



Shire of Wandering

Ordinary Council Meeting 20 November 2014

Minutes

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1 DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

1:36pm - The Presiding Person declared the meeting open and welcomed all present.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance:

Cr G Kerr President

Cr B Dowsett Deputy President

Cr W Gowland

Cr B Whitely

Cr J Price

Cr J McNeil

Cr C Ferguson

Mr M Whitely Chief Executive Officer

Mr D Ojha Manager Administration & Finance (1:37pm – 4:40pm)

Visitors: Andrew Borrett, Department of Local Government and Communities (1:36pm – 3:28pm)

Gallery: Ms Katherine Price (1:36pm – 3:03pm)

Apologies: Nil

On Leave of Absence: Nil

Absent: Nil

3 DISCLOSURE OF INTERESTS

Cr McNeil declared a financial interest in Confidential Item 13.1.2 and handed the completed disclosure form to the Presiding Person.

4 PUBLIC QUESTION TIME

1:39pm – The Presiding Person opened public question time and explained that a minimum time of 15 minutes was allowed for questions from the public.

4.1 Ms Katherine Price – Building Order for 1 Pollard Road

Summary of Question:

“What measures have been taken by Council with a proposed building order on the property at 1 Pollard Rd, Wandering?”

Summary of Response:

The CEO advised that a Notice of Intent to Issue a Building Order had been sent to the builders (Tesip Constructions Pty Ltd) for 1 Pollard Rd, Wandering. The CEO also advised that he had been in contact with Andrew Wallace, Building Officer for the Shire of Wandering, in relation to Shire representation in the event that the builder chose to defend their position and challenge the building order issued by seeking a State Administration Tribunal hearing.

1:46pm – There being no further questions the Presiding Person closed question time.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Shire of Wandering Ordinary Meeting – 16 October 2014

COUNCIL DECISION – ITEM 6.1

Moved Cr Price seconded Cr Gowland;

That the minutes of the Ordinary Meeting of the Shire of Wandering held in the Council Chambers on 16 October 2014 be confirmed.

CARRIED 7/0

6.2 Bush Fire Advisory Special Meeting – 23 September 2014

COUNCIL DECISION – ITEM 6.2

Moved Cr Whitely seconded Cr Dowsett;

That the minutes of the Special Meeting of the Bush Fire Advisory Committee held in the Council Chambers on 23 September 2014 be received.

CARRIED 7/0

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

9 REPORTS OF COMMITTEES

Nil

10 REPORTS OF OFFICERS

10.1.1 Appointment of Dual Fire Control Officers

Location: Shire of Wandering
Applicant: Shire of Cuballing and Shire of Williams
File Reference: 4.1.1
Disclosure of Interest: Nil
Date: 12 November 2014
Author: Martin Whitely, Chief Executive Officer

Background

The Shire of Williams has sought the appointment of Fire Control Officer Mr Stuart Rintoul and likewise the Shire of Cuballing has sought the appointment of Fire Control Officer Mr Craig Cousins as Dual Fire Control Officers in the Shire of Wandering.

Comment

To date there have been no other Dual Fire Control Officer appointments in the Shire of Wandering for the 2014/15 fire season.

Consultation

Nil

Statutory Environment

Section 40 of the *Bush Fires Act 1954* provides that:

(1) Two or more local governments may by agreement join in appointing, employing and remunerating bush fire control officers for the purposes of this Act.

(2) Bush fire control officers so appointed may exercise their powers and authorities and shall perform their duties under this Act in each and every one of the districts of the local governments which have joined in appointing them.

Policy Implications

Shire of Wandering Bush Fire Brigades Local Law

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That Williams Fire Control Officer Mr Stuart Rintoul and Cuballing Fire Control Officer Mr Craig Cousins are appointment as Dual Fire Control Officers with the Shire of Wandering.

COUNCIL DECISION – ITEM 10.1.1

Moved Cr Dowsett seconded Cr Price;

That Williams Fire Control Officer Mr Stuart Rintoul and Cuballing Fire Control Officer Mr Craig Cousins are appointment as Dual Fire Control Officers with the Shire of Wandering.

CARRIED 7/0

10.1.2 Amalgamation of Town & Wandering Fire Brigades

Location: Shire of Wandering
Applicant: Wandering, Wandering Town, Hasting & Codjatotine Fire Brigades
File Reference: 4.1.1
Disclosure of Interest: Nil
Date: 12 November 2014
Author: Martin Whitely, Chief Executive Officer

Background

At the Bush Fire Advisory Committee Annual General Meeting held on 9 April 2014 there was general discussion by members in attendance of the need to amalgamate brigades due to the lack of suitably trained members to despatch the fire trucks in the case of an emergency. Currently there are two fire trucks housed at the Wandering Town Brigade shelter and there are seven suitably qualified members to despatch the trucks. It is a protocol of the Wandering Town Brigade that there must be two members present to despatch the truck and herein lies the issue as the availability several brigade members is determined by varying work schedules as they work in the mining industry.

Comment

At the Bush Fire Advisory Committee Annual General Meeting held on 9 April 2014 it was agreed that a special meeting be held prior to the commencement of the bush fire season to discuss the option of amalgamating some or all of the existing 4 fire brigades. A Special Meeting was held on 23 September 2014 to allow all brigades the opportunity to discuss the option of amalgamation with their brigade members.

Both the Codjatotine and Hastings Fire Brigades opposed the proposal to amalgamate, however the Wandering and Wandering Town Fire Brigade members agreed that the two brigades should be joined together to form just the one brigade.

At the Special Meeting held on 23 September 2014 it was resolved that the Wandering and Wandering Town Fire Brigades merge into one brigade known as the Wandering Fire Brigade and that the Codjatotine and Hastings Fire Brigades remain as they are.

Consultation

Chief Executive Officer
Chief Bush Fire Control Officer
Wandering, Wandering Town, Hastings and Codjatotine Fire Brigades

Statutory Environment

Section 41 of the *Bush Fires Act 1954* provides that:

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.
- (2) A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.

- (2a) A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).
- (3) A local government may at any time cancel the registration of a bush fire brigade.

Policy Implications

The following sections of the Shire of Wandering Bush Fire Brigades Local Law apply;

2.7 Dissolution of bush fire brigade

In accordance with section 41(3) of the Act, the local government may cancel the registration of a bushfire brigade if it is of the opinion that the bush fire brigade is not complying with the Act, this local law, the Bush Fire Operating Procedures or the Rules, or is not achieving the objectives for which it was established.

2.8 New arrangement after dissolution

If a local government cancels the registration of a bush fire brigade, alternative fire control arrangements are to be made in respect of the brigade area.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That the Wandering Fire Brigade and Wandering Town Fire Brigade be amalgamated into one brigade called the Wandering Fire Brigade with all other fire arrangements to remain the same.

MOTION

Moved Cr Dowsett seconded Cr Whitely;

That the Wandering Fire Brigade and Wandering Town Fire Brigade be amalgamated into one brigade called the Wandering Fire Brigade with all other fire arrangements to remain the same.

AMENDMENT

Moved Cr Dowsett seconded Cr Whitely

That the wording “be amalgamated into one brigade called the Wandering Fire Brigade with all other fire arrangements to remain the same” be replaced with “do not amalgamate but work together sharing resources for the betterment of the community”

CARRIED 7/0

COUNCIL DECISION – ITEM 10.1.2

The Presiding Person put the amended motion;
That the Wandering Fire Brigade and Wandering Town Fire Brigade do not amalgamate but work together sharing resources for the betterment of the community.

CARRIED 7/0

The reason the Officer recommendation was changed was to allow the two fire brigades to function as one brigade without losing the identity of both brigades.

10.1.3 Proposed Shed

Location: Lot 100 Echidna Close, Blackboy Springs
Applicant: Benjamin Bickley & Carly Steinbeck
File Reference: A459
Disclosure of Interest: Nil
Date: 12 November 2014
Author: Martin Whitely, Chief Executive Officer

Background

At the October 2014 Ordinary Council Meeting the applicant sought Council's planning approval to construct a new single house and associated shed on Lot 100 (No. 100) Echidna Close, Wandering.

At that meeting the following resolution was made by Council;

COUNCIL DECISION – ITEM 10.3

Moved Cr Dowsett seconded Cr Kerr;

That the application for planning approval submitted by the applicant an owners Ben Bickley and Carly Steinback (Landowners) to construct a new single detached dwelling, and associated outbuildings on Lot 100 (No.100) Echidna Close, Wandering be APPROVED in accordance with the information and plans submitted in support of the application subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed finished floor level of the new single dwelling, carport and associated shed shall not to exceed 500mm above the natural ground unless otherwise approved by Council.
2. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
3. The proposed crossover and all on-site vehicle access ways shall be constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
4. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Wandering.
5. The proposed development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Wandering.

6. The new shed shall have a maximum wall height of 3.2 metres and a maximum roof height of 3.4m metres.
7. The new shed shall be of colourbond construction with a total floor area not exceeding 91.5m².
8. The new shed shall be used for domestic purposes only unless otherwise approved by Council.

Advice Notes

1. The development shall be completed within a period of two (2) years from the date of this approval. If the development is not completed within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Wandering having first been sought and obtained.
2. A completed building permit application must be submitted to and approved by the Shire's Building Surveyor prior to the commencement of any construction on the land.
3. The new dwelling, water tank, aquaponics and associated shed are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements are required to be submitted with the building permit application.
4. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the Environmental (Noise) Regulations 1997.
5. No construction works shall commence on the land prior to 7am without the Shire's written approval.
6. Failure to comply with any of the conditions of this planning approval constitutes an offence under the provisions of the Planning and Development Act 2005 and the Shire of Wandering Town Planning Scheme No.3 and may result in legal action being initiated by the local government.

