

Minutes of the Ordinary Meeting of the Wandering Shire Council held in the Council Chamber on Thursday, 15th October, 2009.

1. **DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS**

The Shire President Cr Bruce Dowsett declared the meeting open at 11.03am.

2. RECORD OF ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Present

Cr. B E Dowsett, President South Ward Cr. K J Price, Deputy President South Ward Cr. G G Kerr North East Ward Cr. D F White North Ward Cr. K J Barge Town Ward North Ward Cr. C R Hardie

Mr.G S Powell Chief Executive Officer

Apologies

Cr. J R McNeil North East Ward

3. **DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS**

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. **PUBLIC QUESTION TIME**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

7 **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

7.1 **September Ordinary Meeting of Council.**

Minutes from the Ordinary Meeting of Council have been circulated to Elected Members with the Agenda.

RECOMMENDATION

It is recommended that the Minutes of the Ordinary Council Meeting held on 17th September 2009 be confirmed.

Simple Majority Required

Scenic Wandering

RESOLUTION 379:2007/08

Moved Cr Price seconded Cr Hardie

That the Minutes of the Ordinary Council Meeting held on the 17th September 2009 be confirmed.

Carried 6:0

7.2 <u>September Special Meeting of Council</u>

Minutes from the Special Meeting of Council have been circulated to Elected Members with the Agenda.

RECOMMENDATION

It is recommended that the Minutes of the Special Council Meeting held on 24th September 2009 be confirmed.

Simple Majority Required

RESOLUTION 380:2007/08

Moved Cr Hardie seconded Cr Barge

That the Minutes of the Ordinary Council Meeting held on the 24 September 2009 be confirmed.

Carried 6:0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION Nil

9. <u>PETITIONS, DEPUTATIONS & PRESENTATIONS</u>

Nil

10. REPORTS

10.1 DELEGATE'S REPORTS

10.1.1 Attendance of Cr Hardie at the Hotham Way Committee Meeting

Cr Hardie reported on the most recent meeting of the Hotham Way Committee. Signage is still to be erected. Mrs Jackie Cornish will continue to represent Wandering.

10.1.2 Attendance of the Chief Executive Officer at the Zone Meeting held in Wagin

CEO reported on the recent Zone Meeting at Wagin where the main topics were grain freight and local government reform.

10.1.3 Report from Cr Price regarding Local Government Elections.

Advised that it had been reported by Bill Mitchell that local government elections will be held in October next year for amalgamated Councils and commented on the report released by Hon Max Trenorden on local government reform.

10.2 COMMITTEE REPORTS

Nil.

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

10.3.1 <u>Common Seal Report</u>

The table below lists all documents that have had the Common Seal affixed for the preceding month.

Date	Purpose
	NIL

RECOMMENDATION

That Council endorses the action of the Shire President and the Chief Executive Officer in affixing the Common Seal to the documents listed above, in accordance with Resolution 239:2008/09.

Simple Majority Required

10.3.1 Application for Accommodation on Lot 26562 Albany Highway, North Bannister

FILE REFERENCE: Property File

DATE OF REPORT: 8 October 2009

REPORT AUTHOR: Gray & Lewis - Consultants

SENIOR OFFICER: CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Nil

BACKGROUND

Zoning and landuse permissibility

The subject lot is zoned 'Special Use' under the Shire of Wandering Town Planning Scheme No 3 ('the Scheme').

Clause 4.7 of the Scheme states that 'Special Use zones are set out in Schedule 4 and are in addition to the zones in the Zoning table. No person shall use any land or any structure or buildings on land in a Special Use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.'

Under Schedule 4 of the Scheme the subject land is listed for 'Roadhouse and travellers facilities subject to planning approval'.

Normally the uses listed as 'Special Use' would also be defined in the Scheme. In this case there is no definition in the Shires Scheme or the Model Scheme text for 'travellers facilities'.

In the absence of a landuse definition it is standard to refer to the dictionary. The Oxford dictionary definition is also relatively broad and defines 'traveller' as 'itinerant workman, esp shearer, swagman'. 'Itinerant' is defined as 'travelling from place to place'.

In light of the above it would seem that Council has relatively broad discretion over interpretation as to what constitutes 'travellers facilities'. As this land is zoned specifically for a special use, Council needs to be satisfied that the proposed accommodation fits comfortably under the 'travellers facilities' landuse description.

If the use is basically for short stay accommodation to service casual employees who travel to and from other sites, then Gray & Lewis considers that Council has discretion to construe the use as 'travellers facilities'.

COMMENT

Proposed Development

An application has been lodged to establish accommodation on site for occupation by casual employees of the Phoenix Shutdown Services Pty Ltd. The applicant advises that as the accommodation is not for permanent staff they consider that it constitutes travellers facilities.

The application involves installation of 6 transportable housing units (each with 4 single rooms), a gravel carpark and walkways, covered courtyard areas and a laundry block.

Aesthetics

The Shire's Scheme includes specific provisions relating to transported dwellings and refers to Council having regard that they are in 'a satisfactory condition and will not detrimentally affect the amenity of the area'. The Scheme provisions also have provision for upgrading to be required.

No elevations or photographs of the proposed transported buildings have been provided therefore it is difficult to assess the visual impact and / or condition of the proposed buildings. It is not known if the buildings are second hand or will be purpose built for this site.

The applicant has advised that in terms of aesthetics, they propose 'planting vegetation and ensuring the camp meets the Councils and Councils members recommendations on the elevations of the camp'.

Gray & Lewis is reluctant to make a recommendation on a development in the absence of some additional information on the condition and type of buildings proposed, areas to be landscaped, and/ or some example photographs of similar camps that the company may have established elsewhere.

Notwithstanding the above if Council is satisfied that aesthetics is not a major issue then Council has the option of approving the development subject to lodgement of separate details on elevations, however Gray & Lewis is mindful that the site is located on a strategic corner (intersection of Albany Highway and Wandering Road).

It should be noted that the buildings will still require a building licence, and engineering certification may be needed to ensure they are structurally sound at building licence stage.

Traffic

The application will involve additional traffic movements into the site therefore it is recommended that it be referred to Main Roads WA who is the controlling authority for Albany Highway.

It is not anticipated that traffic will be an impediment as the proposed development entails 24 rooms which is relatively low scale and there is sufficient onsite parking provided.

It is unclear on the site plan how access is gained to the entry to the new carpark and how it interconnects with hardstand areas / accessways of the roadhouse. It is assumed the development proposes to share existing crossovers with the roadhouse.

Effluent Disposal

The applicant has earmarked an area on the site plan to accommodate onsite septic and leach drains.

A separate approval will be required prior to its installation and the applicant has indicated that they have lodged a separate application to the Health Department of WA. Gray & Lewis contacted the health Department however was unable to secure any preliminary advice at the time of writing this report.

Council can also refer the planning application to the Health Department for advice to ensure that effluent disposal is not an impediment.

Gray & Lewis cannot advise how the development will be assessed under the Draft Country Sewer Policy and is aware that developments such as 'park home parks' have had difficulties meeting Health Department requirements (as they were assessed similar to subdivisions).

As the application needs to be referred to Main Roads WA in any event, it is also recommended that the application be referred to the Health Department.

Temporary Approval

The applicants seek a 2 year planning approval and under Clause 10.6 of the Scheme. The Shire has the ability to limit the length of the time for any approval.

In considering this matter Council should have regard that once any temporary planning approval is issued the applicant has the right (on its expiry) to apply for a new planning approval for the use to continue on a further 'temporary' basis, or as a permanent use.

Once an approval is granted (whether it be temporary or not) it may be difficult to argue that any similar use would not be appropriate on the site therefore it may set a precedent for dealing with future similar applications.

There are a number of options that Council can consider for a temporary approval;

Option 1: Council can simply impose a condition on any planning approval limiting the length of the approval and requiring removal of all the buildings on expiry of the approval date.

If the condition is not complied with then the owner would be in breach of the planning approval and subsequently the Scheme.

Option 2: In addition to Option 1, Council could also impose a condition requiring the owner to enter into a legal agreement with the Shire covenanting that the development will cease and be removed in the 2 year period. This would entail lodgement of a caveat on the Certificate of Title (at the owners / applicant cost) which would have to be lifted after the 2 year expiry.

Option 1 has advantages as it is not onerous to the owner / applicant and if the camp was needed for an unforseen additional time period it provides flexibility as the applicant can reapply for new temporary approval period.

Option 2 would entail a legal agreement to be compiled by a solicitor at the owners/ applicant costs which is more onerous. A caveat is an encumbrance on the title (required for any legal agreement) which would have to be lifted and replaced (with approval of the Shire) for any change of land ownership or change of mortgage.

If Council wishes to facilitate the development then option 1 can be pursued. In supporting any 'temporary approval' however Council should be mindful that support for the use will set a precedent for the site for any future similar proposals.

Conclusion

Gray & Lewis considers that Council has discretion to consider the application under the broad permissible landuse of 'travellers accommodation', however recommends that prior to determination comment on traffic and effluent disposal respectively be obtained from Main Roads WA and the Health Department of WA.

In order for Council to make an informed decision it is also recommended that the applicant be requested to provide additional information on the condition and aesthetics of the proposed buildings, their elevations and the extent of landscaping proposed.

RECOMMENDATION

That Council;

- 1. Request additional information from the applicant on;
 - The condition and aesthetics of the proposed transported buildings to gain an understanding over the type of elevations proposed. This may include photographs of the buildings if they are being relocated to this site or photographs of similar camps operated by the company.
 - An indication of the extent of landscaping proposed (on the site plan).
- 2. Advise the applicant that that whilst Council is not opposed to the development it considers that advice needs to be obtained from Main Roads WA as they are the controlling authority for Albany Highway, and the Health Department of WA to ensure that the development can be approved under the draft Country Sewerage Policy.
- 3. Refer the application to Main Roads WA (Wheatbelt Branch) and the Health Department of WA for comment prior to determination.

Simple Majority Required

RESOLUTION 381:2009/2010 Moved Cr Kerr seconded Cr Barge That Council;

- 1. Request additional information from the applicant on;
 - The condition and aesthetics of the proposed transported buildings to gain an understanding over the type of elevations proposed. This may include photographs of the buildings if they are being relocated to this site or photographs of similar camps operated by the company.
 - An indication of the extent of landscaping proposed (on the site plan).
- 2. Advise the applicant that that whilst Council is not opposed to the development it considers that advice needs to be obtained from Main Roads WA as they are the controlling authority for Albany Highway, and the Health Department of WA to ensure that the development can be approved under the draft Country Sewerage Policy.
- 3. Refer the application to Main Roads WA (Wheatbelt Branch) and the Health Department of WA for comment prior to determination.

Carried 6:0

10.3.2 PROPOSED AMENDMENT 3 TO THE SHIRE OF WANDERING TOWN PLANNING SCHEME NO 3

FILE REFERENCE:

DATE OF REPORT: 8 October 2009 **REPORT AUTHOR:** 6 Gray & Lewis

SENIOR OFFICER: CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Nil

BACKGROUND

Current zoning

The subject lot is zoned 'Rural' under the Shire of Wandering Town Planning Scheme No 3 ('the Scheme').

Location

Lot 16 is located on the corner of Pennington Road and the Wandering-Pingelly Road, approximately 7 kilometres east of the Wandering townsite.

Description of Application

The applicant proposes to re-zone Lot 16 Pennington Road, Wandering from 'Rural' to 'Special Use – Enterprise Living Precinct'.

Re-zoning would facilitate subdivision into 20 lots ranging from approximately 3 - 4.8 hectares, with a 17 hectare lot being retained with the old hay plant structures.

Previous Council Decision

The proposed Amendment was initiated by Council at its Meeting held on 19 February 2009 – refer Item 10.4.1 of the Minutes.

Consultation

The Amendment was advertised from 27 May to 17 July 2009, with one submission being received. The Amendment was re-advertised for a further 42 days due to a clerical error and advertising closed on the 2 October 2009.

A summary of the submissions and recommendations on each submission is attached.

EPA Advice

The EPA has considered the proposed Amendment and advised that it "should not be assessed under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act) and that it is not necessary to provide any advice or recommendations."

COMMENT

• Proposed Modification to Subdivision Guide Plan

The original Subdivision Guide Plan showed a Dwelling Development Area orientated towards the new subdivision road, and an Enterprise Development Area located to the rear of the properties – plan attached.

The applicant has submitted a revised Subdivision Guide Plan for the proposed subdivision of Lot 16. Whilst the lot yield and design will remain the same as previously considered by Council, the Plan has been modified to reflect a single Development Area on each lot with setbacks shown as 'Building Exclusion Area's – plan attached.

Development on each lot will be confined to the Development Area, with the location of dwellings and Enterprise buildings being made by the landowner in a manner that suits the particular lot or business.

The proposed modification has arisen from discussions the landowner has had with the Shire's Chief Executive Officer and a number of selling agents, and the lack of flexibility on individual landowners to place the Enterprise business towards the front of the lot, if considered appropriate and desirable by the landowner.

CONCLUSION

No objection is raised to the proposed modification to the Subdivision Guide Plan. Council should note however that it will create the potential for a mixed streetscape of dwellings and businesses.

It should also be noted that a notation has been added to the Subdivision Guide Plan, requiring that "No clearing of natural vegetation is to take place unless in accordance with Condition 19 in Schedule 4 of the Shire of Wandering TPS 3." This will make it clearer to purchasers that they can't automatically clear all of the trees in the Development Area.

As a result of the amended Subdivision Guide Plan (SGP), some minor text modifications are recommended to the statutory wording of the amendment.

The text changes are simply proposed to update the text to reflect changes in the SGP and only affect 4 of the proposed 'conditions' (the modified clauses are bolded in the resolution for ease of reference). Accordingly this report recommends that the amendment be adopted with modifications for final approval.

STATUTORY IMPLICATIONS

Town Planning & Development Act

STRATEGIC IMPLICATIONS

There are strategic implications arising from this Item as this is a major modification to the Scheme.

PUBLIC CONSULTATION

Public consultation has been undertaken in regards to this Item by way of advertising, onsite signage and notification of adjoining owners in accordance with the provisions of the TPS and the Act.

SOCIAL IMPLICATIONS

There are no social implications arising from this Item.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Item.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item.

RECOMMENDATION

That Council;

- Adopts Amendment 3 to the Shire of Wandering Town Planning Scheme No 3 pursuant to Section 75 of the *Planning and Development Act 2005*, with modifications, for the purposes of:
 - (i) Rezoning Lot 16 Pennington Road, Wandering from 'Rural' to 'Special Use Enterprise Living' and amending the scheme map accordingly.

(ii) Amending Schedule 4 – Special Use zones to include the following provisions;

No.	Description	Special Use	Conditions
	of Land		
5.	Lot 16	Enterprise Living Precinct	1. Subdivision shall generally be in
	Pennington	The Court Har	accordance with the Plan of
	Road,	The Special Use –	Subdivision adopted by the local
	Wandering	Enterprise Living Precinct	government and endorsed by the
		zone is intended to	Western Australian Planning
		accommodate a range of	Commission and any approved
		compatible land uses to facilitate local economic	modifications thereto. 2. Minimum lot sizes shall be 3.0
		activity and employment	hectares.
		to the benefit of the	3. All dwellings, domestic outbuilding
		Wandering townsite and	and on-site effluent disposal are to be
		rural hinterland, which can	confined to the Dwelling Development
		co-exist with rural living	Areas as indicated on the adopted Plan
		land	of Subdivision. Buildings within this
		use.	area may only utilise colourbond
		455.	and/or non-reflective materials.
		Permitted uses include:	4. All buildings are to be confined to the
			Development Areas as indicated on
		Dwelling; and	the adopted Plan of Subdivision.
		Home Occupation;	Council may at its discretion require
		(Maximum 100m2)	buildings within this area to comprise
			colourbond and/or non-reflective
		and the following uses at	materials.
		Council's discretion:	5. No development shall be permitted
			within the Development Exclusion
		<u>"D" Uses:</u>	Areas as depicted on the Plan of
		Agriculture – Intensive	Subdivision.
		• Ancillary	6. The subdivider shall prepare a Fire
		accommodation	Management Plan that identifies the
		Bed and Breakfast Common and Making	need for and the construction
		Commercial Vehicle Darking	requirements relative to strategic
		Parking • Cottage Industry	firebreaks, water supplies and equipment and any other fire
		(Maximum area of	equipment and any other fire management requirements that may
		100m2)	be deemed necessary, to the
		• Rural Pursuit	specifications and satisfaction of the
		Storage yard	local authority and the Fire and
		• Warehouse	Emergency Services Authority of
			Western Australia. The approved Fire
		"A" Uses:	Management Plan shall be
		Rural Industry	implemented prior to subdivision of
		• Light Industry	the land.
			7. All lots abutting Wandering-Pingelly
			Road shall not have any direct access
<u> </u>		1	,

- to this road. Any proposed emergency fire access onto Wandering-Pingelly Road shall be designed, constructed and regulated to the satisfaction of the local government.
- 8. A person shall not construct a dwelling unless either a minimum 130,000 litre roof water storage tank with sufficient accompanying roof catchment, or alternative domestic water supply is incorporated in the approved plans, and constructed at the same time as the dwelling.
- 9. Stormwater drainage shall contained on-site to the satisfaction of the and specifications local stormwater government. The management system should be designed in accordance with the guidelines contained the in "Stormwater Management Manual of Western Australia" (Department of Conservation and Environment, 2004).
- 10. Second-hand buildings and use of second hand materials on buildings shall not be permitted.
- 11. The subdivider shall prepare and implement a Revegetation Plan prior to subdivision of the Lots. The revegetated areas are to be maintained by landowners in accordance with the Revegetation Plan.
- 12. The re-opening or redevelopment of the hay plant on the lot shall be at the discretion of Council, and will be subject to a prior Planning Application. Such an application should demonstrate that any off-site impacts can be contained to an acceptable level in the context of the planned subdivision.
- 13.A Notification shall be placed on the titles of all lots, at the time of subdivision, advising landowners in relation to the objectives and intent of the "Special Use Enterprise Living Precinct" zone.
- 14.Stocking rates for rural pursuits to be in accordance with Department of

- Agriculture and Food Guidelines.
- 15.Sheds associated with Enterprises shall be limited to a maximum total area of 900 m2, on any lot unless otherwise approved by the local government. Domestic outbuildings shall not exceed 120m2.
- 16. Use of land or buildings for any form of human habitation is prohibited, with the exception of one dwelling on each lot.
- 17. Use of the land for Enterprises is at the discretion of the local government, having regard for the purpose of the zone. Any application for an Enterprise is to be accompanied by information demonstrating any potential impacts resulting from the activity, (including noise, dust, odour and traffic) would not exceed the acceptable levels pertaining to residential uses. Council supplementary require information from a suitably qualified expert, and may consult with the Department of Environment and Conservation prior to determining such applications.
- 18. The Council may, at its discretion, impose a condition on any Planning Approval that requires additional screening or landscaping to limit the visual impact of any external storage.
- 19. No clearing of natural vegetation or destruction of trees is to take place on any lot, except:
 - a) as necessary for the establishment of approved development on the lot;
 - b) as required to satisfy necessary bushfire protection measures: and
 - c) as otherwise approved by Council.
- 20. No gazetted road access shall be permitted to Wandering Pingelly Road.
- 2. Adopt the recommendation that each submission be noted however no modification to the amendment is recommended as a result of the submissions (as summarised in the Table of Submissions).

- 3. Duly executes the Amendment documents and forward them to Gray & Lewis to lodge with the Western Australian Planning Commission (with required checklist and advertising documentation) with a request for Final Approval to be granted by the Minister for Planning.
- 4. Endorse the amended Subdivision Guide Plan in principle and request that it be modified so there is no road connection to Wandering Pingelly Road. The amended plan will be lodged with the Western Australian Planning Commission for endorsement.

RESOLUTION 382:2009/2010

Moved Cr Hardie seconded Cr Barge

That Council adopts the above recommendation subject to no additional road/vehicular access to the Wandering-Pingelly Road.

Carried 6:0

10.3.3 <u>Staff – Resignations – CEO, Deputy Chief Executive Officer & Works Supervisor</u>

FILE REFERENCE:

DATE OF REPORT: 8 October, 2009

REPORT AUTHOR: CEO **SENIOR OFFICER:** CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Nil

BACKGROUND

Councillors have been advised previously of the resignation of the DCEO and the impending resignation of the CEO. However, the Works Supervisor has also tendered his resignation effective from Friday 16th October.

COMMENT - GENERAL

The CEO has formally tendered his resignation effective from the close of business on Monday 4th January, 2010. Given that there may be some uncertainty on the tenure of the position given the local government reform process there are a number of options available to Council to fill the vacancy. These range from temporary appointments of various durations through to a permanent appointment. It is suggested that these options be discussed at the Council Meeting.

The DCEO concludes her employment on Friday 13th November. Success in recruiting for this position may be affected by the reform process and it is suggested that other arrangements be put in place for a period of say 6-9 months with Council's software provider until the reform agenda is clear and the position in relation to the CEO is certain.

It is unfortunate that the Works Supervisor has tendered his resignation but with an emerging resource sector and demands for civil engineering personnel increasing it would appear that skills shortages in this area will increase over coming months. Local Government cannot compete financially. At the time of writing this report the CEO is exploring options to fill the vacancy and an update will be provided at the Council meeting.

STATUTORY IMPLICATIONS

Local Government Act 1995.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this Item.

SOCIAL IMPLICATIONS

There are no social implications arising from this Item.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Item.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item.

RECOMMENDATION

That the resignations be accepted with regret and that Council consider options for filling the resulting vacancies.

Simple Majority Required

RESOLUTION 383:2009/2010

Moved Cr White seconded Cr Barge

That Council enter into a contract with Haines Norton for the provision of financial services for a period of approximately 6 months with a termination provision of one months notice.

Carried 6:0

RESOLUTION 384:2009/10

Moved Cr Hardie seconded Cr Kerr

That the meeting adjourn for lunch at 12:30pm.

Carried 7:0

The meeting resumed at 2:01pm with all members present.

RESOLUTION 385:2009/2010

Moved Cr White seconded Cr Barge

That the position of CEO be advertised at the earliest opportunity on the basis of a 3 year contact and the remuneration package be in accordance with the remuneration tribunal recommendations and that WALGA be retained in the recruitment process.

Carried 6:0

10.3.4 Road Verge Clearing - Various

FILE REFERENCE:

DATE OF REPORT: 8 October 2009

REPORT AUTHOR: CEO **SENIOR OFFICER:** CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Nil

BACKGROUND

Council has acknowledged that there is a need for some clearing of road verges on a number of roads in the Shire and an allocation was included in the road maintenance budget for some works to be carried out this financial year.

COMMENT - GENERAL

The CEO requested Councillors to provide him with the names of roads requiring work and a number of roads were submitted.

A local contractor (Ashley Borgas) has advised he is interested in undertaking the work, has inspected the roads and provided a quote of \$430-670 per lineal kilometre. Approximately 3km of road can be completed per day.

Roads listed are Potts, Fourteen Mile Brook, Codji-Hastings, Noombling-Norrine, North Bannister-Wandering, Carabin, York-Williams and George.

Council is requested to prioritise the above list and the contractor will be instructed to go ahead until the funds run out.

STATUTORY IMPLICATIONS

Local Government Act 1995.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this Item.

SOCIAL IMPLICATIONS

There are no social implications arising from this Item.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Item.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item.

RECOMMENDATION

That Council prioritise roads for verge clearing to permit a contractor to undertake the works.

Simple Majority Required

RESOLUTION 386:2009/2010

Moved Cr Hardie seconded Cr Kerr

That Council prioritise roads for verge clearing to permit a contractor to undertake the works.

- 1 Ricks Road from western end
- 1a North Bannister Road
- 2 Codjatotine-Hastings at the T with North Wandering (1km each side but more to the south)
- 3 George Road
- 4 York-Williams Road
- 5 Carabin Road
- 6 Noombling-Norrine Road
- 7 Fourteen Mile Brook Road

Carried 6:0

10.3.5 Inquiry into Recreation Activities within Public Water Source Areas

FILE REFERENCE: 32.1.1.

DATE OF REPORT: 8 October 2009

REPORT AUTHOR: CEO **SENIOR OFFICER:** CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Letter

BACKGROUND

The Standing Committee on Public Administration is undertaking an inquiry into the above. Comments should be received by the Committee by 13 November, 2009.

COMMENT - GENERAL

The terms of reference for the Inquiry are included in the attachment. A copy of the letter has been placed on the notice board.

Council may wish to comment given that a portion of the north of the Shire lays within water source areas.

STATUTORY IMPLICATIONS

Local Government Act 1995.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this Item.

SOCIAL IMPLICATIONS

There could be social implications arising from this Item should access to designated areas be altered.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Item.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item at this point in time.

RECOMMENDATION

That Council consider whether it wishes to make a submission to the Standing Committee.

Simple Majority Required

RESOLUTION 387:2009/2010

Moved Cr White seconded Cr Hardie

That Council does not provide a submission.

Carried 6:0

10.3.6 Wandering Primary School P&C - Donation

FILE REFERENCE: 8.1.1

DATE OF REPORT: 8 October 2009

REPORT AUTHOR: CEO **SENIOR OFFICER:** CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Nil

BACKGROUND

The P&C has requested Council to consider making a donation towards the supply and construction of a storage shed for sporting equipment.

COMMENT - GENERAL

It is proposed to locate the shed close to the junior rooms to allow easy access. The disabled toilet is currently used for storage but this could prove hazardous for a currently enrolled disabled student.

The project has been identified as the P&C's major project for the year but additional funds are required. No details of the cost of the project nor the funds on hand have been provided. Any donation would be gratefully received.

Council could consider a donation towards the project from E031011 Members Minor Expenditure a/c.

STATUTORY IMPLICATIONS

Local Government Act 1995.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this Item.

SOCIAL IMPLICATIONS

There are no social implications arising from this Item.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Item.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item.

RECOMMENDATION

That Council consider making a donation to the Wandering Primary School P&C towards the cost of a storage shed.

RESOLUTION 388:2009/2010

Moved Cr Price seconded Cr Hardie

That Council decline the offer to contribute.

Carried 6:0

10.3.7 Staff – CEO – Performance Appraisal

FILE REFERENCE:

DATE OF REPORT: 8 October 2009

REPORT AUTHOR: CEO SENIOR OFFICER: CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Nil

BACKGROUND

Council is required by the LGA to undertake an appraisal annually of the performance of the CEO. The process commenced some months ago and at the last meeting the CEO was requested to outline changes to the CEO's contract and amendments to the remuneration package.

COMMENT - GENERAL

Given that the CEO has tendered his resignation, amendments to the contract become superfluous. Similarly, any increase over and above the requirements stated in the contract could be considered inappropriate as the CEO will not be continuing in the role.

The CEO's contract states under clause 12.7.2(a):

The local government shall increase the salary by at least the percentage change of the most recent Perth Consumer Price increase ...

The most recent figures found indicate an increase of 2.5% for the year ended March 2009.

STATUTORY IMPLICATIONS

Local Government Act 1995.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this Item.

SOCIAL IMPLICATIONS

There are no social implications arising from this Item.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Item as a minor increase was included within the current budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item.

RECOMMENDATION

That the salary of the CEO be increased by 2.5% from the anniversary date of 28th July, 2009.

Simple Majority Required

RESOLUTION 389:2009/2010

Moved Cr Barge seconded Cr Hardie

That the salary of the CEO be increased by 2.5% from the anniversary date of 28th July, 2009.

Carried 6:0

10.3.8 Lot 25839 Edwards Road – Boundary Realignment

FILE REFERENCE: 28.1.1

DATE OF REPORT: 9 October 2009

REPORT AUTHOR: CEO **SENIOR OFFICER:** CEO

VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Nil

BACKGROUND

An application (No. 140600) has been received from the WAPC on behalf of Trenfarm Pty Ltd to realignment boundaries of its rural holdings on Edwards Road, Codjatotine.

COMMENT - GENERAL

A copy of information in support of the application is attached as it is self explanatory.

No objection to the proposal can be found as it would appear to be a rationalisation of boundaries and not a subdivision which would trigger compliance difficulties with both the TPS and WAPC policies. These matters are addressed in some detail in the submission.

Maps outlining the proposal will be available at the meeting.

STATUTORY IMPLICATIONS

Town Planning and Development Act.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this Item.

SOCIAL IMPLICATIONS

There are no social implications arising from this Item.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this Item.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item.

RECOMMENDATION

That the WAPC be advised that Council supports Application No 140600 on behalf of Trenfarm Pty.

RESOLUTION 390:2009/2010

Moved Cr Hardie seconded Cr Price

That the WAPC be advised that Council supports Application No 140600 on behalf of Trenfarm Ptv.

Carried 6:0

10.4 FINANCE

10.4.1 Shire of Wandering – Financial Statement and Accounts for Payment

FILE REFERENCE: 10.1.16 Finance General

DATE OF REPORT: 9 October 2009
REPORT AUTHOR: Rhona Hawkins
SENIOR OFFICER: Greg Powell
VOTING REQUIREMENTS: Simple Majority

ATTACHMENTS: Statement of Financial Activity

Payment Listing

BACKGROUND

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire's finances. In addition, Council is required to review the Municipal Budget on a six monthly basis to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored on a monthly basis in addition to the requirement for a six monthly review.

The attached financial statements and supporting information are presented for the consideration of Elected Members and Council staff welcomes enquiries in regard to the information contained within these reports.

COMMENT - GENERAL

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors Ledger.
- Reconciliation of the Sundry Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

Upon completion of the above reconciliations and procedures, various matters have been identified as requiring the attention of Council, in accordance with the following Resolution of Council, adopted at the 19th of October 2006 Ordinary Meeting of Council. These matters are addressed in the Budget vs Actual Variance Report included within the Statement of Financial Activity.

"RESOLUTION 088:2006/07

Moved Cr Barge seconded Cr Kerr

That in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996 (as amended) Council adopt a measurement of \$500 or 5% for the purposes of reporting on material variances between budgeted and actual income and expenditure in the monthly Statement of Financial Activity and all other financial reports that may be required by Council.

Carried 7:0"

Overview of Rates

Rates revenue received to 30 September 2009 total \$465,488. Approximately 87% of rates raised were paid by the due date of 14th September 2009. Discount of \$51,543 has been applied which is over the expected budget and a total of 28 ratepayers have selected the instalment option. As at 30 September the total rates outstanding were \$78865.

STATUTORY IMPLICATIONS

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

The attached statements are prepared in accordance with the requirements of the Local Government Act 1995.

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this Item.

SOCIAL IMPLICATIONS

There are no social implications arising from this item.

FINANCIAL IMPLICATIONS

Other than the matters identified in the Budget vs Actual Variance Report, income and expenditure is proceeding as per budget forecasts and the end of year position should be as per that projected in the 2007/08 Municipal Budget, assuming all projects proceed and are completed in this timeframe.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from this Item.

RECOMMENDATION

That Council;

- 1. Receive the September 2009 monthly financial report incorporating the Statement of Financial Activity.
- 2. Endorse the Accounts for Payment as presented in the attached Payment Listing.

Simple Majority Required

RESOLUTION 391:2009/2010

Moved Cr Price seconded Cr White

That Council;

- Receive the September 2009 monthly financial report incorporating the Statement of Financial Activity.
- 2. Endorse the Accounts for Payment as presented in the attached Payment Listing.

Carried 6:0

10.5 ENVIRONMENTAL HEALTH OFFICER'S/ BUILDING INSPECTOR'S REPORT

10.5.1 <u>Environmental Health Officer's Report – October 2009</u>

Nil.

10.5.2 <u>Building Inspector's Report – October 2009</u>

Nil.

11. ELECTED MEMBERS' ROADWORKS REPORTS

11.1.1 <u>Cr Price</u>

Carabin Road required re-sheeting in some areas and has been undertaken to be completed week ending 16 October.

Cr Price queried the standard of gravel available to Council from pits in the eastern area of the Shire.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

13.1.1 <u>Cr Barge – Fire Trucks</u>

Cr Barge advised that the Town Brigade trucks required maintenance. The CEO advised the matter was in hand.

13.1.2 <u>Cr Barge – Xmas Function</u>

Cr Barge enquired what arrangements had been made for the Christmas Function. The CEO advised that tentative arrangements had been made for the function to be held at Tanglefoot Winery on 19th December 2009.

13.1.3 <u>Cr Hardie – Pumphreys Bridge Toilet</u>

Cr Hardie enquired as to who had keys to the new facilities at Pumphries Bridge. It was agreed that keys should be held by the CWA and the tennis club.

13.1.4 Cr Hardie – Shire Shorts

Cr Hardie stated that the Shire Shorts should be in Pingelly Times. Australia Day nominations should be advertised and a guest speaker needs to be confirmed.

13.1.5 Cr Price – Vintage Machinery Shed

Cr Price enquired what progress had been made with the shed. The CEO advised that quotes had been obtained and that planning of the carpark serving both the shed and the toilet facilities should be delayed until the shed had been completed. (The site was subsequently inspected.)

13.1.6 Proposed Oat Processing Plant – Pennington Road

The CEO advised that an application had been received to commence processing of grain at the site previously used for hay processing.

RESOLUTION 392:2009/2010

Moved Cr Hardie seconded Cr Ker

That the CEO be delegated authority to approve/refuse the application subject to conditions in consultation with Councillors.

Carried 6:0

14. QUESTIONS & DISCUSSIONS WITHOUT RESOLUTIONS

15. INFORMATION BULLETIN



COUNCILLORS INFORMATION BULLETIN – OCTOBER 2009

INDEX

1.	Chief Executive Officer's Information Report
1.1. 1.2. 1.3. 1.4.	Planning Approvals issued by CEO using Delegated Authority from Council WALGA Issues Update Western Australian Planning Commission Grain Freight Infrastructure – Update
2.	Building Surveyor's Report and Environmental Health Officer's Report
3.	<u>Staff</u>
4.	Works Information Report
5.	Plant Information Report
6.	Outwards Correspondence



1. CHIEF EXECUTIVE OFFICER'S INFORMATION REPORT

1.1 Planning Approvals Issued By CEO using Delegated Authority from Council (Property File)

Nil

1.2 WALGA Issues Update

14 September 2009

HEADLINES

- WALGA Breakfast Construction Project Management
- MEETING WITH THE WA POLICE COMMISSIONER
- Sector Television Campaign
- ALLIANCE FOR THE PREVENTION OF ELDER ABUSE
- GRAFFITI REMOVAL COURSE
- Invitation to Discover New 'Fertilise Wise' Endorsed Products
- ◀ HEALTHY ACTIVE WORKPLACES POLICY STATEMENT
- **■** New Planning Initiative Launched
- **◆** Construction Training Fund
- ◆ Change of Address for the Plumbers Licensing Board
- EUROPEAN PLANNING TOUR 2010
- ◆ OCTOBER IS COMMUNITY SAFETY MONTH
- Breakfast of Champions Launch for Community Safety Month 2009

MAILBAG

- WALGA Breakfast Series Event Construction Project Management
- ◆ FLYER DESIGNING OUT CRIME AND CCTV A GLOBAL PERSPECTIVE
- Local Government Reform 24/7 Hotline Information Packs
- ◆ PLANNING & COMMUNITY DEVELOPMENT NEWSLETTER
- INFO PAGE MEETING WITH THE WA POLICE COMMISSIONER, DR KARL O'CALLAGHAN

21 September 2009

HEADLINES

- **MINISTERIAL BRIEFING ON DEVELOPMENT ASSESSMENT PANELS**
- VOLUNTARY REFORM CAMPAIGN
- **WALGA Breakfast Construction Project Management**
- Bus Stop Infrastructure State/Local Government Partnership Agreement
- **■** LOCAL GOVERNMENT EMISSIONS REPORTING PLATFORM
- DRAFT STATE/LOCAL GOVERNMENT PARTNERSHIP AGREEMENT FOR PUBLIC LIBRARY SERVICES
- EVENT SUPPORT THROUGH THE PROVISION OF PUBLIC TRANSPORT SERVICES
- Active Family Challenge

MAILBAG

- Training and Development Quarterly Calendar October December 2009
- MODULE 1A: GETTING STARTED AN INTRODUCTION TO LOCAL GOVERNMENT FOR NEWLY ELECTED MEMBERS
- REVIEW OF WESTPLAN ROAD CRASH
- INFOPAGE AND FAXBACK DRAFT STATE/LOCAL GOVERNMENT PARTNERSHIP AGREEMENT FOR PUBLIC LIBRARY SERVICES
- INFOPAGE AND FAXBACK BIOSECURITY AND AGRICULTURE MANAGEMENT ACT AND ASSOCIATED DECLARED PEST RATES

28 September 2009

HEADLINES

- **WALGA BREAKFAST EVENT**
- **WA INDUSTRIAL RELATIONS COMMISSION APPEAL**
- WATER SERVICES BILL DISCUSSION PAPER
- ◆ TRAINING AND DEVELOPMENT UPDATE
- SGFLEET DELIVERING EXCELLENCE
- FEDERAL MINISTER FOR CLIMATE CHANGE AND WATER TO SPEAK IN PERTH
- Australian Institute of Urban Studies Seminar
- NATIONAL WATER WEEK 18-24 OCTOBER
- Towards a Better Life Social Role Valorisation
- AGEING SAFELY FORUM

MAILBAG

- PLANNING & COMMUNITY DEVELOPMENT NEWSLETTER
- ENVIRONMENTALLY FRIENDLY PLAYGROUND EQUIPMENT FLYER
- GRAIN FREIGHT INFRASTRUCTURE UPDATE
- MWAC Information Bulletin Issue 129
- GREENHOUSE GAS REPORTING AND ABATEMENT PLATFORM FOR LOCAL GOVERNMENT
- INFO PAGE LGAB REPORT UPDATE: SERVICES TO INDIGENOUS COMMUNITIES

5 October 2009

HEADLINES

- WALGA Breakfast Construction Project Management
- IMPACT OF WESTERN POWER COSTS AND POLICIES ON LOCAL GOVERNMENT
- ◆ CRIMINAL CODE AMENDMENT (GRAFFITI) BILL 2009
- **■** SEGRA Conference
- TRAINING AND DEVELOPMENT UPDATE
- PUBLIC WORKS TRAINING WEEK
- NAPCAN National Survey
- ◆ THE AUSTRALIAN RIRDC RURAL WOMEN'S AWARD 2010 APPLICATIONS NOW OPEN
- World Teachers' Day 2009 Celebrate Teachers

1.3 Western Australian Planning Commission

The Commission has advised that the application by ER, JJ & AA Hemery & DE Cole in relation to lots 60 & 7054 York-Williams Road has been approved.

1.4 **Grain Freight Infrastructure – Update**

A copy of a WALGA Infopage is attached for Councillors information.

2. <u>ENVIRONMENTAL HEALTH OFFICER'S REPORT/BUILDING SURVEYOR'S REPORT (13.1.2)</u> (2.2.4)

Environmental Health Officer/ Building Surveyor's Activity Report.

2.1 **Environmental Health**

Septic Tank Approvals

APPROVAL NUMBER	OWNER	ADDRESS

Food Premises Inspections

Nil

Other Environmental Health Matters

Nil

2.2 **Building Surveyor**

Building Inspections

Nil

Building Approvals

Building Permits have been issued as follows:

DATE	LICENSE	OWNER	ADDRESS	TYPE	VALUE
	NUMBER				

General Matters

Nil

3. **STAFF**

Nil

3.1 Leave and Overtime Report – September.

Leave taken for months of September is as follows:

LEAVE TYPE	HOURS
Annual Leave	Nil hours
Personal Leave	38.9 hours
Bereavement Leave	Nil hours
Long Service Leave	Nil hours
Leave Without Pay	Nil hours
Overtime	6 hours

4. **WORKS REPORT** – September 2009

CONSTRUCTION

The shoulder grading on the sealed roads has been completed.

The black-spot project on the York- Williams Brookton -Pingelly

Intersection has commenced and with anticipated stoppages with other shire duties.

We expect to seal the job by early November but this depends on the bitumen contractors time frame. I will book them in when the time gets closer and I have a better idea of completion time.

Grahams Road crossing flood damage has been fixed with stabilized gravel placed in the wash outs.

A truck pull over area has been placed on Moramockining Road adjacent to H Wells driveway to allow safe access to his property.

MAINTAINANCE

A grade up of Reid, and a section of Moramockining Roads has been done. Pot holes on Nth Bannister – Wandering Road have again been done.

TOWN

The drum muster took place on Wednesday the 30th September, with a steady flow of customers. All went well.

Blocks opposite the Shire Office were mowed along with the two ovals and a block on Dowsett Street.

Trees were planted around the new toilet block, with more to plant when the old structure is removed. This will commence on 12th October.

Boneseed weed has again been sprayed in and around the town environs.

General weeding in and around the parks and gardens is ongoing.

PRIVATE WORKS

The mission fire breaks have been done for the Southern Aboriginal Corporation.

10 Dowsett Street was mowed.

42 Michibin Street was mowed.

NEXT WORK

Carry on with the black spot project Place some gravel on Carabin Road Gravel sheeting on York- Williams Road.

MAINTAINENCE ON PLANT AND MACHINERY

 $\mathbf{1}^{\text{st}}$ service was carried out on the ride on mower by Armidale Mower World as there were some adjustments to do to the drive motors.

A new windscreen was fitted to U1 WD-487

Air leak fixed on T2clutch line WD- 355

Two new jockey wheel tyres were fitted to the sweeper

A new clutch was fitted to the ride on mower, supplied by the dealer under warranty.

5. PLANT HOURS

G1 120M GRADER	75 HRS FOR THE MONTH
G2 12H GRADER	82 HRS FOR THE MONTH
924 CAT LOADER	45 HRS FOR THE MONTH
CAT VIB ROLLER	2 HRS FOR THE MONTH
T1 ISUZU TRUCK	304 KMS FOR THE MONTH
T2 ISUZU TRUCK	749 KMS FOR THE MONTH
CREW CAB	1922 KMS FOR THE MONTH
TRACTOR	44 HRS FOR THE MONTH
MULTI ROLLER	75 HRS FOR THE MONTH
U1	795 KMS FOR THE MONTH
U2	4398 KMS FOR THE MONTH
RIDE ON MOWER	150 HRS FOR THE MONTH
FIRE TRUCK 2.4	19 KMS FOR THE MONTH
FIRE TRUCK	3.421 KMS FOR THE MONTH

FUEL PURCHASE

CALTEX DIESEL	\$1.1386 PER LITRE
FUEL DISTRIBUTORS	\$1.1351 PER LITRE
GRT. SOUTHERN FUEL	1.1884 PER LITRE

The purchase of 4500 litres of diesel was supplied by Fuel Distributors.

6. <u>OUTWARD CORRESPONDENCE</u>

Date	Addressee	Subject
18/09/2009	D & J Young	Approval - apparatus for treatment of sewerage
23/09/2009	Westpac Bank	Shire Banking
24/09/2009	AP Marshall	Rates Penalty Notice
24/09/2009	G Epiro	Rates Penalty Notice
24/09/2009	A Kukulj	Rates Penalty Notice
24/09/2009	Ardross Enterprises	Rates Penalty Notice
24/09/2009	Hotham Catchment Landcare	Invoice #2508 \$600
24/09/2009	Perth Monumental Works	Inv/Sales receipt
24/09/2009	Wandering Brook Winery	Food premises inspection
	Threeways Roadhouse &	
24/09/2009	Tavern	Food premises inspection
24/09/2009	Jessica Sheppard WALGA	Declared Pest Rates Survey Responses (Fax)
30/09/09	Hotham CLCC	Sponsorship Cheque
30/09/09	Timebase	Credit request
	Combined Property	
30/09/09	Settlements	
30/09/09	DPI	Licensing Recoup
1/10/2009	Lowden	Lot 81 Moramockining, Relocation Building Envelope
7/10/2009	Sergeant, Lindsay	Invoice
	Peel - Harvey Catchment	
7/10/2009	Council	Advice of no nomination for board member
0/40/0000	Australian Bureau of	D 0
8/10/2009		Re Census
8/10/2009	Australian Technical College	Albany to Armadale bike ride

Approval - dble configured trucks on York/Williams, Kubbine,

8/10/2009 Balco Australia Sheaok roads

 9/10/2009
 Munday, ASJ
 Invoice

 9/10/2009
 Young, D & J
 Invoice

 9/10/2009
 Highfield, Lydia
 WALGA,

16. <u>MEETING CLOSURE</u>

There being no further business, the Chairman closed the meeting at 4.47pm.

These Minutes were confirmed by Council at the Ordinary Council Meeting on 19th November 2009.

CR B E DOWSETT, Chairman