



**SHIRE OF WANDERING
MINUTES OF THE ORDINARY COUNCIL MEETING**

**WANDERING SHIRE COUNCIL CHAMBERS,
22 WATTS STREET, WANDERING**

15th MARCH 2018

3.30PM

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UNCONFIRMED MINUTES FOR COUNCIL MEETING 15 MARCH 2018

Dear Councillor

Notice is hereby given that an Ordinary Meeting of Council of the Shire of Wandering will be held on 15 February 2018 at Shire of Wandering Council Chambers, 22 Watts Street, Wandering. Commencing at 3.30 pm

The business to be transacted is shown in the Agenda.

Amanda O'Halloran
CHIEF EXECUTIVE OFFICER

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wandering warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during a Council meeting.

Ordinary Council Meeting Agenda

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Declared the meeting open at 3.44pm
Visitors - Nil

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:

Cr B Whitely	President
Cr C Ferguson	Deputy President
Cr M Watts	
Cr G Parsons	
CR J Price	
Cr I Turton	

Staff:

Ms A O'Halloran	Chief Executive Officer
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3. DISCLOSURE OF INTERESTS

Nil

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (*updated 13 March 2000*)

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc., and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e. if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.

3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it MUST be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences.
The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL – 15 FEBRUARY 2018

ATTACHMENT 6.1.1

COUNCIL DECISION – ITEM 6.1

MOVED: Cr Turton

SECONDED: Cr Price

That the minutes of the Ordinary Meeting of Council held on 15 February 2018, be confirmed as a true and accurate record.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION
Nil

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
Nil

9. REPORTS OF COMMITTEES

WALGA Meeting Training 20 February 2018

Cr Ian Turton and Cr Max Watts attended Training in Beverly

- Training was worthwhile.
- Broad representation from the region.

Country Central Zone 23 February 2018

Wandering hosted Meeting, Positive feedback on Wandering and the Shires Contribution to the Community. Catering feedback was positive. Cr Whitely, Ferguson and Turton attended the Meeting with Amanda O'Halloran CEO.

- Unfortunately no politicians attended Meeting, when there are a number of pressing issues to lobby for – WANDRRA ISSUES, Road Funding, Budget Cuts, CRC etc...
- CCZ finalised submission to LG Act Review
- Presentation by the New LG Department

Always a good opportunity to network and share and discuss pressing Shire Issues...

Regional Road Group 28 February 2018

Cr Ferguson and Cr Whitely attended meeting in Wickepin

- High appeal rate on clearing permits, taking much longer to come through this is effecting our ability for Shires to complete projects within the specified time periods.
- MRWA indicated that there may be some surplus funds, distribution id required will occur through the Technical Group.
- Presentation on the new changes to NDRRA – operational from July 2018
- Members of the Hotham Dale Sub Group very supportive of the Wandering plight.
- WANDRRA issues were discussed

LEMC 13 March 2018

Cr Whitely and Amanda O'Halloran CEO attended desktop exercise in Pingelly. Very worthwhile exercise which incorporated all agencies, Shires and Emergency response Groups.

Secondary Freight Route Workshop 12 March 2018

Amanda O'Halloran CEO attended meeting in Narrogin to confirm Routes to be included and review available data and qualifications. Shire of Wandering roads that qualify:

- York Williams
- Nth Bannister Wandering, Pingelly & Narrogin Road
- Bannister Road
- Nth Wandering Road to Kubbine T/o
- Kubbine Road

Amanda discussed grant process and Councils contribution and way forward.

10. REPORTS OF OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

10.1.1 USE OF COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY FOR THE MONTH OF FEBRUARY 2018

FILE REFERENCE: 1.1.29.1
PROPOSERS: Nil
DISCLOSURE OF INTEREST: Nil
DATE: 4 March 2018
PREVIOUSLY BEFORE COUNCIL: N/A
AUTHORS NAME & POSITION: Amanda O'Halloran CEO

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive 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, local 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 obligation to abide by the principles of natural justice e.g. local planning applications, building permits, 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 (SAT).

PURPOSE OF THE REPORT

The purpose of this agenda item is to report to Council for information, Use of the Common Seal and actions performed under delegated authority requiring referral to Council, for the month of February 2018.

BACKGROUND

Council has authorised the updated delegations register at the November 2017 Ordinary Meeting of Council. The procedure associated with the register is to report to Council the activities or actions that have been performed under the Delegated Authority. A report will be completed for Council at each meeting that identifies (1) use of the Common Seal, and (2) actions performed under the Delegated Authority requiring referral to Council as per the Shire of Wandering Delegated Authority Register 2017.

COMMENT/ DETAILS

Actions performed under delegation during February 2018 are provided below:

- **Food Stall Holders Licence:**
- **Planning Approval:**
- **Building Licences Issued:**
Nil
- **Health:**
Food Premises Approval
 - Thoughfare Food Van
 - Shell Roadhouse
- **Payments:** Payments made from the Municipal Account as per financial report attached at 10.4.1 of this Agenda.
- **CEO:** Delegation of CEO duties under section - DA02-1
APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (FOR PERIODS OF 10 DAYS OR LESS)
Mrs Monica Treasure delegated A/CEO for the dates all inclusive 28 February 2018 4.00pm until the 10 March 2018.

CONSULTATION

Planning and Building Specialists City of Kalamunda
Environmental Health Officer

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995 Section 9.49A

POLICY IMPLICATIONS

Affixing the Shire of Wandering Common Seal Policy
Shire of Wandering Delegations Register 2016
Purchasing and Tendering Policy

FINANCIAL IMPLICATIONS

Nil – all payments have been approved in the 2017/18 Annual Budget.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure the Council's decision making process is effective and transparent.

Strategy 5.2.2: Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council **ACCEPT** the report “Use of Common Seal and Actions Performed under Delegated Authority” for the months of February 2018.

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Ferguson

SECONDED: Cr Watts

That Council **ACCEPT** the report “Use of Common Seal and Actions Performed under Delegated Authority” for the months of February 2018.

CARRIED 6/0

10.2 BUILDING AND PLANNING REPORTS

10.2.1 PROPOSED CHANGE OF USE (PRIVATE RECREATION – PERSONAL TRAINING SESSIONS) AT LOT 84 (640) MORAMOCKINING ROAD, WANDERING

FILE REFERENCE: A443/DA17011

PROPOSERS: Bradley & John Orford

DISCLOSURE OF INTEREST: Nil

DATE: 22 February 2018

PREVIOUSLY BEFORE COUNCIL: N/A

AUTHORS NAME & POSITION: Luke Harris – Planning Officer (City of Kalamunda)

ATTACHMENTS:

1. Aerial Photograph	10.2.1.1
2. Plans	10.2.1.2
3. Applicant Report	10.2.1.3
4. Submitter’s Table	10.2.1.4

NATURE OF COUNCIL’S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive 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, local 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 obligation to abide by the principles of natural justice e.g. local planning applications, building permits, 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 (SAT).

PURPOSE OF THE REPORT

This report recommends that a planning application submitted by Bradley and John Orford for a change of use (private recreation – personal training sessions) at Lot 84 (640) Moramocking Road, Wandering be granted temporary approval for a period of two years, subject to appropriate conditions.

BACKGROUND

The applicant is seeking Council's planning approval for a change of use (private recreation – personal training sessions) at Lot 84 (640) Moramocking Road, Wandering. Under the provisions of the Shire of Wandering's Town Planning Scheme No. 3, a private recreation use can be considered on Rural-Residential zoned land.

The subject site is located to the south-west of the Wandering Town Site, with access made via Moramocking Road. The lot abuts O'Connell Road to the north and Moramocking Road to the east, with additional properties located on the south and east of the property. Aerial photography suggests that all surrounding properties have been developed to some extent with single houses, water tanks and outbuildings.

Under the terms of the information and plans submitted in support of the application the following is proposed:

1. Hours of operation are to be between the hours of 6am and 8pm on weekdays, and 7am and 5pm on weekends;
2. Personal Training to be undertaken within an existing outbuilding (shed) on the property;
3. Group Training to be undertaken once a month outside of the outbuilding;
4. Access to be made to the property via the main entrance road and then an internal slip road to parking bays; and
5. Car parking to be located to the south of the property and structures.

COMMENT/ DETAILS

Zoning and Proposed Land Use Permissibility

The subject site is zoned as 'Rural Residential' under the Shire of Wandering's current operative Town Planning Scheme No.3 (TPS No.3).

The objectives outlined for rural residential zoned land within the Shire are as follows:

- a) *"To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, and rural-based commercial uses that are consistent with a rural residential zone.*
- b) *To generally select areas that are within approximately 8 kilometres of the town of Wandering to facilitate the provision of services to residents.*
- c) *To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.*
- d) *Having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from the town of Wandering, the local government will*

generally favour Rural-Residential zones be located close to the town of Wandering and then only where the environmental impacts are manageable”.

Under TPS No. 3 a private recreation has the following definition:

“means premises used for indoor and outdoor leisure, recreation and sport which are not normally open to the public without charge.”

Under the provisions of TPS No. 3 ‘private recreation’ is a use that is not listed under Table 1 (Zoning Table) for the subject zoning, which means that Council can consider the proposal after first advertising the proposal in accordance with TPS No. 3.

Compliance with Development Standards

After completing an assessment of the proposal against the development standards prescribed in TPS No.3, it is considered that the proposal satisfies the relevant requirements. Specifically, it is considered that the proposal meets objective ‘b’ of the above zoning objectives.

As the proposal does not fall under the definition of a ‘Home Business’ or ‘Home Occupation’ under TPS No. 3 it is considered that the Shire’s Policy CP022 – Home Office, Home Business and Home Occupation does not apply in this case.

A private recreation use is a use not listed under the Shire of Wandering’s TPS No. 3 for the Rural Residential zone, which means that such a use can be considered providing that proper advertising is undertaken. While it is considered that the proposal does meet one of the objectives of the zone as outlined above care must be given to ensure that such a proposal would not adversely impact upon the amenity of the surrounding properties. The objection received by an adjoining property owner suggests that an amenity impact may occur.

In regard to the concerns raised by the objecting property owner, the following is considered:

1. The hours of operation will result in vehicle entry and exit outside of normal business hours creating noise impacts – It is considered that by altering the access roads to be further from property boundaries and installing signage instructing cars to reduce their speed on the property to reduce noise impacts.
2. Group training sessions will result in excessive noise and have a detrimental impact on the visual amenity of the area – The proposal will be required to adhere at all times to the *Environmental Noise Regulations 1997*, with any failure to do so resulting in investigation and potential fines.
3. The group training sessions will result in a high number of vehicle movements – The applicant has stated that the group sessions will only take place once per month, with a maximum number of 20 persons. It is considered that as this would take place once per month and not on a regular basis, which would in turn reduce the prolonged impact of the activity.
4. Training within the existing shed may result in additional noise impacts – It is considered that the structure could be appropriately fitted to reduce noise impacts on the surrounding area.
5. The proposed car parking location should be toward the north side of the property – The applicant has provided revised plans that split the car parking on site.
6. The proposal is outside of the definitions of the Shire of Wanderings Policy CP022 – Home Office, Home Business and Home Occupation – This is correct, however the application is considered to be for a Private Recreation use, and therefore the policy does not apply.

It is considered that the proposal may create amenity impacts within the area, and while the applicant has resolved to reduce such impacts it is considered that a temporary approval may be best suited to be provided, with a new application to be lodged and advertised at the cessation of the approval to determine if the amenity of the area has been impacted

upon. It is recommended that the proposal for a change of use (private recreation – personal training) at Lot 84 (640) Moramocking Road, Wandering, be granted a temporary approval, subject to appropriate conditions.

CONSULTATION

While there are no set standards that such an application is required to meet the proposal was required to be advertised to adjoining properties for comment for a total of 28 days. During this period a total of one (1) response was received, an objection with comments. Key concerns raised by the objection are as follows:

- The hours of operation will result in vehicle entry and exit outside of normal business hours creating noise impacts.
- Group training sessions will result in excessive noise and have a detrimental impact on the visual amenity of the area.
- The group training sessions will result in a high number of vehicle movements.
- Training within the existing shed may result in additional noise impacts.
- The proposed car parking location should be toward the north side of the property.
- The proposal is outside of the definitions of the Shire of Wanderings Policy CP022 – Home Office, Home Business and Home Occupation.

The applicant was asked to respond to the above points, and has provided the following justifications:

1. The hours of operation will result in vehicle entry and exit outside of normal business hours creating noise impacts – Please note that Wandering, in particular Black Boy Springs, is located in the middle of a farming community. Moramocking Road is the main thoroughfare serving the farming community and regularly operates outside normal business hours.

We have vehicle movement from locals before dawn and after dusk as many locals work at the mines; having both early morning and night shifts. From my perspective, vehicles arriving here will be standard vehicles which would not generate an undue noise impact. Certainly a lot less noise and vibration than the trucks that drive through here daily.

2. Group training sessions will result in excessive noise and have a detrimental impact on the visual amenity of the area – Group Training will consist of people performing exercises that will not generate noise heard by neighbours. The outdoor training course has been erected regardless of the business proposal as this is something I will be utilising for my own personal use and exercise; much the same visual effect as a child's playground. I may add that the area allocated for Group Training is not obtrusive. A neighbour would need binoculars to actually ascertain what was going on.
3. The group training sessions will result in a high number of vehicle movements – Please be reminded that Group sessions are held just once per month the number of people attending Group Training would be no different to having a group of friends over for a get together once a month. Please also be aware that Group sessions for 20 persons doesn't mean 20 vehicles. In reality it would be 10 vehicles or less i.e. as from experience of owning fitness centres in the past, people usually drive in couples or small groups.
4. Training within the existing shed may result in additional noise impacts – Noise from the shed would be the equivalent to a neighbour performing some private work, say carpentry. Music certainly cannot be heard by neighbours that are located at such a distance. For example: the sound levels are the same as someone listening to music in their household.
5. The proposed car parking location should be toward the north side of the property – The applicant has provided revised plans that split the car parking on site.

STATUTORY/ LEGAL ENVIRONMENT

- *Planning & Development Act 2005*
- *Shire of Wandering Town Planning Scheme No.3*
- *Planning and Development (Local Planning Schemes) Regulations 2015*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Goal 2 A Robust and Rural Economy

Outcome 2.2 Sustain and Grow our Business and Industry Sector

Goal 3 Development that is in keeping with the Rural Landscape

Outcome 3.1: Vibrant Rural Planning and Development

Goal 5 – A strong and effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure the Council's decision making process is effective and transparent.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council **APPROVE** the planning application submitted by the applicants Bradley and John Orford for a change of use (Private Recreation – Personal Training) at Lot 84 (640) Moramockining Road, Wandering, subject to the following conditions and advice notes.

Conditions

1. This approval is valid for a period of two (2) years from date of issue. Following the conclusion of the approval the applicant is to lodge a new application seeking permanent approval of the operation.
2. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
3. All stormwater generated by the proposed development shall be managed and disposed of onsite to the specifications and satisfaction of the Shire of Wandering.
4. Hours of operation are to be between the hours of 6am and 8pm on weekdays, and 7am and 5pm on weekends.
5. Clients are to attend the site by appointment only. A register of appointments is to be kept by the owner and made available to the Shire of Wandering upon request.
6. Group training sessions are to be made up of no more than 20 persons and are to only be held once per calendar month.
7. All personal training (with the exception of the group sessions) is to be held within the existing outbuilding.
8. Signage is to be installed on site directing clients that a speed limit of no greater than 20km/ph is enforced on the site.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Wandering having first been sought and obtained.
2. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.

3. No construction works shall commence on the land without the Shire's written approval.
4. The applicant is advised that the proposal is to comply with the Building Code of Australia Change of Use Classification requirements.
5. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Wandering Town Planning Scheme No.3 and may result in legal action being initiated by the local government.

COUNCIL DECISION – ITEM 10.2.1

MOVED: Cr Ferguson

SECONDED: Cr Watts

That Council **APPROVE** the planning application submitted by the applicants Bradley and John Orford for a change of use (Private Recreation – Personal Training) at Lot 84 (640) Moramocking Road, Wandering, subject to the following conditions and advice notes.

Conditions

9. This approval is valid for a period of two (2) years from date of issue. Following the conclusion of the approval the applicant is to lodge a new application seeking permanent approval of the operation.
10. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
11. All stormwater generated by the proposed development shall be managed and disposed of onsite to the specifications and satisfaction of the Shire of Wandering.
12. Hours of operation are to be between the hours of 6am and 8pm on weekdays, and 7am and 5pm on weekends.
13. Clients are to attend the site by appointment only. A register of appointments is to be kept by the owner and made available to the Shire of Wandering upon request.
14. Group training sessions are to be made up of no more than 20 persons and are to only be held once per calendar month.
15. All personal training (with the exception of the group sessions) is to be held within the existing outbuilding.
16. Signage is to be installed on site directing clients that a speed limit of no greater than 20km/ph is enforced on the site.

Advice Notes

6. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Wandering having first been sought and obtained.
7. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
8. No construction works shall commence on the land without the Shire's written approval.
9. The applicant is advised that the proposal is to comply with the Building Code of Australia Change of Use Classification requirements.
10. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Wandering Town Planning Scheme No.3 and may result in legal action being initiated by the local government.

CARRIED 4/2

10.2.2 PLANNING APPLICATION – PROPOSED OUTBUILDING (SHED) – LOT 99 ECHIDNA CLOSE, WANDERING

FILE REFERENCE: A458/DA17012

PROPONENTS: Glenn and Caron Allen

DISCLOSURE OF INTEREST: Nil

DATE: 23 February 2018

PREVIOUSLY BEFORE COUNCIL: N/A

AUTHORS NAME & POSITION: Luke Harris – Planning Officer (City of Kalamunda)

ATTACHMENTS:
1. Aerial Photograph 10.2.2.1
2. Site Plan and Elevation Plan 10.2.2.2

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive 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, local 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 obligation to abide by the principles of natural justice e.g. local planning applications, building permits, 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 (SAT).

PURPOSE OF THE REPORT

This report recommends that Council approves the application for a proposed outbuilding (shed) at Lot 99 Echidna Close, subject to appropriate conditions.

BACKGROUND

The applicant is seeking Council's planning approval to construct an outbuilding (shed) at Lot 99 Echidna Close, Wandering. The site currently does not appear to have any structures located on site.

Under the provisions of the Shire of Wandering's Outbuilding Policy, an outbuilding (shed) is permitted on Rural-Residential zoned land.

The subject site is located to the south-west of the Wandering Town Site, with access made via O'Connell Road and Moramocking Road. The lot is at the very end of a cul-de-sac and is surrounded by other Rural and Rural-Residential properties. Aerial photography suggests that the adjoining properties have not been developed at this time.

Under the terms of the information and plans submitted in support of the application the following is proposed:

6. The proposed wall height of the outbuilding is 3m;
7. Maximum proposed height to the roof pitch is 3.68m;
8. The total floor area is proposed to be 90sqm;
9. Outbuilding to be set back in accordance with the Shire of Wandering's Town Planning Scheme No.3;
10. Outbuilding to be of Colorbond construction; and
11. The outbuilding will be used to store tools and machinery for the upkeep of the property.

COMMENT/ DETAILS

Town Planning Scheme No. 3

The subject site is zoned as 'Rural Residential' under the Shire of Wandering's current operative Town Planning Scheme No.3 (TPS No.3).

The objectives outlined for rural residential zoned land within the Shire are as follows:

- e) *"To select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, and rural-based commercial uses that are consistent with a rural residential zone.*
- f) *To generally select areas that are within approximately 8 kilometres of the town of Wandering to facilitate the provision of services to residents.*
- g) *To make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.*
- h) *Having regard for the size of the district, the fragile nature of the environment in many places, and the difficulties faced by the local government in providing services away from the town of Wandering, the local government will generally favour Rural-Residential zones be located close to the town of Wandering and then only where the environmental impacts are manageable".*

Under the Shire's Outbuilding Policy an outbuilding has the following definition:

"An enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and is detached from any dwelling."

Under the terms of the Outbuilding Policy an outbuilding is permitted to be constructed on such a site, subject to appropriate conditions.

Compliance with Development Standards

After completing an assessment of the proposal against the development standards prescribed in TPS No.3, it is considered that the proposal satisfies the relevant requirements. The proposed outbuilding is compliant with all provisions of the Shire's Outbuilding policy and the setback requirements of TPS No.3.

It is noted that the subject site does not have any existing residences constructed upon it at this time. Generally, an outbuilding is not considered on site unless a dwelling has been constructed, this is done to ensure that a lot does not have an outbuilding alone upon a property in perpetuity. However, the applicant has indicated that the outbuilding is to be used to store machinery and tools used in the upkeep of the property in question, and that a residence will be built upon the site in the next few years. It is considered that the outbuilding will assist in reducing the potential visual impact of equipment storage on site and the large setback distance from the existing roads and adjoining properties will reduce any amenity impact upon surrounding properties and street.

In addition to this the Shire's outbuilding policy states that within the Shire of Wandering only properties that are zoned as 'Residential' are beholden to this condition. As the property is zoned 'Rural-Residential' it is considered that this condition does not apply to the property.

CONSULTATION

As the proposal complies with all aspects of the Shire of Wandering's TPS No. 3 and Outbuilding Policy it is considered that public notification is not required in this instance.

STATUTORY/ LEGAL ENVIRONMENT

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Scheme) Regulations 2015*
- *Shire of Wandering Town Planning Scheme No.3*

POLICY IMPLICATIONS

- *Town Planning Policy – Outbuildings; Residential and Rural Residential Zones*

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 3 Development that is in keeping with the Rural Landscape

Outcome 3.1: Vibrant Rural Planning and Development

Goal 5 – A strong and effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance.

Strategy 5.2.1: Ensure the Council's decision making process is effective and transparent.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council **APPROVE** the planning application submitted by the applicants Glen and Caron Allen to construct an outbuilding (shed) at Lot 99 Echidna Close, Wandering, subject to the following conditions and advice notes.

Conditions

1. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.

2. All stormwater generated by the proposed development shall be managed and disposed of onsite to the specifications and satisfaction of the Shire of Wandering.
3. The external cladding of the outbuilding is to be constructed only of Colorbond, in accordance with the Shire of Wanderings *Town Planning Policy – Outbuildings; Residential and Rural Residential Zones*.
4. The outbuilding is not to be used for any commercial, industrial, or habitable purposes.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Wandering having first been sought and obtained.
2. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
3. No construction works shall commence on the land without the Shire's written approval.
4. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Wandering Town Planning Scheme No.3 and may result in legal action being initiated by the local government.

COUNCIL DECISION – ITEM 10.2.2

MOVED: Cr Turton

SECONDED: Cr Ferguson

That Council **APPROVE** the planning application submitted by the applicants Glen and Caron Allen to construct an outbuilding (shed) at Lot 99 Echidna Close, Wandering, subject to the following conditions and advice notes.

Conditions

5. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
6. All stormwater generated by the proposed development shall be managed and disposed of onsite to the specifications and satisfaction of the Shire of Wandering.
7. The external cladding of the outbuilding is to be constructed only of Colorbond, in accordance with the Shire of Wanderings *Town Planning Policy – Outbuildings; Residential and Rural Residential Zones*.
8. The outbuilding is not to be used for any commercial, industrial, or habitable purposes.

Advice Notes

5. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Wandering having first been sought and obtained.
6. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*.
7. No construction works shall commence on the land without the Shire's written approval.
8. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Wandering Town Planning Scheme No.3 and may result in legal action being initiated by the local government.

10.3 COMMUNITY SERVICES REPORTS

Nil

10.4 CORPORATE SERVICES**10.4.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 28 FEBRUARY 2018**

FILE REFERENCE: 10.1.16

PROPOSERS: Nil

DISCLOSURE OF INTEREST: Nil

DATE: 2018

PREVIOUSLY BEFORE COUNCIL: N/A

AUTHORS NAME & POSITION: Cara Ryan Finance Manager

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive 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, local 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 obligation to abide by the principles of natural justice e.g. local planning applications, building permits, 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 (SAT).

PURPOSE OF THE REPORT

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for consideration by Council.

Monthly Financial Report, Payment Listing and Bank Reconciliation for the month of February 2018 is presented for Council's consideration.

BACKGROUND

In accordance with Local Government (Financial Management) Regulation 1996 34(1), local governments are required to prepare each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of Council within two (2) months after the end of the month to which the statement relates.

COMMENT/ DETAILS

Council is requested to accept the Monthly Financial Report, Bank Reconciliation and List of payment for the period ended 28 February 2018, as presented.

Monthly Financial Report 28 February 2018	ATTACHMENT 10.4.1.1
Bank Reconciliations & Bank Statements (Muni A/C) 28 February 2018	ATTACHMENT 10.4.1.2
Bank Reconciliations & Bank Statements (Investment A/C) 28 February 2018	ATTACHMENT 10.4.1.3
Bank Reconciliations & Bank Statements (Trust A/C) 28 February 2018	ATTACHMENT 10.4.1.4
Credit Card Statement 28 February 2018	ATTACHMENT 10.4.1.5
List of Payments 28 February 2018	ATTACHMENT 10.4.1.6

CONSULTATION

Finance Officer
Chief Executive Officer

STATUTORY/ LEGAL ENVIRONMENT

Section 6.4 Local Government Act 1995, Part 6 – Financial Management, and regulation 34 Local Government (Financial Management) Regulation 1996.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Financial implications and performance to budget are reported to Council on a monthly basis.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Outcome 5.2: Accountable decision making and resource allocation through effective governance

Strategy 5.2.1: Ensure Council's decision making process is effective and transparent

Strategy 5.2.3: Ensure appropriate funds are available to implement current and future action plans

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$400,481.09 for the period ending for the periods ending 28 February 2018.
2. Receive the bank reconciliations & bank statements for the periods ended, 28 February 2018.
3. Receive the financial statements for the periods ended 28 February 2018.

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Ferguson

SECONDED: Cr Turton

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$400,481.09 for the period ending for the periods ending 28 February 2018.
2. Receive the bank reconciliations & bank statements for the periods ended, 28 February 2018.
3. Receive the financial statements for the periods ended 28 February 2018

CARRIED 6/0

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

12.1.1 COUNCIL DECISION

MOVED: Cr Watts

SECONDED: Cr Turton

That council allow item 12.1.2 Reid Road Culvert Funding to be introduced to the meeting as new business of an urgent nature.

CARRIED 6 /0

12.1.2 Reid Road Culvert Funding

Council is requested to consider making a financial contribution towards the WANDRRA Flood Damage program in regards to the repairs to the Reid Road Culvert.

The WANDRRA program will only fund reinstatement of what was in place prior to the flood event, due to the antiquated design this has been calculated as a 3 x 1500mm pipe design, however engineering studies, design and hydrology calculations indicate that a 5 x 1500mm pipe design would meet the flood requirements more satisfactorily. Council has consulted MRWA Engineering Advisors, Rod Munns Consultant Engineer and Australian Road Standards to ensure that a satisfactory solution is achieved.

Council is likely to incur a budget deficit should this decision be supported, however the Shire Administration believe that this is a very cost effective solution at a time of opportunity for Council to implement the best possible solution given the circumstances.

VOTING REQUIREMENT
ABSOLUTE MAJORITY

CEO RECOMMENDATION

That council approve the out of budget expenditure up to \$35,000.00 as Councils contribution to the WANDRRA AGRN 767 flood repairs to enable a 5 pipe culvert to be implemented.

12.1.2 COUNCIL DECISION

MOVED: Cr Watts

SECONDED: Cr Ferguson

Recommendation

That council approve the out of budget expenditure up to \$35,000.00 as Councils contribution to the WANDRRA AGRN 767 flood repairs to enable a 5 pipe culvert to be implemented.

CARRIED 5/1

13. CONFIDENTIAL ITEMS

Nil

14. TIME AND DATE OF NEXT MEETING

Next Ordinary Council meeting to be held on 19 April 2018 at 3:30pm.

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.10 pm

**These Minutes were confirmed at the Ordinary Council Meeting
on Thursday 19 April 2018.**

Signed:

Presiding Person at the meeting at which the minutes were confirmed

Date: