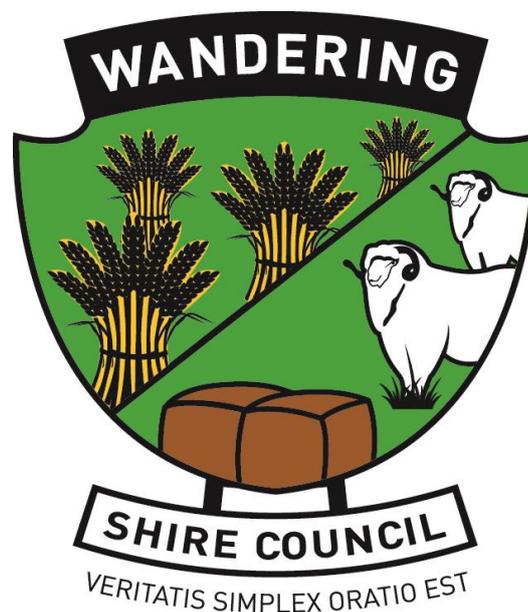


SHIRE OF WANDERING MINUTES



**13 December
2018**

**Confirmed Minutes of the Ordinary
Council Meeting**

Confirmed Minutes for the Ordinary Council Meeting held on Thursday
13 December, 2018 in the Council Chambers.

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Notice of Meeting

The next Ordinary Council Meeting for the Shire of Wandering will be held on Thursday 13 December, 2018 in the Council Chambers, 22 Watts Street, Wandering commencing at 3.30pm.

A handwritten signature in black ink, appearing to read 'Amanda O'Halloran', is written over a light blue circular stamp.

Amanda O'Halloran
Chief Executive Officer
Date: 6 December 2018

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.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Meeting opened at 3.31pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

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

Staff:

A O'Halloran	Chief Executive Officer
C Ryan	Finance Manager
M Treasure	Manager of Communities (minutes)
J Douglas	Administration Trainee

3. DISCLOSURE OF INTERESTS

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 s.5.69 (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 DISCLOSURE

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

Cr Parsons requested a leave of absence for the February 2019 Ordinary Council Meeting

MOVED: CR WATTS

SECONDED: CR TURTON
CARRIED 6/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 PREVIOUS COUNCIL MEETINGS AND BUSINESS ARISING FROM MINUTES

6.1.1 ORDINARY COUNCIL MEETING

Minutes of the Shire of Wandering Ordinary Council Meeting held on Thursday 15 November 2018.

ATTACHMENT 6.1.1

COUNCIL DECISION – ITEM 6.1

MOVED: CR PRICE

SECONDED: CR TURTON

Minutes of the Shire of Wandering Ordinary Council Meeting held on Thursday 15 November 2018 (Attachment 6.1.1) to be confirmed as a true and correct record.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Jezamyn Douglas presented her journey on The Leeuwin Training Ship.

Jezamyn Douglas left the Chambers 3.38pm

9. REPORTS OF COMMITTEES

Central Country Zone

Attendance: Cr Turton, Cr Whitely, CEO

- Office of Auditor General (OAG) presentation
 - Up to 30 Councils audited by OAG this year
 - Key learnings from the financial audit experience – will be published Mar/ April
 - Smaller Councils aren't audit ready
 - Timing of Audit Reports hasn't met Councils expectations to date
 - Procurement Practices and Regulation 5 of particular Interest to the OAG
 - Brookton has been undergoing an extensive Audit by the OAG. This is a full systems performance review. Brookton has invited the opportunity and has been keen to get their systems sorted and on track, it has been a challenging and complex undertaking. The OAG will continue to monitor Brookton for 7 years.

Cr Ferguson left the Chambers at 3.46pm

- The OAG advised that if ratios trend downwards or don't meet the bench mark two years in a row, then an adverse finding will be reported.

Cr Ferguson returned to the Chambers at 3.53pm

- WALGA disseminating self-audit tools
- Puppy farming costs to Local Governments, is a concern with the proposed new legislation
- Wiluna report – ensure Councils review and take on board the learnings
- Roads – letter of conditions issued for RAV rating roads – much debate as to whether this is a worthwhile exercise or not.
- Ambulance review for Rural regions – there are some concerns about Country Services and what this means for volunteering into the future
- Albany Highway – Road Issues – Main Roads has indicated that there are a number of challenges preventing remedial works being undertaken
 - Reduce to 90km
 - Repairs depending upon funding
 - Clearing permits – some waiting for 4 years

HWEDA

Attendance: CEO

- Contractor resigned that was delivering the Self Drive Trails project, The Board and key working group confident Project can stay on track and meet milestones
- WALGA presented an Economic Development project

- Newmont presented they are undertaking automated trucking program, which may have an effect on human resources, likely to be 18months before project would be implemented if the go ahead occurred.
- Executive Officers contract renewed for 12 months

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 NOVEMBER 2018

File Reference	1.1.29.1
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	5 December, 2018
Previously Before Council:	N/A
Authors Name & Position:	Monica Treasure, Manager of Communities

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 November 2018.

BACKGROUND

Council has authorised the updated delegations register at the September 2018 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 2018.

COMMENT/ DETAILS

Actions performed under delegation during November 2018 are provided below:

- **Food Stall Holders Licence:**

Wandering Tavern: Medium Risk Food Registration
Signed: Amanda O'Halloran, CEO

Wandering CWA: Temporary Food Permit
Wandering Christmas Tree, 14 December 2018
Signed: Amanda O'Halloran, CEO

- **Planning Approval:**
DA17026 J & T Wigham
 Lot 89 Redgum Court, Wandering
 Dwelling

Signed: Amanda O'Halloran, CEO

- **Building Licences Issued:**
BL 193 D, D & S Cornish
 531 North Wandering Road, Wandering
 Dwelling

Signed: Amanda O'Halloran, CEO

- **Health:**
Approval Number ST18003
D, D & S Cornish
531 North Wandering Road, Wandering
Approval to construct or install an apparatus for the treatment of sewage

Signed: Rob Powell, EHO

Approval Number ST18002
J Wigham
89 Redgum Court, Wandering
Approval to construct or install an apparatus for the treatment of sewage

Signed: Rob Powell, EHO

Approval Number ST18001
L & L Coonz
70 Wandoo Crescent, Wandering
Approval to construct or install an apparatus for the treatment of sewage

Signed: Rob Powell, EHO

- **Payments:**
Payments made from the Municipal Account as per financial report at 10.4.1 of this Agenda.

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 2018
Purchasing and Tendering Policy

FINANCIAL IMPLICATIONS

Nil – all payments have been approved in the 2018/19 Annual Budget

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		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 month of November 2018.

COUNCIL DECISION – ITEM 10.1.1

MOVED: CR TURTON

SECONDED: CR PRICE

That Council **ACCEPT** the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of November 2018.

CARRIED 6/0

10.1.2 ANNUAL ELECTORS MEETING 2018

File Reference	1.4.7
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	3 December, 2018
Authors Name & Position:	Amanda O'Halloran, CEO
Previously Before Council:	N/A
Attachment:	10.1.2.1 Minutes of the Annual Electors Meeting 2018

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 item is to review and endorse the Minutes of Annual Electors Meeting held on the 14 November 2018 as a true and correct record.

BACKGROUND

Council accepted the draft Annual Report for 2017/2018, including the Financial and Auditors Reports, at the Ordinary Meeting of Council held on the 18 October 2017. Council recommended holding the Annual Electors Meeting on the 14 November 2018, giving 27 days' notice of the meeting.

This item is to review and endorse the Minutes of Annual Electors Meeting held on the 14 November 2018 as a true and correct record.

COMMENT/ DETAILS

The Annual Electors Meeting was held on the 14 November 2018. 15 members of the public attended. The Minutes are attached for Council's review and endorsement.

General business was focused on Flood Damage Claims and Payment, the Shires level of debt, facility issues, free camping concerns and road conditions.

ATTACHMENT 10.1.2.1

CONSULTATION

Communities Manager
Finance Officer
Shire President

STATUTORY/ LEGAL ENVIRONMENT

Sections 5.27, 5.53 and 5.54 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.3	Ensure appropriate funds are available to implement current and future action plans

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Accepts the Annual Electors Meeting Minutes as per **ATTACHMENT 10.1.2.1**
2. Authorises the CEO to publish the Minutes and CEO's Presentation as per **ATTACHMENTS 10.1.2.1** in the February edition of the Wandering Echo.

COUNCIL DECISION – ITEM 10.1.2

MOVED: CR FERGUSON

SECONDED: CR WATTS

That Council:

1. Accepts the Annual Electors Meeting Minutes as per **ATTACHMENT 10.1.2.1**
2. Authorises the CEO to publish the Minutes and CEO's Presentation as per **ATTACHMENTS 10.1.2.1** in the February edition of the Wandering Echo.

CARRIED 6/0

10.1.3 APPROVAL TO PROCEED WITH THE APPOINTMENT OF THE WORK MANAGER

File Reference	1.2.2
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	3 December, 2018
Authors Name & Position:	Amanda O'Halloran, CEO
Previously Before Council:	N/A
Attachment:	10.1.3.1 Position Description Works 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

To confirm Councils intention to progress the appointment of a Works Manager to lead the Shire of Wandering Works Operations, and confirm the Councillors who will be involved in the appointment process.

BACKGROUND

Recently the Shires Works Manager resigned after a period of 5 years in the position. This created an opportunity for Council to consider its operational requirements, budget implications and strategic direction in regards to the role and what would suit the Shire of Wandering into the future. Council debated this topic after having been provided with information on the opportunities open to Council during the 15 November 2018 Council Meeting Workshops. It is the CEO's understanding that the councils preferred option is continue to employ a Works Manager as has previously been the case. This item is intended to confirm Councils operational direction in regards to the appointment of a Works Manager for the Shire of Wandering.

COMMENT/ DETAILS

Councillors have recently considered the operational and strategic requirements of the Works Manager role and after careful consideration have agreed not to change the operational structure of the Shires Works Department.

The job description which outlines the role and the remuneration package is attached for Councils information. It is the CEO's intent to advertise the position immediately after the Christmas shutdown and work to have a formal appointment finalised by the end of February 2019. It would be hoped that the successful applicant could take up the role prior to the end of March (dependant on contract notice periods).

Council has indicated that they would like representatives included in the decision making and process of the appointment of the Works Manager. The Shire President and the CEO have discussed this suggestion and it is proposed that the Shire President and Deputy President actively take part in the interviews and decision making process.

The timeline of the process is included below.

Appointment of Works Manager Timeline:

- | | |
|--|----------------------|
| 1. Advertise Australia Wide – for 3 weeks | 11 January 2019 |
| 2. Applications close | 1 February 2019 |
| 3. Shortlist, Interview and Appoint | 4 – 22 February 2019 |
| 4. Appointed applicant in role <i>(may vary due to contract Notice Period)</i> | 19 March 2019 |

ATTACHMENT 10.1.3.1

CONSULTATION

Shire President
Shire Councillors
Finance Manager

STATUTORY/ LEGAL ENVIRONMENT

Local Government Long Service Leave Regulations
Local Government Industry Award 2010

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil – all requirements have been factored into the 2018/19 Annual Budget

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council’s decision making process is effective and transparent.
		5.2.3	Ensure appropriate funds are available to implement current and future action plans

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Directs the CEO to proceed with the appointment of a Works Manager for the Shire of Wandering; and
2. Appoints Councillors _____ and _____ to the recruitment panel.

COUNCIL DECISION – ITEM 10.1.3

MOVED: CR TURTON

SECONDED: CR PARSON

That Council:

1. Directs the CEO to proceed with the appointment of a Works Manager for the Shire of Wandering; and
2. Appoints Councillors _____ and _____ to the recruitment panel.

ALTERNATIVE MOTION

Cr Watts foreshadowed an alternative motion. The motion was put and subsequently voted on as follows:

MOVED: CR WATTS

That Council appoint an Executive Manager of Works for a three years contract.

SECONDED: CR FERGUSON

CARRIED 4/3

MOVED CR TURTON

That the meeting adjourn to seek further advice.

SECONDED CR PARSONS

CARRIED 6/0

The meeting adjourned at 4.41pm

MOVED CR WATTS

That the meeting reconvened.

SECONDED CR FERGUSON

CARRIED 6/0

Meeting reopened at 4.48pm

The Presiding member put the alternative motion as the substantive motion

That Council appoint an Executive Manager of Works for a three year contract.

MOVED: CR WATTS

SECONDED: CR FERGUSON

That Council appoint an Executive Manager of Works for a three year contract.

AMENDMENT

1. That Council investigate an Executive Manager of Works for a three year contact.
2. That the Officer prepares a report outlining further information for an Executive Manager of Works to include a Job description, Selection Criteria, Salary and Package

MOVED: CR PRICE

SECONDED: CR WATTS

CARRIED 6/0

MOTION

MOVED: CR WATTS

1. That Council investigate an Executive Manager of Works for a three year contact.
2. That the Officer prepares a report outlining further information for an Executive Manager of Works to include a Job description, Selection Criteria, Salary and Package

SECONDED: CR FERGUSON

CARRIED 6/0

10.1.4 WANDERING RATES STUDY TIMELINE AND PROCESS CONFIRMATION

File Reference	10.1.21
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	3 December, 2018
Authors Name & Position:	Amanda O'Halloran, CEO
Previously Before Council:	15 November 2018 Item 12.1.2

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

The Shire of Wandering Council has commissioned Moore Stephens to undertake a strategic review of the Shires rating system assessing the current structure for fairness and equity. This review in consultation with the Council has proposed alternative structures and practices and the Council has requested a timeline for completion.

BACKGROUND

The Shire has been working with Moore Stephens to undertake a strategic review of the Shires rating system, reviewing the current structures, practise and yields for fairness and equity. Council has to date been progressing this work at Council Workshops held on Council Meeting days and had till now kept the information and process in house.

At the 15 November 2018 Ordinary Meeting of Council, Council accepted and carried the following new business of an urgent nature introduced by decision of meeting:

Item

That a Rate Review Implementation Plan is to be prepared for the December 2018, Ordinary Council Meeting and is to include:

- 1 Time Frames for each stage of the plan be outlined*
- 2 Aiming for the plan to be implemented for the 2019/2020 rate setting*
- 3 The budget is to align with the consultant's fees as per the September 2018, Ordinary Council Meeting.*

MOVED: CR PRICE

SECONDED: CR PARSONS

CARRIED 4/2

This item is to meet the requested requirements as per above.

COMMENT/ DETAILS

The Shire Administration confirms the following timeline for progression and implementation of key outcomes of the rates study as agreed at the September workshop of Council.

Key work to be undertaken:

No #	Action	Support Required	Timeline
1.	Development of Policy to provide framework and guidance to assist with the classification of properties	Moore Stephens to provide support where required to formulate Policy.	Work has commenced and will be presented to Council at 21 February 2019 Council Meeting
2.	Apply to the Valuer Generals Office to have the following changes to the classification and predominate use reviewed – <ul style="list-style-type: none"> • Industrial Estate – Change from Rural to Industrial/Commercial • Change Special Use to Commercial • Change Rural Residential to GRV • Implement Vacant Category in GRV and Industrial/ Commercial 	Moore Stephens to provide support where required to negotiate and liaise with Shire Staff, Government Stakeholders and agencies	Anticipate a 3 – 4 month process dependent on Department feedback and requirements. Aim to have completed by April 2019
3.	Undertake Community Consultation and Community Engagement in association with above	Shire of Wandering Staff and Moore Stephens support as required.	Ongoing – Commence stakeholder group meetings early Feb 2019 ongoing until process finalised.
4.	Finalise process and advertise for final Community comment prior to 2019/20 rate setting	Shire of Wandering	June 2019
5.	Application to the Minister of Local Government; Heritage; Culture and the Arts for final approval of the proposed structure	Shire of Wandering and Moore Stephens	June 2019

Council has approved a budget of \$10,000.00 to complete the implementation. The Shire Administration will work to minimise these cost where possible.

CONSULTATION

Moore Stephens
Shire President
Shire Councillors
Finance Manager

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995
Division 6 — Rates and service charges
Subdivision 1 — Introduction and basis of rating

Section 6.27 Multiple Rating
Section 6.28 Basis of Rates

- Section 6.30. Valuation of and rates on certain land
Section 6.31 Phasing in of certain valuations

Subdivision 2 — Categories of rates and service charges

- Section 6.32. Rates and service charges
Section 6.33. Differential general rates
Section 6.35. Minimum payment
Section 6.36. Local government to give notice of certain rates
Section 6.37. Specified area rates

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil – all requirements have been factored into the 2018/19 Annual Budget

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.3	Ensure appropriate funds are available to implement current and future action plans

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Accept the timeline supplied for the implementation of the following:
 - i. Industrial Estate – Change from Rural to Industrial/Commercial
 - ii. Change Special Use to Commercial
 - iii. Change Rural Residential to GRV
 - iv. Implement Vacant Category in GRV and Industrial/ Commercial
2. Confirm the agreed budget of up to \$10,000.00
3. Agree to actively engage with the affected ratepayers of the Community to ensure transparency and confidence in the process.
4. Agree to the public release of the Shire of Wandering Rates Review December 2017 Report

COUNCIL DECISION – ITEM 10.1.4

MOVED: CR PRICE

SECONDED: CR PARSONS

That Council:

1. Accept the timeline supplied for the implementation of the following:
 - i. Industrial Estate – Change from Rural to Industrial/Commercial
 - ii. Change Special Use to Commercial
 - iii. Change Rural Residential to GRV
 - iv. Implement Vacant Category in GRV and Industrial/ Commercial
2. Confirm the agreed budget of up to \$10,000.00
3. Agree to actively engage with the affected ratepayers of the Community to ensure transparency and confidence in the process.
4. Agree to the public release of the Shire of Wandering Rates Review December 2017 Report

CARRIED 6/0

10.1.5 REQUEST TO SUPPORT SEAL OF TANGLEFOOT WINERY ROAD SHOULDER INTO CARPARK

File Reference	A190
Proponents:	Reuben Steer & Darralyn Edsary
Disclosure of Interest:	Nil
Date:	3 December, 2018
Authors Name & Position:	Amanda O'Halloran, CEO
Previously Before Council:	Nil
Attachment	10.1.5.1 Letter requesting support to bituminise Tanglefoot Winery shoulder.

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 Proponents Reuben Steer and Darralyn Ebsary who own Tanglefoot Winery have requested that Council co-contribute to the sealing of the shoulder at the entrance to their driveway and cellar door carpark. Council is requested to formally consider this request.

BACKGROUND

The Shire of Wandering received correspondence as attached on the 12 November 2018 from Reuben Steer and Darralyn Ebsary who own Tanglefoot Winery asking for Council to consider a co-contribution towards the sealing of the shoulder at the entrance to their property.

The letter states that the loose gravel lining the shoulder has on occasion contributed minor accidents and this is a raising concern for them. Council has previously tried to support Tanglefoot in regards to this issue by requesting Main Roads consider reducing the speed limit on either side of the drive to give cars and caravans a safer exit.

The Shire had discussed the opportunity to have the shoulder sealed in the 2017/18 road program when the North Bannister Wandering Road was widened and sealed in the Shires Construction program. However this did not occur due to issues during the sealing process at that time when the Albany Hwy was closed due to a serious accident.

ATTACHMENT 10.1.5.1

COMMENT/ DETAILS

The Shire has researched the proposed works and currently there is no formal position of Council as to whether there is any support offered to seal a cross over into a rural property. Some properties on the North Bannister Wandering Road have a metre wide shoulder seal in place and some don't.

In the last 5 years Council has not received any similar request and there is currently no formal precedent in place.

On review of the request the A/Works Manager has stated that sealing of the shoulder alone is unlikely to reduce their issue and so a proposal to seal 120sqm to overcome the issue as described has been considered. Given that sealing works will be in the vicinity of Tanglefoot Winery during the 2018/19 Construction Program works to improve access and seal the shoulder are considerably less than they may be in the future. The Works department have estimated the works including sealing to cost \$5,000.00 ex GST.

It is proposed in the interests of public safety and economic development that the Shire support Tanglefoot Winery by covering the labour as in kind works which make up half of the estimated costs. Tanglefoot would be required to contribute \$2,500.00 ex GST towards the works.

CONSULTATION

A/ Works Manager
Shire President
Shire Councillors

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Council has no formal position on this activity in the Shire.

FINANCIAL IMPLICATIONS

Nil – all requirements have been factored into the 2018/19 Annual Budget

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.3	Ensure appropriate funds are available to implement current and future action plans

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Agree to undertake the labour and plant works to construct and seal 120sqm including the shoulder at the entrance to Tangle foot Winery to a cost of \$2,500.00 during the 2018/19 construction program.
2. Agree that Tanglefoot Winery be charged the costs for materials to seal the 120sqm including the shoulder at the entrance to Tanglefoot Winery estimated to cost \$2,500.00 ex GST.

COUNCIL DECISION – ITEM 10.1.5

MOVED: CR TURTON

SECONDED: CR PRICE

That Council:

1. Agree to undertake the labour and plant works to construct and seal 120sqm including the shoulder at the entrance to Tangle foot Winery to a cost of \$2,500.00 during the 2018/19 construction program.
2. Agree that Tanglefoot Winery be charged the costs for materials to seal the 120sqm including the shoulder at the entrance to Tanglefoot Winery estimated to cost \$2,500.00 ex GST.

CARRIED 4/2

10.2 BUILDING AND PLANNING REPORTS

10.2.1 REQUEST TO WAIVE BUILDING SITE REFUSE DISPOSAL FEE

File Reference	A496
Proponents:	D, D & S Cornish
Disclosure of Interest:	Nil
Date:	30 November, 2018
Previously Before Council:	Nil
Authors Name & Position:	Amanda O'Halloran, Chief Executive Officer
Attachments:	Attachment 10.2.1 - Email from D Cornish Attachment 10.2.2 – Letter from Ross Squire Homes

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

D, D & S Cornish have requested that Council waive the requirement to pay the building site refuse disposal fee that is included in the fees and charges payable when applying for a dwelling building license at the Shire of Wandering.

BACKGROUND

In accordance with the Schedule of Fees and Charges all building licences issued for dwellings are charged \$580.00 for a building site refuse disposal fee. This enables the holder of the building licence to deliver up to five tonnes of building waste to the Wandering Waste Transfer Station. The Shire has enforced this requirement for a number of years in an effort to ensure that the amenity of the building site is maintained.

D, D & S Cornish have applied for a building licence for a dwelling at 531 North Wandering Road, Wandering. They have paid the associated fees for the building licence inclusive of the Council's building site refuse disposal fee, subsequently a building permit has been issued.

Mr D Cornish has written to Council to request the fee for the building site to be waived as Ross Squire Homes have provided a waste management plan, which ensures that all waste is disposed of in a skip bin located on site for the entirety of the construction period, both Mr Cornish and Ross Squire Homes believe the building site refuse disposal fee is a duplication of costs.

ATTACHMENT 10.2.1.1
ATTACHMENT 10.2.1.2

COMMENT/ DETAILS

All building licences for a dwelling are charged the building site refuse disposal fee which enables the holder to deliver up to five tonne of waste to the Transfer Station regardless of the style of dwelling that is to be built i.e. brick, transportable, steel.

This fee is designed to provide the builder on site with an opportunity to maintain a clean work site free of unwanted materials produced directly or incidentally by the building which can include but is not limited to insulation, nails, electrical wiring, tree stumps and rubble.

Ross Squire Homes have provided a waste management plan for the building of the Cornish residence by providing a skip bin during the entirety of the construction period for the collection and removal of all building waste.

The Shire Administration has reviewed this request and is confident that Ross Squire Homes will adequately manage the waste associated with the build according to their waste management plan and concludes that it does appear that there has been a duplication of costs incurred by the proponent. It is the Shire Administrations view that it is appropriate for Council to consider waiving the fee.

To ensure Council is consistent in the consideration of applications and is able to demonstrate professional contemporary management practices it is proposed that the Shire Administration undertake a review of this Policy of Council and make allowance for this instance into the future.

CONSULTATION

Manager of Communities
Chief Executive Officer
Ross Squire Homes
David Cornish

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 3 – Development that is in Keeping with the Rural Landscape

Strategic Community Plan			
Outcome	Strategies		
3.1	Vibrant Rural Planning and development.	3.1.4	Promote diversity in residential and commercial developments.
3.2	Enhanced waste facilities	3.2.1	Manage existing waste facility in accordance with State Legislation.

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		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

1. Approve the waiving of the building site refuse disposal fee of \$580 for D, D & S Cornish in regards to A496 recognising that Ross Squire Homes has provided a Waste Management Plan and skip bin to deal with all waste generated by the build on the proposed site.
2. Authorise the Shire Administration to reimburse the building site refuse disposal fee of \$580 to D, D & S Cornish.
3. Instruct the Shire Administration to undertake a review of the building site refuse disposal fee and associated policy by March 2019 to ensure fairness and consistency in instances such as this into the future.

*Cr Parsons left the Chambers at 5.34pm
Cr Parsons returned to the Chambers 5.35pm*

Cr Ferguson declared a Proximity interest in item 10.2.1

Cr Ferguson left the Chambers at 5.36pm

COUNCIL DECISION – ITEM 10.2.1

MOVED: CR TURTON

SECONDED: CR WATTS

That Council

1. Approve the waiving of the building site refuse disposal fee of \$580 for D, D & S Cornish in regards to A496 recognising that Ross Squire Homes has provided a Waste Management Plan and skip bin to deal with all waste generated by the build on the proposed site.
2. Authorise the Shire Administration to reimburse the building site refuse disposal fee of \$580 to D, D & S Cornish.
3. Instruct the Shire Administration to undertake a review of the building site refuse disposal fee and associated policy by March 2019 to ensure fairness and consistency in instances such as this into the future.

LOST 2/3

Cr Ferguson returned to the Chambers at 5.39pm

**10.2.2 PROPOSED AMENDMENT NO. 5 TO SHIRE OF WANDERING TOWN PLANNING SCHEME NO. 3
– REZONING OF LOT 189 AND PORTION OF LOT 190 NORTH WANDERING ROAD, WANDERING
(COMMERCIAL TO RURAL SWAP)**

File Reference	A541
Proponents:	Robert John and Elaine Karen Cowan
Disclosure of Interest:	Nil
Date:	30 November, 2018
Previously Before Council:	May 2018
Authors Name & Position:	Luke Harris, Planning Officer, City of Kalamunda
Attachments:	Attachment 10.2.2.1 Amendment Document Attachment 10.2.2.2 Applicant's Report Attachment 10.2.2.3 Bushfire Management Plan Attachment 10.2.2.4 Summary of Submissions

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).*

Cr Ferguson declared a financial interest in item 10.2.2

Cr Ferguson left the Chambers at 5.41pm

PURPOSE OF THE REPORT

This report recommends that Council resolves to adopt for final approval Amendment No. 5 (the Amendment) to the Shire of Wandering's Town Planning Scheme No. 3 (the Scheme) which proposes to rezone Lot 189 and a portion of Lot 190, North Wandering Road, Wandering from Commercial to Rural, in accordance with the requirements of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations).

BACKGROUND

The subject sites were purchased by the applicant in June of 2017 with the intent to move to the area and construct houses for themselves and their family members to live in. The current commercial zoning on Lot 189 does not allow for the construction of a single house under the provisions of the Scheme. The applicant is now seeking to amend the zoning from Commercial to Rural to consolidate the area of Commercial zoned land and facilitate residential uses.

Council previously resolved to adopt the Amendment for the purposes of public advertising. The advertising period has concluded, and the Amendment is presented to Council for consideration of submissions received and final adoption.

DETAILS

The applicant is seeking Council's adoption of the Amendment by changing the zoning for Lot 189 and a portion of Lot 190 North Wandering Road. As part of the proposal the applicant seeks the following:

- To move the existing Commercial zone in the north-west corner of the site to the south-west corner of the site (towards Down Street) and for it to be the same width (52m) as the existing Commercial zone;
- The new location of the Commercial zone would be approximately 159 metres x 52 metres in area, fronting Watts Road (from approximately Down Street to White Street); and
- To rezone Lot 189 and a portion of Lot 190 from Commercial to Rural. (Refer to Figure 1 below and Attachment 2)

There is currently an existing dwelling (cottage) and three outbuildings (sheds) of varying size and conditions located on the subject sites (see below aerial image).



Figure 1a Current Zoning

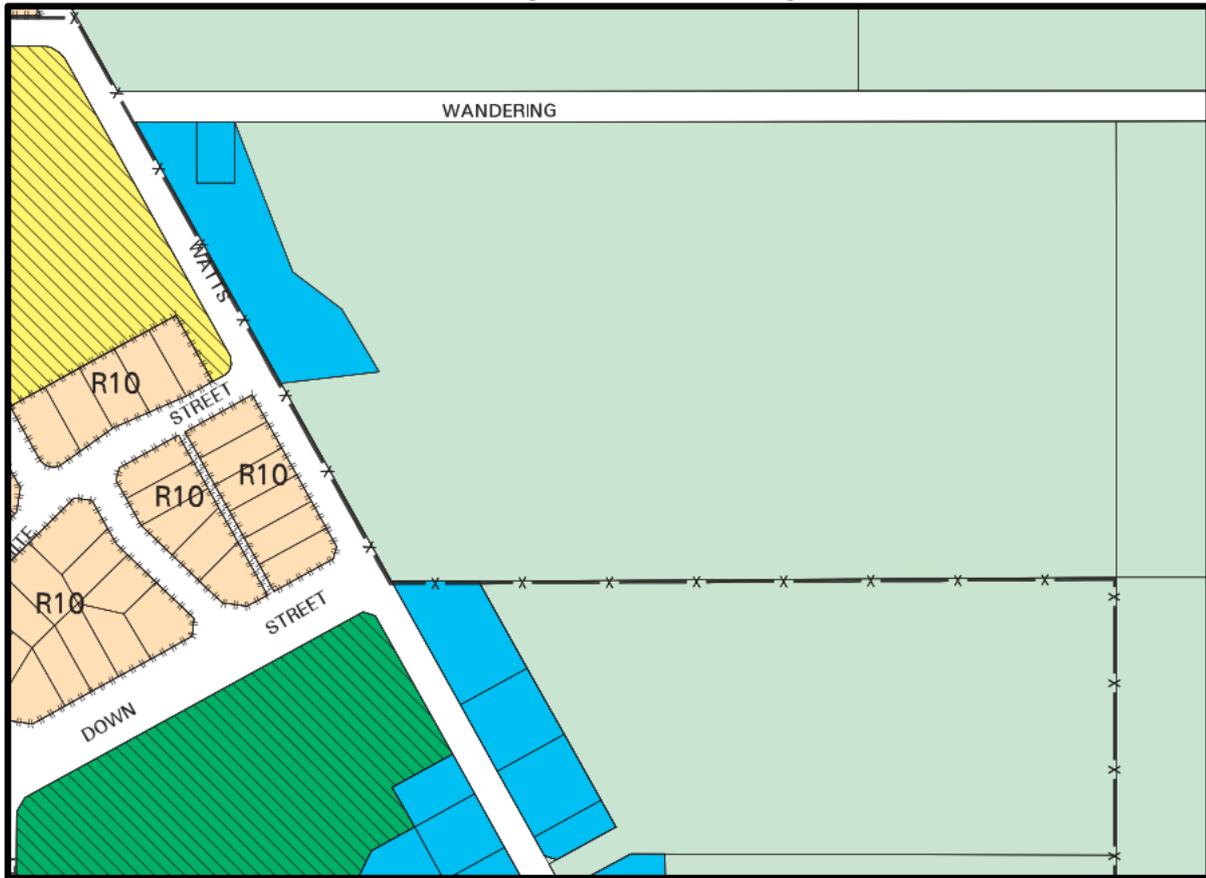
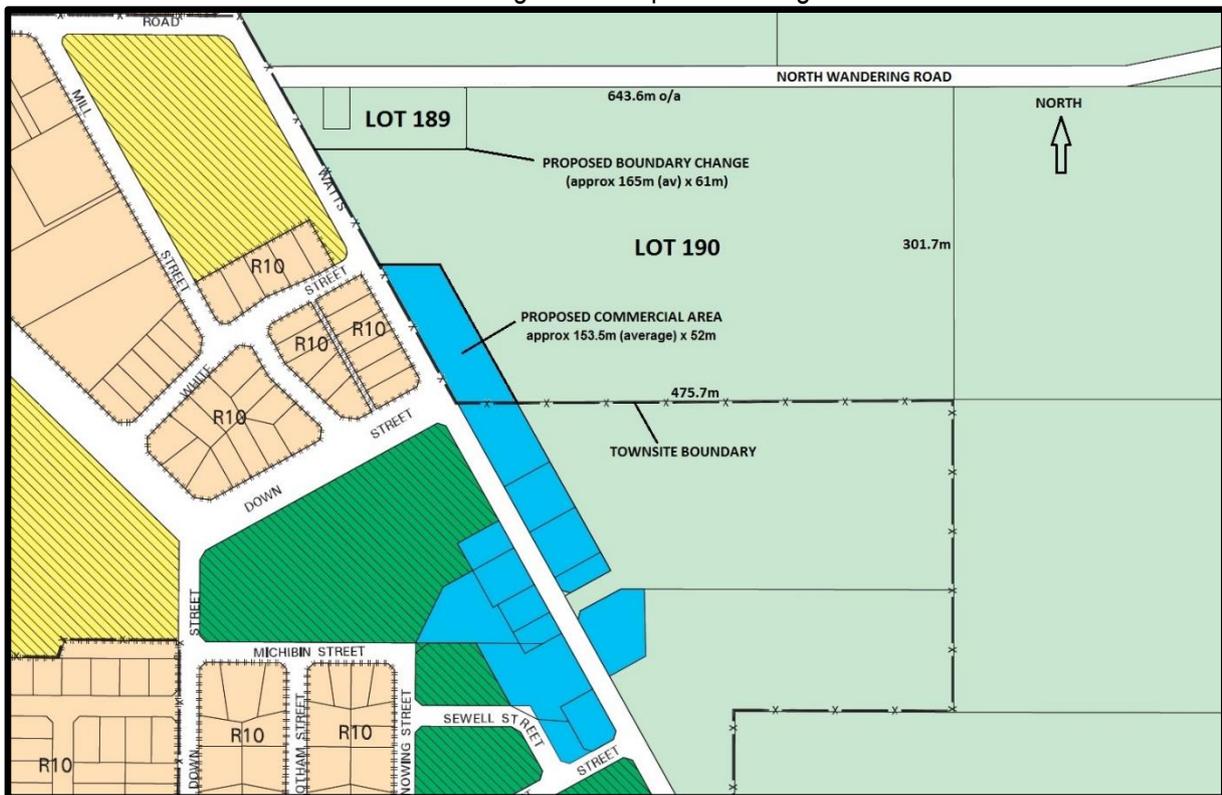


Figure 1b Proposed Zoning



COMMENT

Town Planning Scheme No. 3

Lot 189 is currently zoned as 'Commercial' under the Scheme, while Lot 190 is predominantly zoned 'Rural' with a portion of the north-west corner zoned 'Commercial'.

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

- a) *"To develop the town centre as the principal place for retail, commercial, civic and administrative functions in the district.*
- b) *To ensure development will not adversely affect local amenities.*
- c) *To provide for the efficient and safe movement of vehicles (including cars, trucks, buses, and caravans) and pedestrians.*
- d) *To provide sufficient parking spaces for cars, trucks, buses and caravans without compromising pedestrian movements.*
- e) *To provide an increased level of public amenities including public toilets, shaded areas and street furniture.*
- f) *To provide for expansion of commercial activity to meet future demands."*

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

- a) *"To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.*
- b) *To provide for diversification and intensive agricultural uses in suitable areas.*
- c) *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
- d) *To allow for facilities for tourists and travellers, and for recreation uses.*
- e) *To have regard to use of adjoining land at the interface of the Rural Zone with other zones to avoid adverse effects on local amenities."*

Following review of the proposal it is considered that the proposal meets the objectives of the zones above, for the following reasons:

Commercial Zone:

1. The new proposed area for the commercial zone joins to the existing commercial area, thereby reducing the potential for fragmentation of the town centre.
2. The commercial zone will be located along a major road, which would allow for effective transport movement.
3. The commercial area does not exceed the existing provision of commercial zoned land, which has been zoned to meet the future commercial need for the area.

Rural Zone:

1. Lot 190 will remain generally unchanged in size and will still be available for agricultural uses.

2. The commercial zone will delineate between the rural area and the residential development nearby.
3. The site is close enough to the town site that there may be the opportunity to facilitate tourist uses in the future.

COMMUNITY CONSULTATION

In accordance with the requirements of the *Environmental Protection Act 1986* (the Act) the proposal was referred to the Environmental Protection Authority (EPA) for its assessment and comment. The EPA advised that it had determined that the amendment did not need to be assessed under the Act.

The proposal was subsequently advertised in accordance with the requirements of the Regulations as follows:

- Publishing a notice in the local newspaper;
- Providing a copy of the proposal to each public authority likely to be affected;
- Sending letters to adjoining and surrounding property owners;
- Erection of a sign on the subject site;
- Publishing a notice of the proposed amendment on the Shire's website; and
- Ensuring that a copy of the amendment is available for public inspection and the Shire's administration building.

The advertising period was for a total of at least 42 days from the date of publication of the notice in the local newspaper (20th July to 6th September).

Over the course of the advertising period a total of eight (8) submissions were received, all from government departments. These submissions comprised a total of 6 non-objections to the proposal, and two comments on the proposal. A summary of the submissions received is included as Attachment 5 to this report.

Comments received from the Department of Health related to the future development of the sites, specifically the requirement for any new development to connect to reticulated water and have an appropriate effluent disposal system. These comments have been noted and will be incorporated as part of any future development application post amendment.

Comments received from the Water Corporation related to the future development of the site and provision of reticulated water to the area. These comments have also been noted and will be incorporated into any future application for development on the site by ensuring that the developer provides an adequate and serviceable water service to the properties.

OFFICER COMMENT

It is considered that the proposed rezoning will assist in joining a currently fragmented commercial zone within the Shire of Wandering, consolidating the commercial zone. The proposal may also lead to greater use of Lot 189 by enabling the construction of a new dwelling. Advertising of the proposed amendment returned no responses from the community, and no objections from the relevant government agencies. The lack of public submissions can be inferred as a general 'non-objection' to the proposal as a whole.

STATUTORY/ LEGAL ENVIRONMENT

- *Planning and Development Act 2005*

The purpose of the Act is to provide for an efficient and effective land use planning system within Western Australia. The Act generates the provisions for the preparation of a Town Planning Scheme.

- *Planning and Development (Local Planning Scheme) Regulations 2015*

Clause 35 of the Regulations requires a resolution of a local government to adopt or refuse to adopt an application to amend a local planning scheme as well as justification for the type of amendment proposed (basic, standard or complex).

In accordance with the Regulations the proposal is considered to be a standard amendment for the following reasons:

- The proposal is considered to have minimal impact on land in the scheme area that is not subject of the amendment; and
 - It is considered that the amendment would not have any significant environmental, social, economic or governance impacts on land within the surrounding area.
- *Shire of Wandering Town Planning Scheme No.3*
The Shire of Wandering *Town Planning Scheme No. 3* is silent on any additional requirements for Scheme Amendments. With this in mind, emphasis is placed upon Clause 35 of the Regulations above.

POLICY IMPLICATIONS

- State Planning Policy 1 – State Planning Framework

State Planning Policy 1 - State Planning Framework (SPP 1) brings together existing State and Regional policies, strategies, plans and guidelines within a central State Planning Framework. It sets the context for decision-making on land use and development in Western Australia.

- State Planning Policy 2.5 – Rural Planning

Clause 6.4 of the above policy outlines the various points that must be considered by planning decision makers when assessing applications for amendments to local planning schemes. Below is a summary of the points as they relate to this proposal.

The suitability of the site to be developed for the proposed use – By changing the location of the commercial zoning over lot 189 the possibility of constructing a new dwelling within the Rural Zone is realised. In addition to this moving the commercial zoning to the south of lot 190 creates opportunity to use existing structures on the property for commercial uses (bed and breakfast etc.) or agglomerate with the commercial use to the south.

The siting of the land use in the context of surrounding zones/land uses (existing and proposed) – It is considered that the relocation of the commercial zone on the property will assist in consolidating the potential future commercial activity within the area by bringing all commercial zonings closer together. In addition to this the existing rural zoning is consistent with all surrounding rural zoned properties to the north and east.

The capacity of the site to accommodate the proposed zone/land use and associated impacts – It is considered that the proposal is consistent with the currently endorsed Shire of Wandering Planning Strategy. In addition to this it is considered that the rezoning of land will not impact upon the continuation of rural activities within the area.

- State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Portions of Lot 190 and the entirety of Lot 189 are located within a bushfire prone area. As part of the proposal the applicant was required to submit a Bushfire Attack Level (BAL) Assessment and Bushfire Management Plan. The initial BAL returned a rating of BAL-FZ, however the Bushfire Management Plan provided (Refer Attachment 4) has demonstrated compliance with the requirements of SPP 3.7 and indicates that a BAL rating of BAL-29 can be achieved on site. This would result in development that is capable of complying with SPP 3.7.

The proposal was advertised to the Department of Fire and Emergency Services, who stated that they support the Bushfire Management Plan and amendment documents provided.

SOCIAL IMPLICATIONS

The proposal for relocating the commercial area will move the existing commercial zone away from some residential properties. However, in doing so other residential properties will find themselves across the road from the commercial zone, which may lead to amenity impacts brought on through potential future development.

These amenity impacts will be considered at the time of development application being submitted and assessed by the Shire, whereupon due regard will be given to the relevant provisions of the Scheme, any applicable Local Planning Policy, and Clause 67 of the Regulations that requires the local government to give consideration (amongst other factors) to;

- The effect of the proposal on the cultural heritage significance of the area in which the development
- The compatibility of the development within its setting;
- The amenity of the locality; and
- The likely effect of the development on the natural environment.

FINANCIAL IMPLICATIONS

In accordance with the *Planning and Development Regulations 2009* all advertising costs are to be borne by the applicant. The applicant will also be periodically billed for the hours undertaken by officers in the assessment of the proposal.

STRATEGIC IMPLICATIONS

- Shire of Wandering Local Planning Strategy

The proposed scheme amendment is considered to be in line with a number of objectives of the Shire of Wandering Local Planning Strategy (the Strategy). Clause 6.3 of the Strategy (Townscape) outlines that the Shire of Wandering should aim to create a compact, discrete town-site with improved linkages and enhanced pedestrian comfort. It is considered that by altering the location of the commercial zoning to be closer to the town-site boundary this objective is met by consolidating the commercial area.

Community Strategic Plan 2013-2023

Goal 3 – Development that is in Keeping with the Rural Landscape

Strategic Community Plan			
Outcome	Strategies		
3.1	Vibrant Rural Planning and development.	3.1.4	Promote diversity in residential and commercial developments.

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		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:

1. Supports Amendment 5 to Town Planning Scheme No. 3 without modification pursuant to Part 5 Regulation 50 (3) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Forwards to the Western Australian Planning Commission the summary of submission and responses and all required amendment documentation pursuant to Part 5 Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION – ITEM 10.2.2

MOVED: CR WATTS

SECONDED: CR PRICE

That Council:

1. Supports Amendment 5 to Town Planning Scheme No. 3 without modification pursuant to Part 5 Regulation 50 (3) (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Forwards to the Western Australian Planning Commission the summary of submission and responses and all required amendment documentation pursuant to Part 5 Regulation 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

CARRIED 5/0

Cr Ferguson returned to the Chambers at 5.43pm

10.3 COMMUNITY SERVICES REPORTS

Nil

10.4 CORPORATE SERVICES

10.4.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 30 NOVEMBER 2018

File Reference	10.1.16
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	4 December 2018
Previously Before Council:	N/A
Authors Name & Position:	Cara Ryan, Finance Manager
Attachments:	10.4.1.1 Monthly Financial Report 10.4.1.2 Bank Reconciliations, Bank Statements (Muni A/C) 31 October 2018 10.4.1.3 Bank Reconciliations, Bank Statements (Invest A/C) 31 October 2018 10.4.1.4 Bank Reconciliations, Bank Statements (Trust A/C) 31 October 2018 10.4.1.5 Credit Card Statement 31 October 2018 10.4.1.6 List of Payments 31 October 2018 10.4.1.7 Monthly Financial Report 30 November 2018 10.4.1.8 Bank Reconciliations & Bank Statements (Muni A/C) 30 November 2018 10.4.1.9 Bank Reconciliations & Bank Statements (Investment A/C) 30 November 2018 10.4.1.10 Bank Reconciliations & Bank Statements (Trust A/C) 30 November 2018 10.4.1.11 Credit Card Statement 30 November 2018 10.4.1.12 List of Payment November 2018

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 months of October and November 2018 are 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 periods ended 31 October and 30 November 2018, as presented.

Monthly Financial Report 31 October 2018	ATTACHMENT 10.4.1.1
Bank Reconciliations & Bank Statements (Muni A/C) 31 October 2018	ATTACHMENT 10.4.1.2
Bank Reconciliations & Bank Statements (Investment A/C) 31 October 2018	ATTACHMENT 10.4.1.3
Bank Reconciliations & Bank Statements (Trust A/C) 31 October 2018	ATTACHMENT 10.4.1.4
Credit Card Statement 31 October 2018	ATTACHMENT 10.4.1.5
List of Payments 31 October 2018	ATTACHMENT 10.4.1.6
Monthly Financial Report 30 November 2018	ATTACHMENT 10.4.1.7
Bank Reconciliations & Bank Statements (Muni A/C) 30 November 2018	ATTACHMENT 10.4.1.8
Bank Reconciliations & Bank Statements (Investment A/C) 30 November 2018	ATTACHMENT 10.4.1.9
Bank Reconciliations & Bank Statements (Trust A/C) 30 November 2018	ATTACHMENT 10.4.1.10
Credit Card Statement 30 November 2018	ATTACHMENT 10.4.1.11
List of Payments 30 November 2018	ATTACHMENT 10.4.1.12

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

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		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 \$316,399.50 & \$613,424.81 for the periods ending 31 October and 30 November 2018.

2. Receive the bank reconciliations & bank statements for the periods ended, 31 October and 30 November 2018.
3. Receive the financial statements for the periods ended 31 October and 30 November 2018.

COUNCIL DECISION – ITEM 10.4.1

MOVED: CR FERGUSON

SECONDED: CR PARSONS

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 \$316,399.50 & \$613,424.81 for the periods ending 31 October and 30 November 2018.
2. Receive the bank reconciliations & bank statements for the periods ended, 31 October and 30 November 2018.
3. Receive the financial statements for the periods ended 31 October and 30 November 2018.

CARRIED 6/0

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

MOVED: CR TURTON

SECONDED: CR PRICE

That Council accept the Notice of Motion from Councillor Turton

CARRIED 6/0

Instruct the Shire Administration to undertake a review of the building site refuse disposal fee and associated policy by March 2019 to ensure fairness and consistency.

MOVED: CR TURTON

SECONDED: PARSONS

Instruct the Shire Administration to undertake a review of the building site refuse disposal fee and associated policy by March 2019 to ensure fairness and consistency.

CARRIED 6/0

*M Treasure left the Chamber at 6.13pm
M Treasure returned to the Chambers at 6.14pm*

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

13. CONFIDENTIAL ITEMS

Nil

14. TIME AND DATE OF NEXT MEETING

Next Ordinary Council meeting to be held on 21 February, 2019 at 3:30pm.

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 6.22pm

**These Minutes were confirmed at the Ordinary Council Meeting
on Thursday 21 February 2018.**

Signed:

Presiding Person at the meeting at which the minutes were confirmed

Date: