



**MINUTES
FOR
ORDINARY COUNCIL MEETING OF COUNCIL
Wednesday 24 May 2023**

**Council Chambers
Lot 66 Railway Street
Trayning WA 6488**

Commencement: 4.00 pm





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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Trayning during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Trayning.

The Shire of Trayning warns that anyone who has any application lodged with the Shire of Trayning must obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Trayning in respect of the application.

Signed

Leanne Parola
Chief Executive Officer



PREFACE

When the Chief Executive Officer approves these Minutes for distribution, they are in essence “Unconfirmed” until the following Council Meeting, where the Minutes will be confirmed subject to any amendments made by the members of the Committee

The “Confirmed” Minutes are then signed off by the Presiding Person.


UNCONFIRMED MINUTES

These minutes were approved for distribution on 07 June 2023.

Leanne Parola
CHIEF EXECUTIVE OFFICER

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on 28 June 2023.

Signed: 

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



MINUTES

Ordinary Meeting of the Trayning Shire Council,
held in the Council Chambers, Lot 66 Railway Street, Trayning,
on Wednesday 24 May 2023, commencing at 4.00 pm

CONTENTS

1	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	5
2	ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	5
3	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	6
4	PUBLIC QUESTION TIME	6
5	APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST	6
5.1	Applications Previously Approved	6
5.2	Leave of Absence.....	6
5.3	Disclosure of Interest.....	6
6	PETITIONS/DEPUTATIONS/PRESENTATIONS	6
6.1	Petitions	6
6.2	Deputations	6
6.3	Presentations	6
7	CONFIRMATION OF MINUTES	7
7.1	Ordinary Meeting of Council.....	7
7.2	Annual General Electors Meeting	7
8	ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS.....	7
9	REPORTS OF OFFICERS	8
9.1	REGULATORY SERVICES	8
9.1.1	Proposed Scheme Amendment – Local Planning Scheme No1	8
9.1.2	Planning Application - Lot 154 Riley Road, Trayning WA 6488.....	13
9.2	FINANCE REPORTS.....	24
9.2.1	Monthly Payment List April 2023	24
9.2.2	Monthly Financial Report for April 2023.....	25
9.3	CHIEF EXECUTIVE OFFICER.....	28
9.3.1	Finalise Review of Library Services.....	28
9.3.2	Business Plan Submissions - Major Land Transaction and Major Business Undertaking	30
10	NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING	34
11	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	34
11.1	Kununoppin Medical Practice Deed of Agreement.....	34
12	CLOSURE.....	37



1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Cr MA Brown welcomed Councillors and staff, declaring the meeting open at 4:05 pm.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MEMBERS:

Cr Melanie Brown (Shire President)
Cr Geoff Waters (Deputy Shire President)
Cr Michelle McHugh
Cr Peter Barnes
Cr Mark Leslie
Cr Clayton Marchant

STAFF:

Mrs Leanne Parola (Chief Executive Officer)
Ms Belinda Taylor (Manager of Corporate Services)

APOLOGIES:

Nil

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Nil



3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST

5.1 Applications Previously Approved

Nil

5.2 Leave of Absence

Nil

5.3 Disclosure of Interest

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of interest were made at the Council meeting.

<i>Councillor / Officer</i>	<i>Item No</i>	<i>Nature of Interest</i>	<i>Extent of Interest</i>
Cr ML McHugh	11.1	Financial	Employee of Medical Practice.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 Petitions

Nil

6.2 Deputations

Nil

6.3 Presentations

Nil



7 CONFIRMATION OF MINUTES

7.1 Ordinary Meeting of Council

Officer Recommendation/Council Decision

Moved Cr PM Barnes	Seconded Cr ME Leslie
That the minutes of the Ordinary Meeting of Council held on 19 April 2023 be confirmed as a true and correct record of the proceedings.	
Resolution 05-2023.036	Carried 6/0

7.2 Annual General Electors Meeting

Officer Recommendation/Council Decision

Moved Cr GF Waters	Seconded Cr ME Leslie
That the minutes of the Annual General Electors Meeting held on 10 May 2023 be received.	
Resolution 05-2023.037	Carried 6/0

8 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Due to conflicting engagements on the 21 June 2023, the President asked Council to move the June Ordinary Meeting of Council to 28 June 2023.

New Motion

Moved Cr MA Brown	Seconded Cr GF Waters
That the June Ordinary meeting of Council be moved from Wednesday 21 June 2023 to Wednesday 28 June 2023.	
Resolution 05-2023.038	Carried 6/0



9 REPORTS OF OFFICERS

9.1 REGULATORY SERVICES

9.1.1 Proposed Scheme Amendment – Local Planning Scheme No1

Date of Report:	16 May 2023
File Ref:	A1068
Officer:	Laura Pikoss
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Simple Majority

Purpose of Report

Council consideration is sought regarding the initiation of a proposed 'standard' amendment to Local Planning Scheme No.1 (LPS 1) by:

1. Rezoning Lot 340 Coronation Street, TRAYNING from 'Public purposes Civic and cultural' zone to the 'Residential' zone.
2. Amending the Scheme Map (including legend) accordingly.

Upon assessment, the proposed amendment generally aligns with the objectives of existing State and local strategic planning framework. Specifically, the proposal does appear to accord with the Shire of Trayning Local Planning Strategy that aims to consolidate residential areas in the existing town area.

Background

The former All Saints Anglican Church is located on the subject site and is intended to remain. Built in 1926/27, the building is listed on the State Register of Heritage Places under the Heritage Act 2018 but is not subject to a Conservation Order or Heritage Agreement. Full details of the listing and assessment documentation are available on the Inherit website at:

<http://inherit.stateheritage.wa.gov.au/Public/Inventory/Details/fdc498cd-c6df-4647-bc23-708250382ba7> The property is currently zoned as "Public Purposes - Civic and Cultural" under the Shire of Trayning Local Planning Scheme No 1.

The church has not been used for several years, an expression of interest for the sale of the site was placed in late 2022 with the only interest was to have the former church developed into a residential purpose building with the intention of keeping the exterior of the church in the original condition to preserve some of its heritage.

The aim is to rezone the land to residential use, to enable the building to be used for residential purposes.

Surrounding Land Use

The subject land:



- Surrounds adjoins residential zoning on the East, South and Western side and across the road on the Northern side (lot 24 & Lot 23 Coronation St) are zoned commercial.

Servicing Constraints

The subject site has road access and is connected to power and water, the Shire of Trayning does not have deep sewage within townsite.

Relevant Strategic Planning Framework

The relevant planning framework pertinent to this proposal includes:

- State Planning Policy (SPP)2.9 - Water
- State Planning Policy (SPP) 3 - Urban Growth and Settlement
- State Planning Policy (SPP) 5.4 - Road and Rail Noise

Local

- Shire of Trayning Local Planning Scheme No 1

Consultation

Consultation: A level of consultation has occurred at an officer level in progressing this scheme amendment to be initiated.

Further, in the event the proposed scheme amendment is initiated by Council, the amendment documentation will be submitted by the applicant and forwarded to the Department of Water and Environmental Regulation (DWER) for assessment, in accordance with the requirements of Part 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 for assessment and comment.

Upon receiving Notice of Assessment from the DWER the proposed amendment will be advertised for public comment for a minimum period of 42 days by way of:

- Notification being published in Ninghan News newsletter;
- Adjoining landowners being notified in writing of the amendment details; Shire of Trayning, Ordinary Meeting of Council, 25 May 2023;
- Relevant public authorities being notified in writing of the amendment details;
- Information being placed on the Shire of Trayning website; and
- Hard copies of the Scheme Amendment documentation being made available for inspection at the Shire administration Office.

Statutory Environment

Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 prescribes the process for the preparation of scheme amendments. In accordance with the Regulations a landowner (or consultant on behalf of a landowner) may submit a scheme amendment to be assessed and initiated by the local government, who may:

- initiate the scheme amendment; or
- not initiate the scheme amendment.



Once the scheme amendment is initiated, the Minister for Planning is the final decision maker on all scheme amendments. The Council can provide a recommendation to the Minister to:

- support the amendment without modification.
- support the amendment with proposed modifications to address issues raised in the submissions (both public and agency); or
- not support the amendment. The Minister will then determine whether the proposed amendment is approved or not.

Policy Implications

Refer to Background Section of this report.

Financial Implications

There will be planning fees associated with this proposal.

Strategic Implications

Staff and other housing to provide and maintain housing that will attract and retain a skilled workforce and accommodate local residents.

Environmental Implications

The risk assessment in relation to this development is low it poses no significant environmental implications to the site or neighbouring properties. The development is minor.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.



Social Implications

Staff and Other Housing - to provide and maintain housing that will attract and retain a skilled workforce and accommodate local residents.

Officer's Comments

As reflected in the summary section of this report, the proposal involves a change in zoning to allow the subject site, Lot 340 Coronation St, to be used for residential purposes and align with the Shire of Trayning Local Planning strategy.

As the subject site is surrounded by residential zoning and development there is no impacted to the change of the proposed zoning.

As can be seen on **figure 2**. The subject site is surrounded by residential zoning, that is located within Trayning town site.



Figure 1 Subject Site Location



Figure 2 Subject Site

Officer Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr PM Barnes

That the Chief Executive Officer:

- a) Forward the scheme amendment to the Department of Water and Environmental Regulation for assessment as per Section 48A. of the Environmental Protection Act, 1986 and the Department of Planning, Lands and Heritage for its comments and records. Shire of Trayning Ordinary Meeting of Council, held 25 May 2023.
- b) Advertise for public comment as per Part 5; Division 3; Regulation 47 the Planning and Development (Local Planning Schemes) Regulations, 2015 upon notice of assessment from the Department of Water and Environmental Regulation and issues raised being addressed.
- c) Present the scheme amendment back to Council for further consideration of submissions in accordance with Regulation 50 the Planning and Development (Local Planning Schemes) Regulations, 2015 inclusive of those received from public advertising and government agencies.

Resolution 05-2023.039

Carried 6/0



9.1.2 Planning Application - Lot 154 Riley Road, Trayning WA 6488

Date of Report:	18 May 2023
File Ref:	A242
Officer:	Laura Pikoss
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Simple Majority

Purpose of Report

The Shire is in recipient of a planning application that proposes the development of a 144 m² ocean blue light industry shed in light industrial zoning. The proposal does not pose any significant impact on the surrounding areas due to the zoning. The proposal is permissible under the current planning scheme. The officer supports the proposed development.

Background

Currently on the site there is a residential dwelling located on one side of the lot.

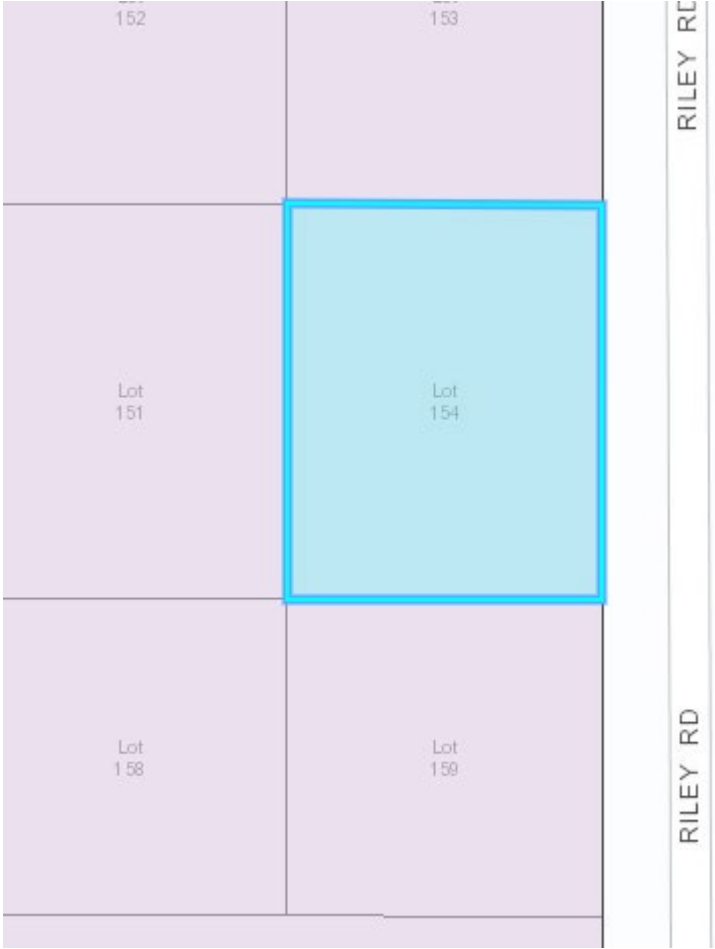
Consultation

There has not been any formal consultation on this development proposal.

Statutory Environment

As to the planning framework a 'Light industrial Shed' is assessed and determined under the provisions of the Shire of Trayning Local Planning Scheme No.1. Accordingly, the following table provides a summary of legal and other requirements in relation to this proposal:



Shire of Trayning Local Planning Scheme (LPS) No.1 (Statutory instrument)	
Current Zoning	<p><i>'Light industrial' – See extract of Zoning Map below – Purple in colour.</i></p>  <p style="text-align: center;"><i>Figure 2 Extract of zoning map</i></p>
Permissibility (Table 1 – Zoning Table)	<p><i>Table 1 – Zoning Table of LPS 1 qualifies an outbuilding for light industrial purposes as 'P' use. This means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.</i></p>



Use Classes	Zones						
	Residential	Commercial	Light Industrial	General Industry	Townsite	Rural Residential	Rural
Park home park	X	A	X	X	A	X	X
Residential building	A	X	X	X	D	X	X
Single house	P	A	X	X	P	P	P
Workers accommodation	X	X	X	X	X	X	D
TOURIST AND ENTERTAINMENT							
Bed and breakfast	A	D	X	X	D	D	D
Short stay accommodation	X	D	X	X	D	X	A
Hotel	X	P	X	X	A	X	X
Motel	X	D	X	X	A	A	X
Tavern	X	P	X	X	A	X	X
INDUSTRY							
Fuel depot	X	X	X	A	X	X	X
Industry—cottage	A	D	X	P	D	A	A
Industry—extractive	X	X	X	X	X	X	D
Industry—general	X	X	X	D	X	X	X
Industry—light	X	X	P	P	A	X	X
Industry—mining	X	X	X	P	X	X	D
Industry—rural	X	X	A	P	X	X	D
Industry—service	X	D	P	P	A	X	X
Motor vehicle repair	X	D	P	P	A	X	X
Storage	X	D	P	P	D	X	X
Warehouse	X	D	P	P	A	X	X
Winery	X	X	X	X	A	X	D
CIVIC AND COMMUNITY							
Definitions	<p><i>The draft LPS 2 defines:</i></p> <p><i>a) industry — light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;</i></p>						
Objectives	<p><i>Light Industry zone the objectives are—</i></p> <ul style="list-style-type: none"> <i>• To provide for service industries and light industries that will not have a detrimental affect on nearby residential or other sensitive uses.</i> <i>• To provide for a range of employment opportunities.</i> <i>• To preclude the storage of bulky and unsightly goods where they may be in public view.</i> <i>• To ensure the appropriate use of setback areas and the provision of landscaping to the Council's satisfaction.</i> 						



<p>Development Standards</p>	<p><i>LPS 2 stipulates the following standards for development in the Rural Zone:</i></p> <ul style="list-style-type: none"> <i>Table 2 details the minimum setback distance for all boundaries is set at 7.5m front and rear and landscaping at '10%'</i> <p style="text-align: center;">TABLE 2—DEVELOPMENT TABLE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Use</th> <th colspan="3">Minimum Boundary Setback (metres)</th> <th rowspan="2">Maximum Plot Ratio</th> <th rowspan="2">Minimum Landscaped Area (%)</th> <th rowspan="2">Minimum Number of on-site Car Parking Bays</th> </tr> <tr> <th>Front</th> <th>Rear (average)</th> <th>Sides</th> </tr> </thead> <tbody> <tr> <td>Club Premises</td> <td>*</td> <td>*</td> <td>*</td> <td>0.5</td> <td>*</td> <td>1 for every 45m² of gross floor area.</td> </tr> <tr> <td>Child Care Premises</td> <td>7.5</td> <td>7.5</td> <td>*</td> <td>*</td> <td>*</td> <td>1 for each employee.</td> </tr> <tr> <td>Community Purposes</td> <td>*</td> <td>*</td> <td>*</td> <td>*</td> <td>10</td> <td>1 for every 4 persons whom the building is designed to accommodate.</td> </tr> <tr> <td>Consulting Rooms</td> <td>*</td> <td>*</td> <td>*</td> <td></td> <td>30 in Res Zone</td> <td>1 for every 30m² of gross floor area, plus 1 for each person employed.</td> </tr> <tr> <td>Educational Establishment</td> <td>9.0</td> <td>7.5</td> <td>5.0</td> <td>*</td> <td>30</td> <td>1 per full time employee, plus bays for students as determined by the Council.</td> </tr> <tr> <td>Funeral Parlour</td> <td>*</td> <td>*</td> <td>*</td> <td>*</td> <td>10</td> <td>As determined by the Council, (minimum 6).</td> </tr> <tr> <td>Hotel/Tavern</td> <td>*</td> <td>*</td> <td>*</td> <td>*</td> <td>10</td> <td>1 for every bedroom plus 1 per 2m² of bar and lounge area.</td> </tr> <tr> <td>Industrial—Service</td> <td>7.5</td> <td>7.5</td> <td>*</td> <td>*</td> <td>10</td> <td>1 per 2 employees.</td> </tr> <tr> <td>Industrial—Light</td> <td>7.5</td> <td>7.5</td> <td>*</td> <td>*</td> <td>10</td> <td>1 per 2 employees.</td> </tr> <tr> <td>Industrial—General</td> <td>7.5</td> <td>7.5</td> <td>*</td> <td>*</td> <td>15</td> <td>1 per 2 employees.</td> </tr> </tbody> </table>	Use	Minimum Boundary Setback (metres)			Maximum Plot Ratio	Minimum Landscaped Area (%)	Minimum Number of on-site Car Parking Bays	Front	Rear (average)	Sides	Club Premises	*	*	*	0.5	*	1 for every 45m ² of gross floor area.	Child Care Premises	7.5	7.5	*	*	*	1 for each employee.	Community Purposes	*	*	*	*	10	1 for every 4 persons whom the building is designed to accommodate.	Consulting Rooms	*	*	*		30 in Res Zone	1 for every 30m ² of gross floor area, plus 1 for each person employed.	Educational Establishment	9.0	7.5	5.0	*	30	1 per full time employee, plus bays for students as determined by the Council.	Funeral Parlour	*	*	*	*	10	As determined by the Council, (minimum 6).	Hotel/Tavern	*	*	*	*	10	1 for every bedroom plus 1 per 2m ² of bar and lounge area.	Industrial—Service	7.5	7.5	*	*	10	1 per 2 employees.	Industrial—Light	7.5	7.5	*	*	10	1 per 2 employees.	Industrial—General	7.5	7.5	*	*	15	1 per 2 employees.
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<p>Schedule 2; Part 9; Clause 68(2)</p>	<p><i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i></p>																																																																																
<p>Schedule 2; Part 9; Clause 76 (1) and (2)</p>	<p><i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council's decision in relation to the decision on the proposed use and or development of the land.</i></p>																																																																																
<p>State Planning Policy 3.7 – Planning in Bushfire Prone Areas <i>(Statutory instrument – tied to Planning Regulations)</i></p>																																																																																	
<p>Generally</p>	<p><i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management across WA. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. SPP 3.7 is a guide to implementing effective risk-based land use planning to preserve life and reduce the impact of bushfire on property and infrastructure.</i></p>																																																																																



6.2 Strategic planning proposals, subdivision and development applications	<p><i>Section 6.2 of SPP 3.7 a) states:</i></p> <p>a) <i>Strategic planning proposals, subdivision and <u>development applications</u> within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with policy measures.</i></p> <p>b) <i>Any strategic planning proposal, subdivision or <u>development application</u> in an area to which policy measure 6.2 a) applies, that has or will, on completion, have a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval where it can be undertaken in accordance with policy measures 6.3, 6.4 or 6.5.</i></p> <p>c) <i>This policy also applies where an area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the Guidelines.</i></p>
<i>Planning Bulletin 111/2016 - Planning in Bushfire Prone Areas</i> <i>(Guidance document – tied to SPP 3.7)</i>	
5. Exemptions	<p><i>Planning Bulletin 111/2016 states exemptions from the requirements of SPP 3.7 includes renovations, alterations, extensions, improvements, or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios, and storage sheds for example). SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:</i></p> <ul style="list-style-type: none"><i>• result in the intensification of development (or land use);</i><i>• result in an increase of residents or employees;</i><i>• involve the occupation of employees on site for any considerable amount of time; or</i><i>• result in an increase to the bushfire threat; the proposal may also be exempt from the provisions of SPP 3.7.</i>

Policy Implications

There is no plan or local planning policy applicable to this proposal.

Financial Implications

There are no budgetary considerations and implications applicable to this proposal.

Strategic Implications

2.1 Economic Development



Environmental Implications

The risk assessment in relation to this development is low it poses no significant environmental implications to the site or neighbouring properties. The development is minor.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Social Implications

There are no social implications.

Officer's Comments

The applicant proposed to develop a commercial 144 m² shed on the lot for light industry use. This is permissible in the current scheme zoning. The neighboring developments are light industry use, and the proposal is permissible in the zoning. The Shed is proposed to be ocean blue colourbond, which is sympathetic and blends with the surrounding environment.



The subject site is zoned in 'Light industry.'

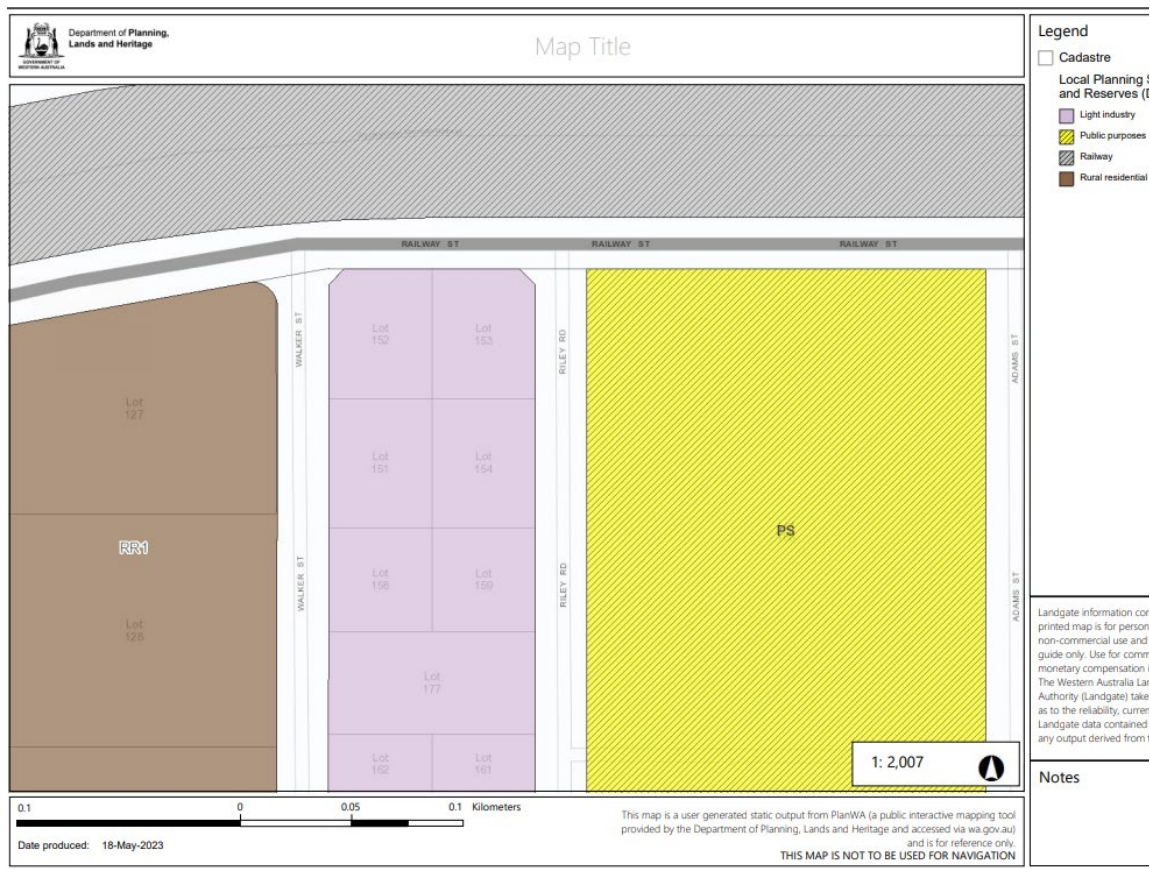
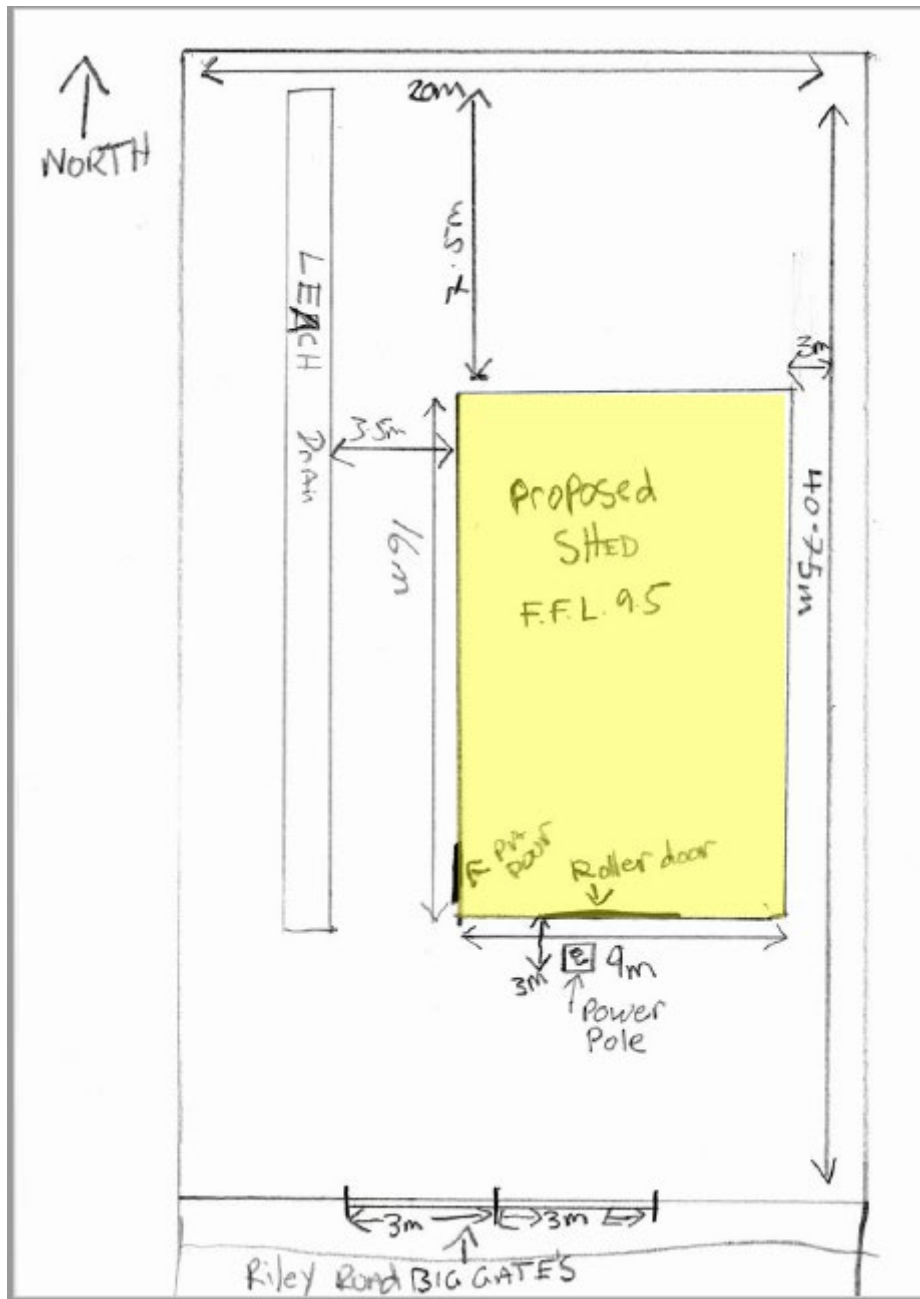


Figure 1 Subject site Zone



Figure 3 Proposed Commercial Shed location.



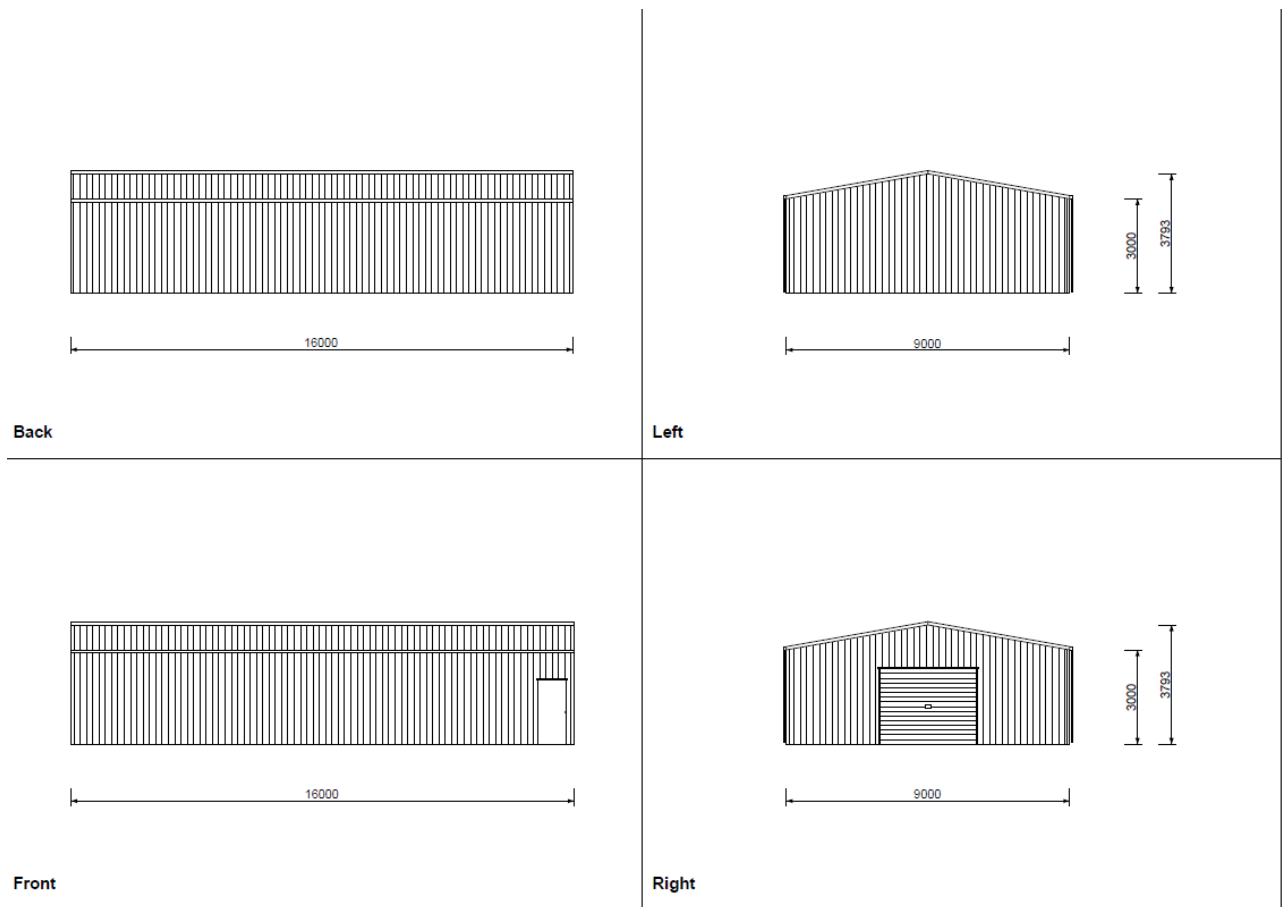


Figure 3 Shed Elevations

Officer Recommendation

The Development Application for the development of a 144 m² ocean blue light industry shed on Lot 154 Riley Road, Trayning be approved subject to the following conditions and advice notes:

1. All stormwater to be contained on site.
2. Unsewered industrial development will be restricted to 'dry industry' type (i.e., industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 liters per 1,000 m² unless otherwise approved by the Chief Executive Officer
3. Car parking is to be provided at 1 per 2 employees with a minimum size of 2,400 mm x 5,500 mm.



Council Decision

Moved Cr ML McHugh

Seconded Cr ME Leslie

The Development Application for the development of a 144 m² ocean blue light industry shed on Lot 154 Riley Road, Trayning be approved subject to the following conditions and advice notes:

1. All stormwater to be contained on site.
2. Unsewered industrial development will be restricted to 'dry industry' type (i.e., industries predicted to generate wastewater for disposal on-site of a daily rate of less than 540 liters per 1,000 m² unless otherwise approved by the Chief Executive Officer
3. Car parking is to be provided at 1 per 2 employees with a minimum size of 2,400 mm x 5,500 mm.
4. Industrial properties do not include large or livestock animal husbandry or stabling.

Resolution 05-2023.040

Carried 6/0

Reason for Resolution Change

Councillors wanted to make it clear that approval for a shed does not mean the applicant can have a horse on the property.

ADVICE NOTES

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011 and Health Act 2016. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire of Trayning
- b. Nothing in the approval shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c. The applicant is advised a Building Permit is required prior to commencement of any building works. In this regard the applicant is advised that conditions relating to BAL assessment may result in conditions being imposed at the building permit stage to mitigate the risk for burning embers as part of a preventative approach to bushfire attack.
- d. In addition to planning and building requirements, the development must comply with Environmental Protection (Noise) Regulations 1997).
- e. The applicant is advised of a right of appeal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act, 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.



9.2 FINANCE REPORTS

9.2.1 Monthly Payment List April 2023

Date of Report:	17 May 2023
Proponent:	N/A
File Ref:	3.2.2.3 – Accounts Payable (Creditors)
Officer:	Jessi Shannon - Finance Officer
Senior Officer:	Wendy Stringer – LG Best Practices
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.1 Monthly Payment List April 2023
Voting Requirements:	Simple Majority

Purpose of Report

To meet legislative requirements under the Local Government (Financial Management) Regulations.

Background

The Local Government (Financial Management) Regulations 1996 requires that Council is to be presented with a Statement of Payments each month.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government (Financial Management) Regulations 1996.

Officer's Comment

The list of payments has been compiled for the month of April 2023 and is attached. These payments have already occurred and Council are not making a decision as to whether payments are to be made.

At the request of Councillors, the Credit Card statement is also attached for information.

Officer Recommendation/Council Decision

Moved Cr GF Waters

Seconded Cr ML McHugh

That Council receives the list of payments and credit card statement, as presented, for the month of April 2023, totalling \$509,864.67.

Resolution 05-2023.041

Carried 6/0



9.2.2 Monthly Financial Report for April 2023

Date of Report:	17 May 2023
Proponent:	N/A
File Ref:	N/A
Officer:	Wendy Stringer – LG Best Practices
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer’s Disclosure of Interest:	Nil
Attachments:	9.2.2 Monthly Financial Report April 2023
Voting Requirements:	Simple Majority

Purpose of Report

This report presents for consideration the Monthly Financial Report, for the period ending 30 April 2023.

Background

All financial reports are required to be presented to Council within two meetings following the end of the month that they relate to.

These reports are prepared after all the end-of-month payments and receipts have been processed.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government Act 1995 -

6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as prescribed.

Local Government (Financial Management) Regulations 1996 -

34. Financial activity statement required each month (Act s. 6.4)

- (1A) In this regulation —

committed assets mean revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1) (d), for that month in the following detail —



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

The recommendation that follows is consistent with the legislative requirements.

Policy Implications

This proposal incorporates the requirements of policy 7.11 – Investment of Surplus Funds, specifically the requirement to report on Council's investments within the Monthly Financial Report.



Financial Implications

A copy of the Monthly Financial Report for the period ending 30 April 2023, including the report on significant variances, Investment of Councils reserve and, surplus funds and the reconciliation of Councils bank accounts, has been provided to Council via attachment to this report.

Strategic Implications

There are no strategic implications.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comment

Nil

Officer Recommendation/Council Decision

Moved Cr ME Leslie

Seconded Cr GF Waters

That the Monthly Financial Report for the period ending 30 April 2023 be accepted as presented.

Resolution 05-2023.042

Carried 6/0



9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Finalise Review of Library Services

Date of Report:	12 May 2023
File Ref:	
Officer:	Leanne Parola – Chief Executive Officer
Officer’s Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Simple Majority

Purpose of Report

To consider submissions received regarding a review of Library Services for the Shire of Trayning.

Background

A review of the Shire of Trayning Library Services has been advertised calling for submissions by 11 May 2023. At the same time, Expressions of Interest were sought from local businesses to provide a library service on behalf of the Shire.

Consultation

The Shire of Trayning Library Service Review document included information about the responses received in the 2023 Community Needs and Satisfaction Survey questions relating to the Shire’s Library Service.

The Service Review document was advertised calling for public submissions in the Ninghan News, facebook and on the Shire’s website. No submissions or expressions of interest were received.

Statutory Environment

The Library Board of Western Australia Act 1951 provides the governing legislation in which local governments operate public libraries in partnership with the State Government.

The State and Local Government Agreement for the Provision of Public Library Services in Western Australia was signed on 1 September 2020 by the Minister for Culture and the Arts and representatives of the Library Board of Western Australia, Western Australian Local Government Association and Local Government Professionals WA.

The agreement includes the expectation that all local governments will make a financial contribution to the provision of public library services to agreed standards and will enter into an Agreement with the Library Board of WA.

The Shire of Trayning has entered into the following agreements:

- Library Information Service WA Database Access



- State Library Virtual Document Exchange

Policy Implications

Policy 1.11 Community Consultation recommends the Shire advertise in the Ninghan News and on the Shire website every time when considering changes in service levels.

Financial Implications

There are would have been financial implications if a local business expressed an interest in providing library services on behalf of the Shire, however none were received.

Strategic Implications

Action 1.2.4 of the Shire of Trayning Community Strategic Plan and Corporate Business Plan 2022-2032 is to review “*Library usage, services & future direction*” in 2022/2023.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer’s Comments

A number of Shires have relocated their library services to other service providers, eg local Community Resource Centres. There were no expressions of interest received following advertising and sending letters to local businesses.

There is currently inadequate space within the administration centre to appropriately accommodate staff. It is proposed that a portion of the existing library service will be sectioned off for storage and the existing server room/stationary rooms be combined to allow for workstations in Stage 2 of the Administration Centre renovations.

Officer Recommendation/Council Decision

Moved Cr CL Marchant

Seconded Cr ML McHugh

That the Shire of Trayning continue to offer a Library Service at the Council Administration Centre.

Resolution 05-2023.043

Carried 6/0



9.3.2 Business Plan Submissions - Major Land Transaction and Major Business Undertaking

Date of Report:	12 May 2023
File Ref:	
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Simple Majority

Purpose of Report

To consider submissions received regarding the Business Plan for a Major Land Transaction and Major Trading Undertaking for Kununoppin Hospital Staff Housing.

Background

In October 2022, the Western Australian Local Government Association forwarded an email from the WA Country Health Service to Great Eastern Country Zone local governments inviting them to invest in a partnership to provide housing for Western Australian Country Health Service staff.

At the Ordinary Meeting of Council held 15 February 2023, it was resolved:

That State-wide public notice be given of the attached Business Plan for a Major Land Transaction and Major Trading Undertaking for Kununoppin Hospital Staff Housing, calling for public submissions by 10.00 am on Tuesday 7 April 2023.

Consultation

The Business Plan was advertised calling for public submissions, and a copy was provided to the WA Country Health Service and the Kununoppin Hospital.

The WA Country Health Service advised that they were not able to support the Business Plan as their interpretation of the Department of Communities' policy regarding cost recovery rents is that they can only be over 25 years.

Staff interpret the policy as allowing cost recovery rents for up to 25 years and had verbal advice from the Department of Communities that their standard term for cost recovery is ten years.

This information was conveyed to the WA Country Health Service, who have advised the amount they would be willing to pay per week per unit.



Statutory Environment

Section 3.59 of the Local Government Act 1995 details the process governing Commercial Enterprises by local governments, including Major Land Transactions and Major Trading Undertakings.

The proposed Kununoppin Hospital Staff Accommodation could potentially meet the criteria of a major land transaction and a major trading undertaking. Staff treated the proposal as though it does for the sake of transparency and accountability.

Before the Shire enters into a Major Land Transaction or commences a Major Trading Undertaking, it is required to prepare a Business Plan that includes an overall assessment including:

- a) expected effect on the provision of facilities and services by the Shire
- b) expected effect on other persons providing facilities and services in the district
- c) expected financial effect on the Shire
- d) expected effect on the Shire's Plan for the future
- e) the ability of the Shire to manage the performance of the transactions and
- f) any other matter prescribed for the purposes of the subsection.

The Local Government Act 1995 also requires the Shire to give state-wide public notice that:

- the Shire proposes to enter into a Major Land Transaction and Major Trading Undertaking described in the notice; and
- a copy of the Business Plan may be inspected or obtained at any place specified in the notice.

The Shire is to make a copy of the Business Plan available for public inspection in accordance with the notice. The Shire is to also publish a copy of the Business Plan on its official website.

Submissions about the proposed land transaction or undertaking may be made to the Shire before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

After the last day for submissions, the Shire is to consider any submissions made and may decide by absolute majority to proceed with the undertaking and transaction as proposed or so that it is not significantly different from what was proposed.

Policy Implications

Policy 1.11 Community Consultation requires service planning and key strategic issues (major projects) to be advertised in the Ninghan News and the Shire Web Page. The officer recommendation will meet those requirements.

Policy 7.4 Purchasing and Tenders and Policy 7.3 Regional Price Preference will apply if the project proceeds.



Financial Implications

The Business Plan proposed to borrow up to \$1.8M to develop an accommodation village for WA Country Health Service staff working at the Kununoppin Hospital. It also proposed charging the WA Country Health Service a monthly lease payment that will cover the costs of the development, finance and operating expenses over a ten-year period.

Indicative pricing for the capital and borrowing costs were sought and were less than the figures used in the Business Plan. The figures have been inflated to allow for the impact of future cost increases.

Advice was sought from the Western Australian Treasury Corporation regarding the impact of the proposed loan on the Shire's ability to borrow funds for other projects. If the loan is offset by a lease agreement for the same period, there should be no impact on the Shire's borrowing capacity.

If the project proceeds the costs, loan and income would need to be included in the 2023/2024 Annual Budget and the next version of the Shire's Long Term Financial Plan.

Strategic Implications

The Shire of Trayning Strategic Community & Corporate Business Plan recognises the retention of medical services as a community priority and identifies the need for housing and rental stock to assist in the attraction and retention of the local workforce.

As with many industries, the health sector is struggling to attract staff to work in rural and regional areas. Having modern accommodation for staff would assist the Kununoppin Hospital maintain appropriate personnel.

The 2023/24 Annual Budget and future versions of the Council Plan, Long Term Financial Plan and Asset Management Plan will need to take into account the lease income, loan repayments and property maintenance should the project proceed.

If the project proceeds, the Shire will have the option to enter into a new lease agreement with the WA Country Health Service or another party/parties at the end of the proposed ten-year lease, creating a new income stream for the Shire.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

The WA Country Health Service have advised that they would support a weekly rental figure of \$590 per week per unit if the capital cost of each unit was \$360,000. Their



calculations do not take into account the cost of interest and government fees on the loan, nor the cost to maintain the property.

Staff have prepared the attached basic cash flow estimate which shows the development breaking even after 14 years should there be no major maintenance expenditure required in that time.

Officer Recommendation/Council Decision

Moved Cr ML McHugh

Seconded Cr GF Waters

That the Shire of Trayning:

- 1) Note that the WA Country Health Service did not support the Business Plan for a Major Land Transaction and Major Business Undertaking for Kununoppin Hospital Staff Housing, but were willing to pay \$590 per unit per week if the capital cost of each unit was \$360,000.
- 2) Proceed with the proposal to provide staff accommodation for the Kununoppin Hospital in the 2023/2024 Annual Budget with reduced annual lease income resulting in a longer payback period of up to 15 years.

Resolution 05-2023.044

Lost 2/4



10 NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING

Nil

11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

That in accordance with Section 5.23 (3) of the Local Government Act 1995, the meeting move behind closed doors as items 11.1 and 11.2 relate to a matter affecting an employee and a matter that if disclosed would reveal information that has commercial value to a person.

Prior to any consideration of this Item;

Cr ML McHugh declared a Financial Interest in Item 11.1 and left the meeting.

New Motion

Moved Cr CL Marchant	Seconded Cr PM Barnes
That the meeting be closed to the public at 4:28 pm for discussion of Item 11.1.1.	
Resolution 05-2023.045	Carried 5/0

11.1 Kununoppin Medical Practice Deed of Agreement

Date of Report:	20 May 2023
File Ref:	
Officer:	Leanne Parola – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Confidential 11.1.1 Draft Deed of Variation Confidential 11.1.1a Current Supply of Medical Services Deed
Voting Requirements:	Simple Majority

Purpose of Report

To endorse the draft Kununoppin Medical Practice Deed Extension.

Background

The attached Supply of Medical Services Deed between the Shires of Mt Marshall, Mukinbudin, Nungarin and Trayning and Olatwhaler Medical Pty Ltd expires on 2 June 2023.

The term of the agreement may be extended by 3 years by mutual agreement. A party seeking to extend the term must give the other parties notice of their desire to do so before 2 March 2023.



An agreement to extend the term can contain terms including the Annual Management Fee (if any) to be paid in respect of each year of the extended term. It will extend the provisions of the current agreement unless expressly agreed in writing by the parties.

The current agreement includes the following obligations:

- Minimum days per year for Resident Medical Practitioner
- Minimum sessions per fortnight required at each townsite
- Record keeping and patient records
- Annual Management Fee, provision of house and vehicle

The proposed Deed of Variation includes the following:

- Setting an Annual Management Fee of \$120,000, including GST, for the next two years
- Takes out references to plant and equipment
- Reduces minimum days per year for Resident Medical Practitioner from 200 to 184
- Increases the time allowed without a Resident Medical Practitioner from 1 week to 2 weeks
- Changes requirement to get approval from the Kununoppin Medical Practice Committee for leave and appointment of a locum to advising only
- Specifies the days and times for each clinic
- Requires a quarterly report to be provided to the Committee including the number of days present for each location and patient numbers seen
- Includes reduction in Annual Management Fee if not providing service and the ability for the Committee to engage a Locum

Consultation

The Kununoppin Medical Practice Committee has met several times to discuss extension of the Medical Services Deed.

The Shire President, as Chair of the Kununoppin Medical Practice Committee, has liaised with Dr Olatunji Adewale from Olatwhaler Medical Pty Ltd.

The 2023 Community Satisfaction and Needs Survey identified Medical Services as the most important service within the Shire.

Statutory Environment

The Shires of Mt Marshall, Mukinbudin, Nungarin and Trayning have a Memorandum of Understanding regarding the Kununoppin Medical Practice Committee.

There are no other statutory implications.

Policy Implications

There are no Policy implications.



Financial Implications

The proposed Deed of Variation will increase the Annual Management Fee paid to Olatwhaler Medical Pty Ltd from \$80,000 to \$120,000 in the 2023/24 and 2024/25 annual budgets.

The Annual Management Fee is shared between the member Shires of the Kununoppin Medical Practice Committee as follows:

Shire	% of Costs	Current Fee	Proposed Fee
Mt Marshall	30%	\$23,333	\$36,000
Mukinbudin	30%	\$23,333	\$36,000
Nungarin	10%	\$8,000	\$12,000
Trayning	30%	\$23,333	\$36,000

The Shires also share the cost of the provision of housing and a vehicle to Olatwhaler Medical Pty Ltd.

Strategic Implications

The Shire of Trayning Community Strategic Plan and Corporate Business Plan 2022-2032 includes the retention of medical services for local residents as a measure of success.

Environmental Implications

There are no environmental implications.

Social Implications

There are no social implications.

Officer's Comments

Regional local governments across Australia are competing to secure General Practitioners and offering a wide range of subsidies and incentives.

Officer Recommendation/Council Decision

Moved Cr CL Marchant	Seconded Cr GF Waters
That the attached draft Kununoppin Medical Practice Deed Extension be endorsed and the Shire President and Chief Executive Officer be authorised to execute it on behalf of the Shire of Trayning.	
Resolution 05-2023.046	Carried 5/0



New Motion

Moved Cr GF Waters

Seconded Cr CL Marchant

That the meeting be opened to the public at 4:38 pm.

Resolution 05-2023.047

Carried 5/0

4:38 pm - Cr ML McHugh returned to the meeting.

12 CLOSURE

There being no further business, the Shire President thanked all Councillors and Staff for their attendance and declared the meeting closed at 4:40 pm.