



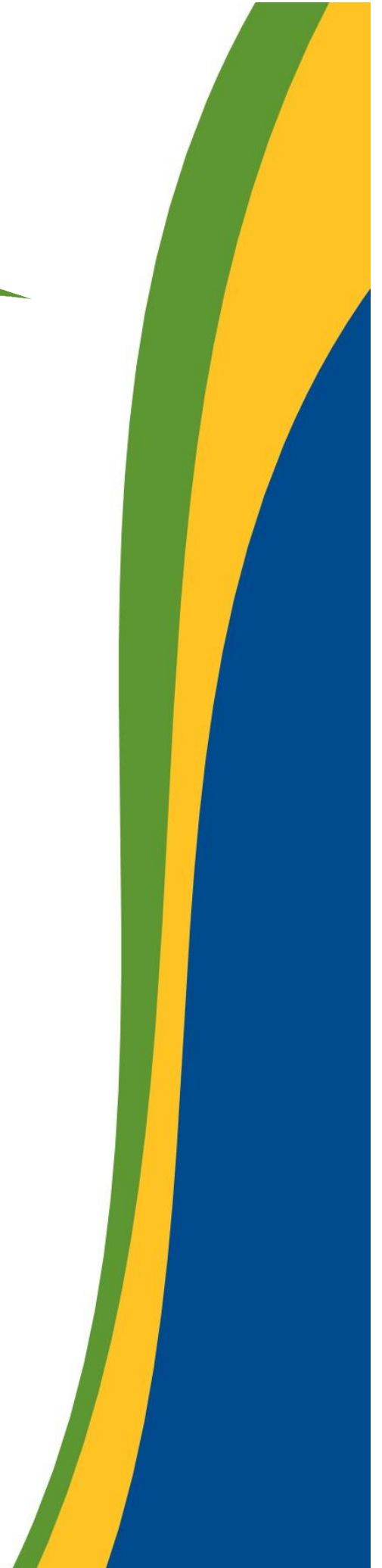
Shire of Northam
Heritage, Commerce and Lifestyle

Shire of Northam

Minutes

Special Council Meeting

25 September 2024



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1 DECLARATION OF OPENING

The Shire President, C R Antonio, declared the meeting open at 5:30 pm.

2 OPENING PROCEDURES

2.1 ACKNOWLEDGEMENT OF COUNTRY

The Shire President, C R Antonio, acknowledged the Traditional Owners of the land on which we meet, the Ballardong and Whadjuk people of the Nyoongar nation and paid our respects to Elders, past present and emerging.

2.2 RECORDING OF COUNCIL MEETINGS

Members of Council and members of the gallery are advised that this meeting will be livestreamed and audio-recorded and made available on the Shire of Northam's YouTube channel. If members of the public want to access the recording of this meeting, they can do so via the Shire of Northam website.

3 ATTENDANCE

3.1 ATTENDEES

Council:

Shire President

Deputy Shire President

Councillors

C R Antonio

A J Mencshelyi

M P Ryan

M I Girak

L C Biglin

D A Hughes

H J Appleton

Staff:

Chief Executive Officer

Executive Manager Engineering Services

Executive Manager Development Services

Executive Manager Corporate Services

Acting Executive Manager Community
Services

Governance Coordinator

Governance Officer

D Terelinck

P Devcic

C B Hunt

C J Young

J R Byers

A C McCall

T P Van Beek

3.2 APOLOGIES

Council:

Councillors

J E G Williams

C M Poulton

3.3 APPROVED LEAVE OF ABSENCE

Nil.

3.4 ABSENT

Nil.

4 DISCLOSURE OF INTERESTS

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.

*As defined in section 5.60A of the Local Government Act 1995, a **financial interest** occurs where a Councillor / Committee Member, or a person with whom the Councillor / Committee Member is closely associated, has a direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.*

*As defined in section 5.61 of the Local Government Act 1995, an **indirect financial** interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.*

*As defined in section 5.60B of the Local Government Act 1995, a person has a **proximity interest** in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; or a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.*

*As defined in clause 22 of the Local Government (Model Code of Conduct) Regulations 2021, an **impartiality interest** means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.*

Nil.

5 PUBLIC QUESTIONS

Nil.

6 SPECIAL ITEMS

6.1 Attendance at 2024 Saga International Balloon Fiesta

File Reference:	2139
Reporting Officer:	Debbie Terelinck (Chief Executive Officer)
Responsible Officer:	Debbie Terelinck (Chief Executive Officer)
Officer Declaration of Interest:	Nil
Voting Requirement:	Simple Majority
Press release to be issued:	No

BRIEF

Northam Ballooning Events has extended a formal invitation for the Shire President to attend the 2024 Saga International Balloon Fiesta to represent the Shire of Northam.

ATTACHMENTS

1. Northam Ballooning Events Invitation [6.1.1 - 1 page]

A. BACKGROUND / DETAILS

The 2024 Saga International Balloon Fiesta is scheduled to take place in Japan between 30 October and 4 November 2024.

According to Northam Ballooning Events (refer Attachment 6.1.1), the presence of the Shire President at this international event is of significant importance to Northam as the event will bring together leaders, experts and stakeholders from the world hot air ballooning community, demonstrate Northam's support for international ballooning and encourage continued support and attendance for the success of future ballooning events in Northam.

Northam Ballooning Events is requesting that the Shire President attend as an ambassador of Northam and present a gift on behalf of the Northam community.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: Prosperity.

Outcome 10: An attractive destination for investors, business and visitors; helping to grow the economy and local jobs.

Objective 10.2: Promote industrial development with a focus on the Avon Industrial Park and Avon Logistics Hub.

Priority Action: Nil.

B.2 Financial / Resource Implications

There is an allocation of \$26,600 in the 2024/25 budget for Council Member training and development. This allocation covers costs associated with conferences and events. Approximately \$12,500 has been committed to the WA Local Government Association Local Government Convention which leaves a budget of approximately \$14,100.

Attendance expenses for this event, being travel, accommodation and ancillary expenses are estimated to be in the vicinity of \$4,000 to \$5,000 (subject to confirmation particularly in relation to accommodation which is understood to be at a premium for the Fiesta).

B.3 Legislative Compliance

Local Government Act 1995

B.4 Policy Implications

Council Policy G 1.2 *Attendance at Events – Council Members and the CEO* is relevant to this report.

As attendance at the Saga International Balloon Fiesta is not included as a pre-approved event in Appendix A of Policy G 1.2 and involves flights, this request is submitted for Council consideration.

B.5 Stakeholder Engagement / Consultation

The request for the attendance of the Shire President to represent the Northam community has been made by Northam Ballooning Events.

Northam Ballooning Events is a non-profit community organisation tasked with planning and coordinating a range of ballooning competitions and events to be held in the Shire of Northam.

B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
---------------	-------------	-----------------------------------------	-------------------

Financial	Insufficient funds remaining for other Council Member training and development.	Insignificant (1) x Unlikely (2) = Low (2)	Consider at budget review if additional funds are required.
Health & Safety	N/A	N/A	N/A
Reputation	Community does not see benefit in overseas travel.	Medium (3) x Possible (3) = Moderate (9)	Highlight benefits of attendance by a Shire representative given significance of ballooning to Northam.
Service Interruption	N/A	N/A	N/A
Compliance	Non-compliance with legislative provisions regarding attendance at events.	Possible (3) x Minor (2) = Moderate (6)	Event attendance approval being submitted for Council consideration.
Property	N/A	N/A	N/A
Environment	N/A	N/A	N/A

B.7 Natural Environment Considerations

Nil.

C. OFFICER'S COMMENT

A major tourism and economic development feature for the Shire of Northam is hot air ballooning as evidenced by the hosting of 2 major national and international competitions in 2023. The Shire is also proposing to build on the significance of this niche tourism activity by hosting the Elevate Ballooning Festival in 2025. The attendance of a Shire representative at an international ballooning event is anticipated to contribute to the Shire's ability to attract future competitions and events to Northam. It is noted however that there is the potential for reputational risk associated with Local Government representatives attending overseas conferences, study tours and events in the current economic climate.

It is understood that arrangements are being made for the Northam Balloon, "Doonyart" to be taken to the Saga International Balloon Fiesta which will add to the promotion of Northam.

Arrangements can be made for a suitable gift to be made available for the Shire President to present to Japanese officials should Council approve attendance at the Fiesta.

MOTION / COUNCIL DECISION

Minute No: C.5133

Moved: Cr D A Hughes

Seconded: Cr L C Biglin

That Council suspend the following Standing Orders:

- 8.5 - members to indicate their intention to speak (requirement to stand); and
- 8.9 - speaking twice.

CARRIED 7/0

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes and Cr M P Ryan

Against: Nil

MOTION / COUNCIL DECISION

Minute No: C.5134

Moved: Cr D A Hughes

Seconded: Cr A J Mencshelyi

That Council resume the following Standing Orders:

- 8.5 - members to indicate their intention to speak (requirement to stand); and
- 8.9 - speaking twice.

CARRIED 7/0

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes and Cr M P Ryan

Against: Nil

RECOMMENDATION / COUNCIL DECISION

Moved: Cr D A Hughes

Seconded: Cr A J Mencshelyi

That Council APPROVES the attendance of Shire President, C R Antonio at the Saga International Balloon Fiesta being held in Saga, Japan from 31 October to 4 November 2024 as a representative of the Shire of Northam with travel, accommodation and ancillary expenses covered by the Council Member training and development budget allocation.

LOST 3/4

For: President C R Antonio, Cr A J Mencshelyi and Cr D A Hughes

Against: Cr H J Appleton, Cr L C Biglin, Cr M I Girak and Cr M P Ryan

Debate was held in relation to the motion. Cr D A Hughes and Cr A J Mencshelyi spoke for the motion. Cr M P Ryan, Cr H J Appleton, Cr M I Girak and Cr L C Biglin spoke against the motion. Cr D A Hughes used his right of reply to close the debate.

Ms Debbie Terelinck
Chief Executive Officer
Shire of Northam
PO Box 269
NORTHAM WA 6401



Dear Ms Terelinck

Attendance of President Chris Antonio - 2024 Saga International Balloon Fiesta

Northam Ballooning Events would like to extend a formal invitation to President Chris Antonio to attend the upcoming 2024 Saga International Balloon Fiesta, scheduled to take place in Saga, Japan between 30 October 2024 and 04 November 2024.

The attendance of President Antonio at this international event is of significant importance to Northam as the event will bring together leaders, experts and stakeholders from the world hot air ballooning community, demonstrate Northam's support for international ballooning and encourage continued support and attendance for the success of future ballooning events in Northam.

When attending ballooning events in Northam, a gift is always presented by a Japanese ambassador. In Japanese culture, presenting a gift during international events is a gesture of respect and is deeply ingrained in social etiquette. Northam Ballooning Events is requesting President Antonio attend as an ambassador of Northam and present a gift on behalf of the community. The participation of President Antonio would be invaluable in highlighting our collective commitment to ballooning in Northam and cement connections between Northam and Saga.

Thank you very much for considering our request. We look forward to the possibility of President Antonio joining us at this prestigious event and contributing to the success of future ballooning events in Northam.

Yours sincerely

Errol Croft
Chairman
Northam Ballooning Events

16 September 2024

6.2 WALGA Annual General Meeting

File Reference:	1.6.5.5
Reporting Officer:	Tamika Van Beek (Governance Officer)
Responsible Officer:	Debbie Terelinck (Chief Executive Officer)
Officer Declaration of Interest:	Nil.
Voting Requirement:	Simple Majority
Press release to be issued:	No

BRIEF

For Council to provide direction to the Shire President and Deputy Shire President (as the Shire's nominated voting delegates) on matters for consideration at the Western Australian Local Government Association (WALGA) 2024 Annual General Meeting.

ATTACHMENTS

1. WALGA AGM 2024 - Motions [6.2.1 - 2 pages]

A. BACKGROUND / DETAILS

The following items are listed for consideration at the upcoming WALGA Annual General Meeting on 9 October 2024:

- 7.1 - Amendments to the Cat Act 2011 – Allow Local Governments to make local laws to contain cats to the owner's property.
- 7.2 - Advocacy for legislative reforms to counter land-banking.
- 7.3 - Advocacy for expansion of differential rating to include long term unoccupied commercial buildings (Property Activation Levy).
- 7.4 - Action on asbestos for Western Australia.
- 7.5 - Addressing the impracticality of Local Governments funding Department Communities and Government Regional Officer Housing.
- 7.6 - Advocacy for accessibility.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: Performance. Outcome 12: Excellence in organisational performance and customer service.

Objective 12.1: Maintain a high standard of corporate governance and financial management.

Priority Action: Nil.

B.2 Financial / Resource Implications

Nil.

B.3 Legislative Compliance

Nil.

B.4 Policy Implications

Nil.

B.5 Stakeholder Engagement / Consultation

Nil.

B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	N/A		
Health & Safety	N/A		
Reputation	N/A		
Service Interruption	N/A		
Compliance	N/A		
Property	N/A		
Environment	N/A		

B.7 Natural Environment Considerations

Nil.

C. OFFICER'S COMMENT

A table of motions, recommended decisions and officers' comments for each item in the WALGA Annual General Meeting Agenda has been included in Attachment 6.2.1 to provide guidance to the Shire's nominated delegates.

RECOMMENDATION / COUNCIL DECISION

Minute No: C.5135

Moved: Cr A J Mencshelyi

Seconded: Cr M P Ryan

That Council:

- 1. SUPPORTS the recommendations for items 7.1 to 7.6 as presented in the WALGA Annual General Meeting Agenda and included in Attachment 6.2.1.**
- 2. AUTHORISES the Shire's voting delegates to vote in accordance with the Council position on these matters, unless additional information is presented at the Annual General meeting which the voting delegates consider warrants a change in the position.**
- 3. REQUESTS an item be presented to the next Council Meeting if the Shire's delegates do not vote in accordance with the stated Council position, including reasons for altering it.**
- 4. AUTHORISES the Shire's voting delegates to make a determination, in accordance with the Council Plan 2022-2032 and other guiding plans or policies, to vote for any late items presented to the WALGA Annual General Meeting.**

CARRIED 7/0

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes and Cr M P Ryan

Against: Nil

WALGA AGM 2024 - Motions

Item No.	Item Name	Motion	In Brief	Shire of Northam - Voting	Officer Comment
4	ADOPTION OF AGM ASSOCIATION STANDING ORDERS	That the Annual General Meeting Association Standing Orders be adopted.	Nil.	For	
5	CONFIRMATION OF PREVIOUS MINUTES	That the Minutes of the 2023 WALGA Annual General Meeting be confirmed as a true and correct record of proceedings.	Nil.	For	
6	ADOPTION OF ANNUAL REPORT	That the 2023-2024 Annual Report, including the 2023-2024 Audited Financial Statements, be received.	Nil.	For	
7.1	AMENDMENTS TO THE CAT ACT 2011 - ALLOW LOCAL GOVERNMENTS TO MAKE LOCAL LAWS TO CONTAIN CATS TO THE OWNER'S PROPERTY	That WALGA advocate to the State Government to make changes to the Cat Act 2011 to permit local laws to be made to the following effect: 1. Cats are to be confined to the cat owner's residence premises; 2. Cats within public places are to be under effective control and not to create a nuisance; 3. Cats are not allowed on other private properties where the cat does not have the expressed permission of the occupier of that premises, and are not to create a nuisance; 4. Cats are prohibited from ecologically sensitive areas designated as Cat Prohibited Areas by Absolute majority of Council, and clearly demarcated as such on a sign displayed at the area, without the need to modify the local law.	This is a consolidated motion. Please refer to the AGM Agenda to view all separate motions and related briefs.	For	The recommendations are generally agreed with, noting that there are issues with nuisance cats in the Shire. It is noted that compliance and enforcement will fall to Local Government and may be challenging given the nature of cats.
7.2	ADVOCACY FOR LEGISLATIVE REFORMS TO COUNTER LAND-BANKING	That WALGA: 1. In line with its 2020-2025 Strategic Plan to provide a Sector Vision that enables Local Governments to be agile enhancing community wellbeing and economic prosperity, develops a draft Advocacy Position for Legislative Reforms to address Land-Banking practices including, but not limited to consideration of the following: a. Prohibiting demolition of habitable housing until a Development Application (DA) has been approved; b. development applications that result in the demolition of existing habitable housing be time limited so that reasonable time periods for project commencement and project completion are conditions of the development application. c. provide Local Authorities with the ability to apply a "penalty fee" over and above any differential rating on vacant land, where the time conditions on the development application in (b) have not been met. d. Development of a mandatory register of unoccupied residential properties, with the ability of Local Governments to apply rates or levies on long term unoccupied residential properties, which could increase incrementally over time. 2. Distributes the draft "WALGA Advocacy Position for Legislative Reforms to counter Land-Banking" to all West Australian Local Authorities for comment, and that a subsequent report be provided for consideration by WALGA Zones	<ul style="list-style-type: none"> Land-banking reduces the availability of sites for development. Premature demolition of viable housing is unacceptable in what is a dire housing shortage for this nation. Additional legislative changes are required to enable Local Authorities the flexibility to apply additional levies to long term unoccupied housing. 	For	Staff support the recommendation on the understanding that the legislative and regulatory changes will not compel all local governments to adopt all of the proposed requirements should changes be made. There are some concerns regarding interpretations of what is deemed to be unoccupied, and resourcing issues with monitoring properties and record keeping requirements.
7.3	ADVOCACY FOR EXPANSION OF DIFFERENTIAL RATING TO INCLUDE LONG TERM UNOCCUPIED COMMERCIAL BUILDINGS (PROPERTY ACTIVATION LEVY)	That WALGA: 1. Explores expanding Item 2.1.8 Differential Rates of its Advocacy Position Statement to consider inclusion of the following: a. Advocating for Local Authorities to have the ability to apply a differential rate to long term unoccupied commercial buildings; and b. Developing legislation that requires commercial property owners to demonstrate that in order to avoid the imposition of a differential rate on unoccupied commercial property the property; i. is commercially habitable with annual investment in maintenance ii. remains connected to essential services iii. is undergoing periodic compliance checks and, iv. has a plan in place to redevelop or make operational. c. Develop legislation that enables Local Government to provide exemptions to the above differential rating based on an approved periodic activation program for the vacant commercial property by the Local Government. 2. Distributes the draft expanded WALGA Advocacy Position for Differential Rates to counter long term unoccupied commercial buildings to all West Australian Local Authorities for comment, and that a subsequent report be made available for consideration by WALGA Zones.	Nil.	For	There could be benefits to the Shire if the ability to differentially rate vacant commercial premises was introduced, however it would be administratively time consuming and subjective to implement. It is agreed that the proposal has the potential to discourage properties falling into disrepair.
7.4	ACTION ON ASBESTOS FOR WESTERN AUSTRALIA	That WALGA advocates for the state and federal governments to take urgent action to assist Local Governments and their communities in safely removing asbestos, including providing targeting funding programs and support for regional areas.	<ul style="list-style-type: none"> The Asbestos Safety and Eradication Agency (ASEA) has released its 2024-2030 Strategic Plan, which identifies the need to take action to save lives, as asbestos materials are degrading, increasing the risk they pose. The approach to asbestos is unlikely to change unless Local Governments and their communities, particularly in regional areas, are provided with additional funding and support. 	For	The recommendation is generally supported. A significant number of private properties throughout the Shire contain asbestos and funding to assist with safe removal is supported.

Item No.	Item Name	Motion	In Brief	Shire of Northam - Voting	Officer Comment
7.5	ADDRESSING THE IMPRACTICALITY OF LOCAL GOVERNMENTS FUNDING DEPARTMENT OF COMMUNITIES AND GOVERNMENT REGIONAL OFFICER HOUSING	That WALGA advocates to the State Government for the State Government to fully fund Department of Communities (Social) and Government Regional Officer Housing.	<ul style="list-style-type: none"> • Housing Funding Impracticality: Local Governments face impracticalities in funding housing due to the extra budgetary constraints then placed on the Local Government. • Financial Risk: Investment in providing housing can be risky over the long term due the volatility of the housing market (particularly in areas where mining is the predominant industry) and the constraints placed on Local Governments that are borrowing money to fund these builds. • State Responsibility: Housing should be funded through state taxes and mining royalties, not Local Government budgets. 	For	It is agreed that the primary responsibility should be with the State Government to provide social and GROH housing however it should be up to individual local governments to determine if they want to be involved in joint partnership arrangements to suit their local communities.
7.6	ADVOCACY FOR ACCESSIBILITY	That WALGA develops an Advocacy Position calling for the WA Government to adopt the Liveable Housing Design Standards for accessibility as part of the National Construction Code, consistent with WALGA's 2020-2025 Strategic Plan Sector Vision to enable inclusive Local Governments enhancing community wellbeing and economic prosperity.	<ul style="list-style-type: none"> • Advocacy for adoption of National Construction Code minimum accessibility standards • Australia should have national building standards guaranteeing new homes have access for all abilities. • WALGA should develop a policy to reflect its organisation commitment to accessibility, including but not limited to ensuring any venues WALGA utilises for its services or events have universal accessibility entry points (and are not dependent on one accessible entry point). 	For	Staff agree with the recommendation for new residential dwellings on lots zoned Residential R30 and above. The reasoning behind supporting the accessibility requirements for the higher density is to enable ageing in place principles to be achieved in those areas that are generally closer to community facilities and services.

6.3 Pop Up Shop in Northam CBD

File Reference:	1.3.14.4
Reporting Officer:	Candice Parkes (Events Coordinator), Alysha Mccall (Governance Coordinator)
Responsible Officer:	Janice Byers (Acting Executive Manager Community Services)
Officer Declaration of Interest:	Nil
Voting Requirement:	Absolute Majority
Press release to be issued:	No

BRIEF

For Council to consider a proposal to reinstate a Pop-Up Shop in the Northam Central Business District (CBD). Should this proposal be supported, approval is required to enter into a lease agreement for a store in the Northam Boulevard Shopping Centre.

ATTACHMENTS

1. Perdaman Lease Proposal [6.3.1 - 2 pages]

A. BACKGROUND / DETAILS

In October 2015, the Shire of Northam supported and implemented a Pop-Up Shop in the Northam CBD. The intent of this initiative was to support businesses wanting to establish a storefront and activate the Northam CBD, particularly on weekends. A lease was entered into for the former Roediger's building located at 182 Fitzgerald Street, Northam which terminated in November 2023 due to the sale of the property.

The previous Pop-Up Shop included the following conditions to attract the right tenants:

- Must be prepared to open on weekends;
- Must not directly compete with an existing established Northam business;
- Need to indicate an intention to establish permanently;
- Need to be able to show a tourist / visitor link.

In return, the Shire offered a heavily discounted tenancy fee of \$25.00 per week which included all outgoings.

The previous Pop-Up Shop was leased to various businesses and community organisations whilst in operation. The Shire had also used the Pop-Up Shop on numerous occasions for events being held in the Northam CBD. Leases were generally issued for 3 months however were extended on occasions subject to there being no other interested persons on the waitlist.

Pop-Up-Shops provide a cost-effective option to allow a business to test their brand, before committing to large overheads that may not make the business feasible. This initiative also supports potential attractions for tourists, activating the shopping precinct and drawing more clientele to surrounding businesses.

B. CONSIDERATIONS

B.1 Strategic Community / Corporate Business Plan

Performance Area: People.

Outcome 3: A happy, healthy, and connected community.

Objective 3.4: Grow community capacity by supporting community groups and volunteers.

Priority Action: Nil.

Performance Area: Prosperity.

Outcome 10: An attractive destination for investors, business and visitors; helping to grow the economy and local jobs.

Objective 10.3: Revitalise and activate town centres.

Priority Action: Nil.

B.2 Financial / Resource Implications

The proposal would have an estimated budget impact of \$8,000 if the lease was to commence in October 2024. This amount is to accommodate the outgoing charges and legal fees associated with preparing and executing the lease agreement.

Officers propose budget account EV11716 – CBD Activations for this expenditure which currently has an available budget of \$15,000.

The lease is proposed on a periodic month-to-month basis. As such it is proposed to allocate budget for the remainder of 2024/25 and monitor the success of the Pop-Up Shop. If it is a success, consideration will be given in the 2025/26 budget to extend the arrangement.

The approximate weekly cost to the Shire is \$145.00. To reduce the budget deficit, it is recommended that the weekly tenancy fee increase from \$25 to \$100 per week.

The previous Pop-Up Shop had an annual deficit of approximately \$10,338 which included Shire rates and outgoings (water and electricity). This proposal is believed to have an equal benefit with a potential decrease in the deficit.

B.3 Legislative Compliance

Local Government Act 1995:

- Section 6.8. Expenditure from municipal fund not included in annual budget.
- Section 3.58(2) & (3) Disposing of Property

Local Government (Functions and General) Regulations 1996:

- Regulation 30 Dispositions of property excluded from Act s.3.58

B.4 Policy Implications

A 8.5 Property Management (Leases and Licences)

This policy will be applicable for agreements entered into to use the Pop-Up Shop. Officers are recommending additional terms which are not currently captured in this policy.

Delegated Authority Register

Tenancy agreements for businesses using the Pop-Up Shop can be approved by the Chief Executive Officer under Delegated Authority Reference 1.2.23 - Disposing of Property (Tender, Auction, Private Treaty, Lease or Licence).

B.5 Stakeholder Engagement / Consultation

The Shire has been approached by various local organisations and small businesses regarding the use of a Pop-Up Shop.

B.6 Risk Implications

Refer to Risk Matrix [here](#).

Risk Category	Description	Rating (likelihood x consequence)	Mitigation Action
Financial	Budget deficit of less than \$10,000	Rare (2) x Low (1) = Minor (2)	Increase weekly tenancy charge to minimise budget impact.
Health & Safety	Nil.		
Reputation	Nil.		
Service Interruption			
Compliance	Non-compliance with <i>Local Government Act 1995</i> .	Rare (2) x Low (1) = Minor (2)	Support Officer recommendation.

			Enter into licence agreements in accordance with the <i>Local Government Act</i> and subsidiary legislation.
Property	Nil.		
Environment	Nil.		

B.7 Natural Environment Considerations

Nil.

C. OFFICER'S COMMENT

The previous Pop-Up-Shop arrangements ceased due to the building having been sold and no longer available.

Shire Officers have spent considerable time searching for another venue that is suitable and available. This included reaching out to Perdaman Commercial Realty Pty Ltd (Perdaman's) regarding a shop in the Northam Boulevard Shopping Centre. The proposed location provides maximum exposure for tenants, with minimal input and no additional upkeep costs on behalf of the Shire.

Perdaman's confirmed the availability and potential to lease the small shop at the entry to the Boulevard, next to Lucy's Cafe, as a Pop-Up Shop due to the store being vacant for several months. These terms are similar to the previous Pop-Up Shop lease agreement and are provided in Attachment 6.3.1.

RECOMMENDATION / COUNCIL DECISION

Moved: Cr M P Ryan

Seconded: Cr A J Mencshelyi

That Council:

1. **APPROVES** unbudgeted expenditure of \$8,000 plus GST from account EV11716 in the 2024/25 budget, to lease a shop in the Northam Boulevard Shopping Centre for the purposes of establishing a Pop-Up Shop in the Northam CBD.
2. **APPROVES** a lease agreement with Perdaman Commercial Realty Pty Ltd for store T12 in the Northam Boulevard Shopping Centre.
3. **APPROVES** the following terms for tenants using the Pop-Up Shop:
 - a. Must not directly compete with an existing established Northam business;
 - b. Tenants need to indicate an intention to establish permanently;
 - c. Tenants need to be able to show a tourist / visitor link.
 - d. Tenancy fee of \$100 per week.

LOST 5/2

ABSOLUTE MAJORITY OF 6 REQUIRED

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr M I Girak and Cr M P Ryan

Against: Cr L C Biglin and Cr D A Hughes

Terms Sheet

Lease Proposal T12 Northam Boulevard Shopping Centre

Date: September 2024



1. Lessor:	Perdaman Commercial Property Holdings Pty Ltd
2. Lessee:	Shire of Northam
3. Premises:	T12 Northam Boulevard Shopping Centre - 171 Fitzgerald Street, Northam, WA 6401
4. Lease Area:	47 sqm
5. Term:	Month to month basis (Periodic)
6. Term Commencement:	TBC
7. Base Rent at commencement:	\$1.00 per month ex gst
8. Outgoing charges:	\$580.17 per month (\$148.13/sqm p a.)
9. Electricity:	As per usage
10. Rent Review:	CPI
11. Legal Costs:	Each party shall bear its own legal costs in preparing, negotiating and finalising the lease documentation. The renewal to be documented by way of extension and variation deed.
12. Confidentiality:	The terms of this document and all correspondence and dealings shall be kept confidential between the parties and or authorised representatives.
13. Other:	A written notice of two (2) months is required to terminate the lease agreement.

Perdaman - Level 17, 58 Mounts Bay Road, Perth WA 6000
Tel: (08) 9429 5111 Email: info@perdaman.com.au Web: www.perdaman.com.au



Acceptance of Heads of Agreement
Subject to Contract

By signing below, I/we hereby accept the terms and conditions provided in herein,

For and on behalf of The Lessor: Perdaman Commercial Realty Pty Ltd	For and on behalf of The Lessee:
Name:	Name:
Position: General Manager Property	Position:
Signed:	Signed:
Dated:	Dated:

7 MATTERS BEHIND CLOSED DOORS

RECOMMENDATION / COUNCIL DECISION

Minute No: C.5136

Moved: Cr A J Mencshelyi

Seconded: Cr H J Appleton

That Council:

1. **CONSIDERS** new business of an urgent nature, referenced as agenda item 9.1 – Public Display of Art and Images for the reasons listed in the report.

CARRIED 7/0

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes and Cr M P Ryan

Against: Nil

RECOMMENDATION / COUNCIL DECISION

Minute No: C.5137

Moved: Cr A J Mencshelyi

Seconded: Cr H J Appleton

That Council, in accordance with section 11.1(i) of the Shire of Northam Standing Orders Local Law 2018 and Section 5.23 (2) (B) of the Local Government Act 1995, **MEETS** behind closed doors to consider agenda item 9.1 – Public Display of Art and Images, as it relates to the personal affairs of any person.

CARRIED 7/0

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes and Cr M P Ryan

Against: Nil

9.1 PUBLIC DISPLAY OF ART AND IMAGES

RECOMMENDATION / COUNCIL DECISION

Minute No: C.5138

Moved: Cr A J Mencshelyi

Seconded: Cr M P Ryan

That Council:

1. NOTES the information provided in this report;
2. REQUESTS the Chief Executive Officer to consult with the Nyoongar Cultural Advisory Group in relation to the matter referenced in this report; and
3. REQUESTS the Chief Executive Officer to monitor the matter and provide a further report to Council for a determination on the future display of art and images as referenced in this report.

CARRIED 7/0

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes and Cr M P Ryan

Against: Nil

RECOMMENDATION / COUNCIL DECISION

Minute No: C.5139

Moved: Cr A J Mencshelyi

Seconded: Cr M P Ryan

That Council move out from behind closed doors.

CARRIED 7/0

For: President C R Antonio, Cr A J Mencshelyi, Cr H J Appleton, Cr L C Biglin, Cr M I Girak, Cr D A Hughes and Cr M P Ryan

Against: Nil

8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

9 URGENT BUSINESS APPROVED BY DECISION

9.1 Public Display of Art and Images

The Shire President, C R Antonio, brought item 9.1 - Public Display of Art and Images forward to be dealt with behind closed doors.

10 DECLARATION OF CLOSURE

There being no further business, the Shire President, C R Antonio, declared the meeting closed at 6:30 pm.

"I certify that the Minutes of the Ordinary Meeting of Council held on 25 September 2024 have been confirmed as a true and correct record."



President

16/10/2024

Date