CARRIED 3/2

Comment

Since notifying the owners of Lot 100 Echidna close, Blackboy Springs of Council Decision - Item 10.3 at the October 2014 Ordinary Council Meeting the owners have written back to the CEO asking if Council would reconsider the original decision to allow a roof height for the proposed shed of 5m instead of the 3.4m as resolved for Item 10.3 at the October 2014 Ordinary Council Meeting.

Justification from the landowners for the requested variation is to allow continuity with the construction of the new dwelling.

Clause (d) of the Shire's 'Outbuildings' policy states that the wall height of any outbuildings shall not exceed 3 metres and in the case of gable roof construction, the maximum building height shall not exceed 4 metres.

Clause (g) of the Shire's 'Outbuildings' policy states that any application for planning approval which does not comply with the above shall be referred to Council for consideration.

Comments from Mr Thamm, Planning Officer from the Shire of Kalamunda in reference to allow a roof height of 5m were that the 1.6m difference from the original Council resolution would be negligible from the neighbours perspective and while the variation would ensure continuity of the buildings, approving such a request could set a negative precedence for future outbuilding developments. Additional information on the planning development is shown at Attachment 3.

Consultation

Alexander George Thamm – Planning Officer from Shire of Kalamunda

Statutory Environment

Planning & Development Act (2005)
Shire of Wandering Town Planning Scheme No.3

Policy Implications

Shire of Wandering Local Planning Policy – ‘*Outbuildings: Residential & Rural Residential Zones*’

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That Council approve the construction of the shed at 100 Echidna Close, Blackboy Springs up to a maximum height of 4m in accordance with the Shire of Wandering Local Planning Policy – ‘*Outbuildings: Residential & Rural Residential Zones*’.

[Attachment 3](#)

COUNCIL DECISION – ITEM 10.1.3

Moved Cr Gowland seconded Cr Ferguson;

That Council approve the construction of the shed at 100 Echidna Close, Blackboy Springs up to a maximum height of 4m in accordance with the Shire of Wandering Local Planning Policy – ‘*Outbuildings: Residential & Rural Residential Zones*’.

CARRIED 6/1

10.1.4 Codjatotine Parking Bay

Location: Codjatotine Parking Bay
Applicant: Mr Maurice Sewell, Codjatotine Hall Committee
File Reference: 20.1.1
Disclosure of Interest: Nil
Date: 12 November 2014
Author: Martin Whitely, Chief Executive Officer

Background

Residents and interested persons in the Codjatotine area have formed a Committee to facilitate a project in the Codjatotine area to expend some surplus funds which previously belonged to a Committee that is now longer operational.

The Codjatotine Hall Committee held a meeting to decide on a suitable project and have come with an information bay concept at the existing Codjatotine Rock parking bay area.

Part of the proposed project is to clear an area of vegetation to create a parking bay that will be accessible by trucks and Mr Sewell has written to Council seeking Council permission to clear the proposed area.

Comment

The proposed area to be cleared is reserve land vested to the Shire of Wandering. As such Council will be required to obtain a permit to clear the designated area. It may be possible use an existing permit issued to the Shire of Wandering, however if this is not possible then a fee will be payable to obtain a separate permit.

Consultation

Mr Maurice Sewell, Codjatotine Hall Committee

Statutory Environment

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Policy Implications

Nil

Financial Implications

If a permit to clear vegetation is required these costs could be met from funds allocated to community groups in the 2014/15 Budget.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That Council approve the request from the Codjatotine Hall Committee to clear the area requested at the Codjatotine parking bay and that any clearing of vegetation is not to commence until a permit has been obtained by the Shire of Wandering.

[Attachment 4](#)

COUNCIL DECISION – ITEM 10.1.4

Moved Cr McNeil seconded Cr Ferguson;

That Council instruct the CEO to write to the Codjatotine Hall Committee seeking a resolution from the Codjatotine Hall Committee clearly stating the scope of the project to allow Council to make an informed decision.

CARRIED 7/0

The reason for the Officer Recommendation being changed was that Council were unsure if the project submitted at Item 10.1.4 was the general consensus of the full committee or only the views of a few of the committee members.

10.1.5 Hotham Williams Economic Development Alliance

Location: Shires of Boddington, Wandering and Williams
Applicant: Hotham Williams Economic Development Alliance
File Reference: 18.1.40
Disclosure of Interest: Nil
Date: 12 November 2014
Author: Martin Whitely, Chief Executive Officer

Background

The Hotham Williams Economic Development Alliance (“HWEDA”) has been established as part of the Boddington Super Town Economic Development Strategy. HWEDA is an independently incorporated association with membership made up from representatives from the three towns of Boddington, Wandering and Williams. The Alliance’s main purpose is to promote and expand the economy of the District by undertaking agreed joint initiatives and projects.

Currently the membership of the Alliance includes the CEO, 1 x Councillor and 2 x Business Representatives from each of the three Shires as well as representatives from BHP Billiton Worsley and Newmont Boddington Gold who attend meetings as observers.

HWEDA in its current form has been operating since February 2013. The CEO has been attending Economic Development meetings throughout the Super Town process and subsequent successful funding distribution. To date, all HWEDA activities have been funded through the Super Town funding that the Shire of Boddington received, however this is due to be completed by December 2014.

Comment

Achievements of HWEDA to date have been mainly around marketing and tourism (development of the *Marradong Country* brand) as the group has worked to find its feet and where it fits in the economic development space for the three shires.

In the last few months some real progress has been made, with the group undertaking a comprehensive review of the constitution to make it more relevant to the objectives of the group and now the organisation is setting itself up to achieve the goals set out in the Draft Strategic Plan.

There is a distinct feeling amongst the current membership that the group has real potential and will be able to strategically place itself as a relevant, strategic, influential group working on economic development opportunities for the three shires. It is a collaborative group with excellent cross-representation of local government, business and industry. It is hoped in the future that it will become a sought after position to be on the HWEDA board due to the ability that the group has to influence decision making and provide input into the overall economic development for the region.

The next steps will be to revisit the Draft Strategic Plan and ensure that it aligns to major regionally significant strategic plans. The group is attempting to set itself up as a smaller version of the very successful Bunbury Wellington Economic Development Alliance.

More recently, the Shire of Boddington has engaged Sharon Moore to prepare a Business Case for the proposed Interpretive Centre in Boddington. This is also an initiative that was earmarked in the Growth Plan for the Shire of Boddington with the concept initiated as part of the Super Town funding. The proposed Interpretive Centre in Boddington is aimed at focusing on the Mining, Agricultural and Tourism Industries with the Region (Marradong Country). The project is still very much in its infancy, however it is hoped that the opportunity will be further enhanced and developed over time.

HWEDA is currently being funded by grant funding received by the Shire of Boddington as part of the Super Town Program. This funding will cease at the end of 2014 and at this point the Association does not have any seed funding. Initially HWEDA will operate on a limited budget and the employment of an Executive Officer is not a priority, however going forward, to achieve the goals of the group there will need to be a paid person to ensure the Association continues to operate.

It is intended to seek membership fees from Industry, Tourism and Small Business which will fund HWEDA's operations and in return for this membership fee HWEDA will actively promote the region and lobby on behalf of its members to Federal, State and local government on issues affecting economic development in the region. HWEDA will also act as a conduit to help businesses existing and new establish contacts which will in turn enhance their business and our local economies

At the June meeting of HWEDA it was resolved to ask each Council to provide \$10,000 in seed funding to assist HWEDA to get off the ground.

Consultation

Shire of Boddington
Shire of Williams

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

An amount of \$10,000 has been included in the 2014/15 Budget.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That the Shire of Wandering contributes an amount of \$10,000 to the Hotham Williams Economic Development Alliance for the 2014/15 financial year.

COUNCIL DECISION – ITEM 10.1.5

Moved Cr Gowland seconded Cr Whitely;

That the Shire of Wandering contributes an amount of \$10,000 to the Hotham Williams Economic Development Alliance for the 2014/15 financial year.

CARRIED 4/3

10.2 BUILDING SERVICES

Nil

10.3 PLANNING SERVICES

10.3.1 Omnibus Amendment No.4 to the Shire of Wandering Town Planning Scheme No.3

Location:	Shire of Wandering
Applicant:	Shire of Wandering
File Reference:	28.1.1
Disclosure of Interest:	Nil
Date:	11 November 2014
Author:	Tory Young – Consultant
Senior Officer:	Martin Whitely, Chief Executive Officer

Background

The Shire of Wandering's Town Planning Scheme No. 3 was gazetted in 2001. Since that time, the Scheme has undergone 3 amendments. Under the Planning and Development Act 2005 a Town Planning Scheme is to be reviewed every five (5) years. Notwithstanding this, the Department of Planning has advised that in the case of the Shire of Wandering, an Omnibus Amendment is a more appropriate option at this point in time given the existing strategic documents already in place and the scope of the amendments proposed to the Scheme. The Council has engaged consultancy Tory Young Town Planning and Heritage, to prepare the Omnibus Amendment to the Shire's Town Planning Scheme No.3.

Comment

A review of the provisions within the existing Town Planning Scheme No.3 Text and the current zoning in the Town Planning Scheme Maps was undertaken by the consultant and aligned with the Shire's key strategic planning documents, namely the Local Planning Strategy and the Townsite Expansion Plan, endorsed by the Western Australian Planning Commission (WAPC) in 2007 and 2009 respectively.

Following this, the consultant discussed the details of the Scheme with the Shire Councillors and CEO and the Manager of Finance and Administration at the Council's Ordinary Meeting on 18 September 2014, and sought feedback of the functionality of the Scheme and aspects to be amended and investigated further.

In summary the resultant recommendations from this review were as follows:

1. Rezone Lot 101 North Bannister-Wandering, Wandering from 'Rural' to 'Rural-Residential';
2. Rezone the existing gravel pit site located at Lot 28352 Moramocking Road, Wandering from 'Public Purposes' to 'Rural Residential';
3. Review provisions relating to home occupation and home businesses;
4. Review Special Use provisions in Schedule 4 of the Scheme relating to the types of land uses permitted at the roadhouses along Albany Highway;
5. Review site requirements for dwellings on Rural and Rural Residential lots;
6. Amend the Scheme Text to align with the Planning and Development Act 2005, any other relevant legislation and policy where required; and
7. Amend the Scheme Text to incorporate relevant objectives and aspects of the Local Planning Strategy and Townsite Expansion Plan where required.

