, to fund development and construction activity.*

*I've attached details of our process (Info for Investors) and a link to the [GROH design brief](#) (please see below). The properties need to be built to GROH specification and for each dwelling type presented, the following information is included as a minimum:*

- a) site plan, elevations, wet area detailed drawings, electrical/mechanical plans, sections (when available) and floor plans including each dwelling type to be provided at scale no less than 1:200 on A3;*
- b) all internal rooms, veranda, balconies and carport/garage dimensions;*
- c) external wall dimensions – openings and corner to corner;*
- d) floor area of the dwelling – taken as the inside of all external walls excluding eaves, porches, veranda's, carports and garages;*
- e) spatial clearances for each relevant section (where dwellings designed to Liveable Housing Australia Design Guidelines – Silver Level); and*
- f) functional furniture layout.*
- g) A detailed landscaping plan, which also confirms which existing trees will be retained as a part of the development.*

*From here, we will require the following to be completed:*

- 1. Your plans to be reviewed and re-designed to conform with the GROH requirements as per the [design brief](#) and Construction specification document as attached.*
- 2. Detailed plans will be provided to our valuers to assist us to negotiate an agreed commencing market rent. This will likely guide the 'viability of the project'*
- 3. GROH will conduct a detailed review of the plans, this will be carried out by our Urban Planning Design and Approvals team.*
- 4. An internal Dept of Communities Proactive Integrity Check will also need to be carried out on the parties entering into this arrangement.*
- 5. GROH obtains commitment forms from relevant Client Agencies to ensure that they will meet the costs of the lease over the 10-year period.*
- 6. Execute a 'LOI' and subsequent 'AFL' with yourselves.*

*We look forward to working with you on this potential opportunity.*

The Council has vacant blocks in John Street and Hirshauer Road including Lot 347 which is 2092m<sup>2</sup> and could accommodate two houses of sufficient size with the required septic systems.

As indicated above, plans would need to be designed as per GROH's design brief and submitted for consideration. There are several housing construction companies that are currently on the WALGA preferred suppliers panel that could be engaged to provide plans that have been utilised previously for GROH housing.

The minimal internal floor size that GROH require is 135m<sup>2</sup> which is 10m<sup>2</sup> larger than the properties that Council has recently had built.

#### **PROCEDURAL MOTION**

**Council Resolution Number: 220224.16**

**Moved: Cr Bradford                      Seconded: Cr Hepworth**

**That Council suspend Standing Orders, *Clause 9.5 Limitation on number of speeches* at 3.21pm for open discussion on Item 13.3 of these Minutes.**

**Motion put and carried 7/0**

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

**Against: Nil**

John D'Arcy and Veronique Thomas, Water Corp representatives, entered the meeting at 3.36pm for a presentation on upgrades to the Shire of Perenjori network, and left Chambers at 4.01pm.

#### **PROCEDURAL MOTION**

**Council Resolution Number: 220224.17**

**Moved: Cr Campbell                      Seconded: Cr Bryant**

**That Council reinstates Standing Orders at 4.02pm.**

**Motion put and carried 7/0**

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

**Against: Nil**

#### **COUNCIL DECISION**

**Council Resolution Number: 220224.18**

**Moved: Cr Hepworth                      Seconded: Cr Campbell**

**That Council authorise the Chief Executive Officer to progress the concept of the construction of suitable accommodation for Government Regional Officers Housing on a lease back scheme and report back to Council on the viability of the project prior to considering a binding lease arrangement.**

**Motion put and carried 7/0**

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

**Against: Nil**

**14. Governance:****14.1 OUTCOME OF DISPOSAL OF ASSETS – DFES CARAVANS**

Applicant:	Shire of Perenjori
File:	ADM 0359
Date:	22 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Ally Bryant – Finance Manager
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	Nil

**Summary**

This report provides detail of the recent disposal of the 6 x Caravans via auction through Smith Broughton for acknowledgment and endorsement by Council.

These items were sold to the highest bidders at a total price of \$191,046 (ex GST). This was above the total reserve price of \$181,818 (ex GST)

**Background**

On 1<sup>st</sup> December 2021 the Shire of Perenjori was provided with the offer of assistance through the Federal Government's Disaster Recovery Funding Arrangements (DRFA) via the Department of Fire & Emergency Services (DFES) to assist with temporary accommodation for workers. The assistance allowed the Shire to purchase up to twelve caravans to house workers/contractors through the recovery process of Cyclone Seroja. The Shire purchased six caravans through the arrangement.

The agreement stated that at the end of the period in which the accommodation was required the Shire was to dispose of the Caravans and the proceeds are reimbursable to DRFA.

DRFA required that the caravans be transported to Perth for auction, all cost associated with the relocation were refunded by DRFA.

**Report**

The caravans were listed for public auction by Smith Broughton. The auction closed on 28 November 2023 with the total highest bids being \$191,046 which was above the reserve set at \$181,817.

Asset	Rego	Purchase Value (ex GST)	Auction Value (ex GST)	Auction Result
2017 Jurgen Skygazer J2207 Limited Edition	1TSQ648	\$41,809	\$34,545	\$ 32,500.00
2016 New Age Gecko GE165	1TRR160	\$49,990	\$34,545	\$ 34,545.00
2015 Kingdom Caravans Medallion	1TQK181	\$48,500	\$30,000	\$ 28,636.00
2012 JB Caravans Dreamline 1900	1TMZ686	\$43,000	\$29,091	\$ 34,455.00
2012 Coromal Caravan GC5875	1TMV806	\$42,000	\$24,545	\$ 30,455.00
2011 Jayco Starcraft Outback (Off Road)	1TMS454	\$36,000	\$29,091	\$ 30,455.00
<b>Total (ex GST)</b>		<b>\$261,299.00</b>	<b>\$181,817.00</b>	<b>\$191,046.00</b>

The cost of sales totalled \$5,102 which resulted in net proceeds of \$185,944. As per the agreement with DRFA these proceeds are to be returned to DRFA upon sale of the caravans.

**Statutory Environment**

Disposing of property is detailed in section 3.58 of the Local Government Act 1995.

**Policy Implications**

Nil

**Consultation**

Paul Anderson – Chief Executive Officer

Marty Noordhof – Manager Infrastructure Services

**Financial Implications**

The disposal of surplus items will return a sum of \$185,944 nett ex GST and less sales costs.

The amount required to be reimbursed to DRFA is \$185,944.

**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.

**COUNCIL DECISION**

**Council Resolution Number: 220224.19**

**Moved: Cr Bradford      Seconded: Cr Bryant**

**That Council endorse the sale of the 6 caravans by auction and in accordance with the funding agreement all sale proceeds of \$185,944 net of disposal costs and ex GST be forwarded to Disaster Recovery Funding Arrangements (DRFA).**

**Motion put and carried 7/0**

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

**Against: Nil**

## 14.2 ANNUAL ELECTORS MEETING – 1 FEBRUARY 2024

Applicant:	Shire of Perenjori
File:	ADM 0381
Date:	6 February 2024
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Author:	Nola Comerford – Manager Corporate and Community Services
Responsible Officer:	Paul Anderson – Chief Executive Officer
Attachments:	14.2.1 Minutes of Annual Electors Meeting held on 1 February 2024

### Summary

The Annual Electors Meeting was held on the 1 February 2023 at the Perenjori Pavilion in accordance with the *Local Government Act 1995*.

### Background

A local government is required to prepare an Annual Report each year. The Annual Report provides an overview of the operations, activities and major projects undertaken by the Shire for the period. It also includes major initiatives that are proposed to commence or continue in the next financial year.

Once an Annual Report has been accepted by Council, an Annual Electors Meeting (AEM) is held within 56 days. As prescribed by *Regulation 15 of the Local Government (Administration) Regulations 1996*, the purpose of the AEM is to discuss the annual report for the previous financial year and any other general business. The AEM presents an opportunity for electors to ask questions of Council and propose motions (recommendations). Electors present are asked to vote on proposed motions. Motions that are carried are considered by Councillors at the next appropriate Ordinary Meeting of Council.

### Statutory Environment

Local Government Act 1995

### Policy Implications

Nil

### Consultation

Paul Anderson – Chief Executive Officer

Elected Members

Ally Bryant – Finance Manager

### Financial Implications

Nil

### Strategic Community Plan

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.

### Officer Comment

In accordance with the Local Government Act 1996 the Council is required to consider the motions that are carried at the Annual Electors Meetings. At the AEM held on the 1 February there was only one resolution which was the receiving of the Annual Report of the Shire of Perenjori, for the year ending 30 June 2023.

There were no motions from the meeting that were put forward for Council consideration.

**COUNCIL DECISION**

**Council Resolution Number: 220224.20**

**Moved: Cr Sparkman**

**Seconded: Cr Campbell**

- Note the Minutes of the Annual Electors Meeting held on 1 February 2024.
- Note that there are no decisions to be considered from the Minutes of the Annual Electors Meeting.

**Motion put and carried 7/0**

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

**Against: Nil**

**15. Confidential Reports:**

**15.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS  
PROCEDURAL MOTION**

**Council Resolution: 220224.21**

**Moved: Cr Bryant**

**Seconded: Cr Fraser**

That in accordance with section 5.23 of the Local Government Act 1995, Council accept that the meeting is to be closed to all members of the public.

**Motion put and carried 7/0**

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

**Against: Nil**

**15.2 CONFIDENTIAL ITEM – REQUEST FOR TENDER 03 – 2023.24 PAVEMENT REPAIR & ASPHALT WORKS  
COUNCIL DECISION**

**Council Resolution: 220224.22**

**Moved: Cr Bradford**

**Seconded: Cr Hepworth**

That Council consider the officer's recommendation as contained within the confidential report 15.3, Request for Tender 03 – 2023.24.

**Motion put and carried 7/0**

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

**Against: Nil**

**15.3 CONFIDENTIAL ITEM – REQUEST FOR TENDER 03 – 2023.24 PAVEMENT REPAIR & ASPHALT WORKS  
COUNCIL DECISION**

**Council Resolution Number: 220224.23**

**Moved: Cr Hepworth**

**Seconded: Cr Campbell**

Based on the tender evaluation presented within this report and the revised figures as presented, and subject to Council's budget being amended is it recommended that Council:

- Authorise the Chief Executive Officer to enter into post-tender negotiations with the preferred tenderer, Catwest, to:
  - 1) resolve the tender clarifications; and
  - 2) negotiate a final price based on the premise of awarding Catwest both Separable Portions A and B.
- Providing all clarifications can be resolved, and a negotiated price below the original tender price of \$1,406,729.57 submitted from Catwest to complete both separable portions can be determined, delegate to the Chief Executive Officer the authority to award the tender to Catwest Pty Ltd with the associated resolution of the clarifications and discounted total price.



- Authorise the Chief Executive Officer to award a Contract to Catwest Pty Ltd on the aforementioned basis.

Approve an amendment to the 2023/24 adopted budget to increase funding by up to \$565,000 as detailed in the Chief Executives Officer's report for the proposed roadworks to be undertaken.

Motion put and carried 7/0

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

Against: Nil

#### 15.4 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS

##### PROCEDURAL MOTION

Council Resolution: 220224.24

Moved: Cr Sparkman

Seconded: Cr Bryant

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

Motion put and carried 7/0

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

Against: Nil

#### 16. Ordering the Common Seal:

Nil

#### 17. Reports of Committees and Members:

Nil

#### 18. Motions of Which Previous Notice Has Been Given:

Nil

#### 19. Notice of Motions:

Nil

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

Nil

#### 21. Closure of Meeting:

The Shire President thanked those in attendance and declared the meeting closed at 4.57 pm.

#### 22. Next Meeting:

The Shire President advised that the date of the next Ordinary Meeting of Council will be held on Thursday 21 March 2024 at the Latham Community Centre, Latham WA 6616, 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 February 2024.

Signed: *[Handwritten Signature]*  
Shire President

Date: 21/03/24