A Scheme Amendment Report has been prepared detailing the particulars of the proposed amendments to the Scheme and justification for the amendments.

In light of the above, it is recommended that the Council resolve to authorise the proposed amendment, as outlined in the Officer Recommendation below, to progress this Omnibus Amendment No. 4 to the Shire's Town Planning Scheme No. 3.

Consultation

Following Council's initiation of the required Omnibus Amendment No. 4 to Town Planning Scheme No.3 the proposal will be referred to the Environmental Protection Authority (EPA) for environmental clearance. Following the issuance of environmental clearance by the EPA the proposal will then be advertised by the Shire for a minimum period of forty two (42) days. This process will include publication of appropriate notices in a local newspaper and correspondence to adjoining/nearby landowners and all relevant essential service authorities. Details of the outcomes from public advertising will then be presented to Council for further consideration prior to the matter being referred to the Western Australian Planning Commission and the Hon. Minister for Planning for final approval.

Statutory Environment

Planning and Development Act 2005
Town Planning Regulations 1967

Policy Implications

Shire of Wandering Local Planning Strategy (2007)
Shire of Wandering Townsite Expansion Plan (2009)

Financial Implications

Tory Young Town Planning and Heritage has been engaged by the Shire at \$70 per hour and has been authorised to complete the Omnibus Amendment within a budget of \$10,050. There is provision in the 2014/15 Budget for use of consultancy services.

Strategic Implications

The proposed amendments to the Town Planning Scheme No.3, support the aims and objectives of the Shire's key strategic documents, namely the:

Strategic Community Plan 2013 – 2023
Local Planning Strategy (endorsed by the WAPC in 2007)
Townsite Expansion Plan (endorsed by the WAPC in 2009)

Voting Requirements

Simple Majority

Officer Recommendation

That the Council:

Pursuant to section 75 of the Planning and Development Act 2005 RESOLVES to INITIATE the Omnibus Amendment No. 4 to amend the Shire of Wandering's Town Planning Scheme No. 3 by:

1. Reclassifying portion of Lot 101 North Bannister-Wandering Road, Wandering from 'Rural' to 'Rural Residential', and amend Scheme Map 3 of 3 accordingly;
2. Reclassifying Lot 28352 Moramocking Road, Wandering from 'Public Purposes' to 'Rural Residential' and amend Scheme Map 2 of 3 accordingly;
3. Changing all reference to the Town Planning and Development Act 1928 to Planning and Development Act 2005, and update reference to any other legislation in the Scheme Text No. 3 where required.;
4. Including a new clause 2.1 to reference the Shire's Local Planning Strategy and Townsite Expansion Plan;
5. Amending all reference to the Building Code of Australia to the National Construction Code;
6. Amending clause 5.16.1 Site Requirements relating to minimum building setbacks to include the additional text underlined as follows: 'The Minimum Setbacks shall be: Front: 30.0m, Rear 10.0m, Side 10.0m: Minimum setbacks can be varied by the Council where it is demonstrated that existing landforms / topography / built structures prevent achieving the minimum setbacks prescribed';
7. Amending clause 5.17.1 Site Requirements in Rural-Residential Zones, relating to minimum building setbacks, to include the additional text underlined as follows: 'The Minimum Setbacks shall be: Front: 20.0m, Rear 20.0m, Side 20.0m. Minimum setbacks can be varied by the Council where it can demonstrated that existing landforms / topography / built structures prevent achieving the minimum setbacks prescribed';
8. Amending clause (c) of the definition relating to Home Occupation to include the additional text underlined as follows: '(c) does not occupy an area of greater than 20 square metres, except for land in the Rural or Rural Residential Zone, under the Scheme the local government may permit an area of up to 100square metres';
9. Amending clause (c) of the definition relating to Home Business to include the additional text underlined as follows: '(c) does not occupy an area of greater than 50 square metres, except for land in the Rural or Rural Residential Zone, under the Scheme the local government may permit an area of up to 200 square metres';
10. Amending Schedule 4 relating to Special Use Zones to include the additional text underlined as follows:
 1. 'Avon Location, 26562 Albany Highway, North Bannister: Roadhouse, traveller's facilities, and supporting tourist facilities including, retail, shop and short stay accommodation, subject to planning approval; and
 2. 'Avon Location, 26562 Albany Highway, North Bannister: Roadhouse, traveller's facilities, and supporting tourist facilities including, retail, shop and short stay accommodation, subject to planning approval';
11. Assigning portion of Lot 101 / DP 56892 as 'Rural Residential No.3' and amend Schedule 11 relating to Rural-Residential Zones, to include a series of requirements to guide development for the proposed area 'Rural Residential 3', as outlined in the Scheme Amendment Report; and

12. Assigning Lot 28352 / DP 211831 'Rural Residential No.4' and amend Schedule 11 relating to Rural-Residential Zones, to include a series of requirements to guide development for the proposed area 'Rural Residential No.4', as outlined in the Scheme Amendment Report.
13. GRANTS delegated authority to the Shire President and the Chief Executive Officer to sign and seal the amendment documentation as required throughout the course of the Scheme Amendment process; and
14. AUTHORISES the Shire's Administration to make all the necessary arrangements to progress the Scheme Amendment proposal in accordance with the procedural requirements of the Town Planning Regulations 1967 (as amended).

Attachment 5

There was general discussion by Council on Item 10.3.1 before a query was raised by Cr Whitely in relation to the location mentioned at part 10.2 of the Officer Recommendation and whether this should be taking into account the second of the two roadhouses in the Shire.

2:45pm – CEO left the meeting to make a phone call to Ms Tory Young to clarify the location of the property mentioned at 10.2 of the recommendation.

At this point of the agenda the order of business was changed to allow Item 10.4.1 to be brought forward and dealt with at this time.

10.4 CORPORATE SERVICES

10.4.1 Financial Statements for the period ended 31 October 2014

Location:	N/A
Applicant:	Shire of Wandering
File Reference:	10.1.16
Disclosure of Interest:	Nil
Date:	9 October 2014
Author:	Durga Ojha, Manager Finance & Administration
Senior Officer:	Martin Whitely, Chief Executive Officer

Background

In accordance with Local Government (Financial Management) Regulation 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.

The statement of financial activity for the period ending 30 September 2014, financial statements, bank reconciliation and list of accounts paid for the period ending 31 August 2014 are hereby presented for Council's information. 2014.

Comment

Council is requested to accept the monthly statement of financial activity, financial statements, bank reconciliation and list of payments as presented.

Consultation

Chief Executive Officer
Accounts Officer
Payroll Officer

Statutory Environment

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That Council

1. Endorse all Cheque, EFT, BPay, wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$131,595.08 for the period ending 31 October 2014.
2. Receive the bank reconciliation for the period ended 31 October 2014
3. Receive the financial statements for the period ended 31 October 2014

[Attachment 6](#)

[Bank Reconciliation for Period Ending 31 October 2014](#)

[List of Accounts paid for October 2014](#)

[Statement of Financial Activity for the period ended 31 October 2014](#)

2:48pm – CEO returned to the meeting

COUNCIL DECISION – ITEM 10.4.1

Moved Cr Dowsett seconded Cr Ferguson;

That Council

1. Endorse all Cheque, EFT, BPay, wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$131,595.08 for the period ending 31 October 2014.
2. Receive the bank reconciliation for the period ended 31 October 2014
3. Receive the financial statements for the period ended 31 October 2014

CARRIED 7/0

3:00pm – Council returned to further discussion on Item 10.3.1 – Omnibus Amendment No.4 to the Shire of Wandering Town Planning Scheme No.3

MOTION

Moved Cr Whitely seconded Cr Dowsett;

That the Council:

Pursuant to section 75 of the Planning and Development Act 2005 RESOLVES to INITIATE the Omnibus Amendment No. 4 to amend the Shire of Wandering's Town Planning Scheme No. 3 by:

1. Reclassifying portion of Lot 101 North Bannister-Wandering Road, Wandering from 'Rural' to 'Rural Residential', and amend Scheme Map 3 of 3 accordingly;
2. Reclassifying Lot 28352 Moramocking Road, Wandering from 'Public Purposes' to 'Rural Residential' and amend Scheme Map 2 of 3 accordingly;
3. Changing all reference to the Town Planning and Development Act 1928 to Planning and Development Act 2005, and update reference to any other legislation in the Scheme Text No. 3 where required.;
4. Including a new clause 2.1 to reference the Shire's Local Planning Strategy and Townsite Expansion Plan;
5. Amending all reference to the Building Code of Australia to the National Construction Code;
6. Amending clause 5.16.1 Site Requirements relating to minimum building setbacks to include the additional text underlined as follows: 'The Minimum Setbacks shall be: Front: 30.0m, Rear 10.0m, Side 10.0m: Minimum setbacks can be varied by the Council where it is demonstrated that existing landforms / topography / built structures prevent achieving the minimum setbacks prescribed';
7. Amending clause 5.17.1 Site Requirements in Rural-Residential Zones, relating to minimum building setbacks, to include the additional text underlined as follows: 'The Minimum Setbacks shall be: Front: 20.0m, Rear 20.0m, Side 20.0m. Minimum setbacks can be varied by the Council where it can demonstrated that existing landforms / topography / built structures prevent achieving the minimum setbacks prescribed';
8. Amending clause (c) of the definition relating to Home Occupation to include the additional text underlined as follows: '(c) does not occupy an area of greater than 20 square metres, except for land in the Rural or Rural Residential Zone, under the Scheme the local government may permit an area of up to 100square metres';
9. Amending clause (c) of the definition relating to Home Business to include the additional text underlined as follows: '(c) does not occupy an area of greater than 50 square metres, except for land in the Rural or Rural Residential Zone, under the Scheme the local government may permit an area of up to 200 square metres';
10. Amending Schedule 4 relating to Special Use Zones to include the additional text underlined as follows:

1. 'Avon Location, 26562 Albany Highway, North Bannister: Roadhouse, traveller's facilities, and supporting tourist facilities including, retail, shop and short stay accommodation, subject to planning approval; and
2. 'Avon Location, 26562 Albany Highway, North Bannister: Roadhouse, traveller's facilities, and supporting tourist facilities including, retail, shop and short stay accommodation, subject to planning approval';
11. Assigning portion of Lot 101 / DP 56892 as 'Rural Residential No.3' and amend Schedule 11 relating to Rural-Residential Zones, to include a series of requirements to guide development for the proposed area 'Rural Residential 3', as outlined in the Scheme Amendment Report; and
12. Assigning Lot 28352 / DP 211831 'Rural Residential No.4' and amend Schedule 11 relating to Rural-Residential Zones, to include a series of requirements to guide development for the proposed area 'Rural Residential No.4', as outlined in the Scheme Amendment Report.
13. GRANTS delegated authority to the Shire President and the Chief Executive Officer to sign and seal the amendment documentation as required throughout the course of the Scheme Amendment process; and
14. AUTHORISES the Shire's Administration to make all the necessary arrangements to progress the Scheme Amendment proposal in accordance with the procedural requirements of the Town Planning Regulations 1967 (as amended).

AMENDMENT

Moved Cr McNeil seconded Cr Whitely

That the wording at 10.2 of the recommendation be replaced with "No. 2 Avon Location, 22534 Albany Highway, North Bannister: Roadhouse, traveller's facilities, and supporting tourist facilities including, retail, shop and short stay accommodation, subject to planning approval"

CARRIED 7/0

COUNCIL DECISION – ITEM 10.3.1

The Presiding Person put the amended motion;

That the Council:

Pursuant to section 75 of the Planning and Development Act 2005 RESOLVES to INITIATE the Omnibus Amendment No. 4 to amend the Shire of Wandering's Town Planning Scheme No. 3 by:

1. Reclassifying portion of Lot 101 North Bannister-Wandering Road, Wandering from 'Rural' to 'Rural Residential', and amend Scheme Map 3 of 3 accordingly;

2. Reclassifying Lot 28352 Moramocking Road, Wandering from 'Public Purposes' to 'Rural Residential' and amend Scheme Map 2 of 3 accordingly;
3. Changing all reference to the Town Planning and Development Act 1928 to Planning and Development Act 2005, and update reference to any other legislation in the Scheme Text No. 3 where required.;
4. Including a new clause 2.1 to reference the Shire's Local Planning Strategy and Townsite Expansion Plan;
5. Amending all reference to the Building Code of Australia to the National Construction Code;
6. Amending clause 5.16.1 Site Requirements relating to minimum building setbacks to include the additional text underlined as follows: 'The Minimum Setbacks shall be: Front: 30.0m, Rear 10.0m, Side 10.0m: Minimum setbacks can be varied by the Council where it is demonstrated that existing landforms / topography / built structures prevent achieving the minimum setbacks prescribed';
7. Amending clause 5.17.1 Site Requirements in Rural-Residential Zones, relating to minimum building setbacks, to include the additional text underlined as follows: 'The Minimum Setbacks shall be: Front: 20.0m, Rear 20.0m, Side 20.0m. Minimum setbacks can be varied by the Council where it can demonstrated that existing landforms / topography / built structures prevent achieving the minimum setbacks prescribed';
8. Amending clause (c) of the definition relating to Home Occupation to include the additional text underlined as follows: '(c) does not occupy an area of greater than 20 square metres, except for land in the Rural or Rural Residential Zone, under the Scheme the local government may permit an area of up to 100square metres';
9. Amending clause (c) of the definition relating to Home Business to include the additional text underlined as follows: '(c) does not occupy an area of greater than 50 square metres, except for land in the Rural or Rural Residential Zone, under the Scheme the local government may permit an area of up to 200 square metres';
10. Amending Schedule 4 relating to Special Use Zones to include the additional text underlined as follows:
 1. 'Avon Location, 26562 Albany Highway, North Bannister: Roadhouse, traveller's facilities, and supporting tourist facilities including, retail, shop and short stay accommodation, subject to planning approval; and
 2. 'No. 2 Avon Location, 22534 Albany Highway, North Bannister: Roadhouse, traveller's facilities, and supporting tourist facilities including, retail, shop and short stay accommodation, subject to planning approval';
11. Assigning portion of Lot 101 / DP 56892 as 'Rural Residential No.3' and amend Schedule 11 relating to Rural-Residential Zones, to include a series of requirements to guide development for the proposed area 'Rural Residential 3', as outlined in the Scheme Amendment Report; and

12. Assigning Lot 28352 / DP 211831 'Rural Residential No.4' and amend Schedule 11 relating to Rural-Residential Zones, to include a series of requirements to guide development for the proposed area 'Rural Residential No.4', as outlined in the Scheme Amendment Report.
13. GRANTS delegated authority to the Shire President and the Chief Executive Officer to sign and seal the amendment documentation as required throughout the course of the Scheme Amendment process; and
14. AUTHORISES the Shire's Administration to make all the necessary arrangements to progress the Scheme Amendment proposal in accordance with the procedural requirements of the Town Planning Regulations 1967 (as amended).

CARRIED 7/0

10.4.1 Financial Statements for the period ended 31 October 2014 – considered before 10.3.1

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

COUNCIL DECISION – MEETING CLOSED TO PUBLIC

Moved Cr Price seconded Cr Ferguson

That the meeting be closed to the members of the public in accordance with section 5.23 of the Act to allow Council to discuss confidential matters tabled at 13.1.1 and 13.1.2

CARRIED 7/0

3:03pm – Ms Kathrine Price and the CEO left the meeting

3:04pm – CEO returned to the meeting

13 CONFIDENTIAL ITEMS

13.1.1 Appointment of Chief Executive Officer

Location: Shire of Wandering
Applicant: Shire of Wandering
File Reference: 1.2.2.37
Disclosure of Interest: Nil
Date: 11 November 2014
Author: Martin Whitely, Chief Executive Officer

Summary

Due to the nature of this item being confidential the details of Item 13.1.1 have been attached under separate cover. Reason for Confidentiality, Local Government Act 1995;

- Section 5.23 (2) (a) “a matter affecting an employee or employees”.
- Section 5.23 (2) (c) “a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

Officer Recommendation

The CEO tabled a confidential report which was distributed to elected members prior to the meeting. The report is dated 12 November 2014 and is located in the records management of Council at File Reference 1.2.2.37

3:13pm – Cr Whitely left the meeting

3:15pm – Cr Whitely returned to the meeting

COUNCIL DECISION – ITEM 13.1.1(1)

Moved Cr McNeil seconded Cr Gowland;

That Council

Appoints Ms Amanda O’Halloran to the position of Chief Executive Officer of the Shire of Wandering;

CARRIED 7/0

COUNCIL DECISION – ITEM 13.1.1(2)

Moved Cr Dowsett seconded Cr McNeil;

That Council

Is of the belief that Ms O’Halloran is suitably qualified for the position of Chief Executive Officer

CARRIED 7/0

COUNCIL DECISION – ITEM 13.1.1(3)

Moved Cr Whitely seconded Cr McNeil;

That Council

Is satisfied with the provisions of the proposed three (3) year Contract of Employment to be entered into with Ms O’Halloran for the position of Chief Executive Officer

CARRIED 6/1

The reason for the variation to the Officers Recommendation was that Council thought it would be more appropriate to deal with each item of the appointment separately.

COUNCIL DECISION – MEETING ADJOURNMENT

Moved Cr Gowland seconded Cr Dowsett

That Council adjourn for afternoon tea at 3:28pm

CARRIED 7/0

4:02pm – The meeting resumed and it was noted that Mr Andrew Borrett who was present prior to the adjournment did not sit in the rest of meeting. All other elected members and staff present prior to the adjournment were all in attendance when the meeting resumed.

Prior to any consideration of Item 13.1.2 the Presiding Person informed the meeting that Cr McNeil had disclosed a financial interest in this matter.

4:03pm – Cr McNeil left the meeting

13.1.2 Gravel Royalties Dispute

Location: Shire of Wandering
Applicant: Shire of Wandering
File Reference: A107.1
Disclosure of Interest: Nil
Date: 14 November 2014
Author: Martin Whitely, Chief Executive Officer

Summary

Due to the nature of this item being confidential the details of Item 13.1.2 have been attached under separate cover. Reason for Confidentiality, Local Government Act 1995;

- Section 5.23 (2) (d) "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"

Officer Recommendation

The CEO tabled a confidential report which was distributed to elected members prior to the meeting. The report is dated 12 November 2014 and is located in the records management of Council at File Reference A107.1.

COUNCIL DECISION – ITEM 13.1.2

Moved Cr Ferguson seconded Cr Whitely;

That Council

1. Instruct LGIS Liability to withdraw the offer of settlement to Mr and Mrs McNeil; and
2. Advise LGIS of Council's acceptance to meet all future legal costs associated with the claim from Mr and Mrs McNeil on a shared 50/50 basis with LGIS Liability

CARRIED 6/0

4:35pm – The Manager of Finance and Administration left the meeting

4:36pm – Cr McNeil and the Manager of Finance and Administration returned to the meeting

4:37pm – The Presiding Person read aloud the council decision that had been taken during the time Cr McNeil was absent from the meeting.

14 NEXT MEETING

Next Ordinary Council meeting to be held on Thursday 18 December 2014 at 1:30pm

15 CLOSURE OF MEETING

4:40pm – The Presiding Person closed the meeting

**These Minutes were confirmed at the Ordinary Council Meeting
on Thursday 18 December 2014.**

Signed:

Presiding Person at the meeting at which the minutes were confirmed

Date: