

SHIRE OF WANDERING MINUTES



20 September
2018

ORDINARY COUNCIL MEETING

Minutes for the Ordinary Council Meeting held on Thursday

20 September, 2018 at 3.30pm.

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Notice of Meeting

The next Ordinary Council Meeting for the Shire of Wandering will be held on Thursday 20 September, 2018 in the Council Chambers, 18 Watts Street, Wandering commencing at 3.30pm.

Amanda O'Halloran
Chief Executive Officer

DISCLAIMER

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

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 3.34pm

VISITORS

Nil

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Councillors:

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

LEAVE OF ABSENCE

Staff:

A O'Halloran	Chief Executive Officer
Cara Ryan	Finance Manager
M Treasure	Manager of Communities (minutes)

3. DISCLOSURE OF INTERESTS

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

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

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

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

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

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

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

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

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

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;
(a) in a written notice given to the Chief Executive Officer before the Meeting; or
(b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

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

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

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Watts requested a leave of absence for the October 2018 Council meeting.

Cr Watts request was supported.

MOVED: Cr Parsons

**SECOND: Cr Turton
CARRIED 6/0**

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 PREVIOUS COUNCIL MEETINGS AND BUSINESS ARISING FROM MINUTES

6.1.1 ORDINARY COUNCIL MEETING

Minutes of the Shire of Wandering Ordinary Council Meeting held on Thursday 16 August 2018

ATTACHMENT 6.1.1

COUNCIL DECISION – ITEM 6.1

MOVED: Cr Ferguson

**SECONDED: Cr
Turton**

That the Minutes of the Shire of Wandering Ordinary Council Meeting held on Thursday 16 August 2018 (Attachment 6.1.1) be confirmed as a true and correct record.

CARRIED 6/0

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9. REPORTS OF COMMITTEES

Cr Turton and CEO Amanda attended Central Country Zone Meeting at Wickepin on the 31 August 2018. Key Discussion points were:

- Department of Local Government – Luke Stevens – key implications of Phase 1 of the Act
 - Ability to suspend individual Councillors is being debated in the Parliament
 - Online training for Council Candidates – Anyone nominating will have to sign declaration that they have completed training.
 - Councillors will have to update training every second election.
 - No recognition of prior learning accepted
 - Training will be devised by Registered Training Authority with Department.
 - Costs for Councillors to attend will be borne by Council.
 - Standards Committee will set penalty
 - Public Sector Commission is devising minimum standards for Councils to adopt when recruiting, selecting and performance managing CEO's.
- Roadside clearing at driveways etc... Issue raised at WALGA AGM - WALGA has until March to devise amendments to the regulations and submit to State Council for sign off.
- Serious Concerns for road side clearing permits in general, regulations changing where Councils will no longer be exempt from full fees and regulations will be harder. CCZ has requested Agency to present at next meeting, to outline serious issues.
 - Govt is looking to achieve full cost recovery, currently a clearing permit costs \$200.00 – likely to increase to \$3500.00 for the permit in the first instance(this doesn't include any other environmental survey etc...).
- The Transitional changes to Home and Community Care will impact on Shires considerably and Councils will need to increase their support of the Aged in their communities.
- CR Turton nominated to be on Phase Two of Act Review Committee.

10. REPORTS OF OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

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

File Reference	1.1.29.1
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	13 September 2018
Previously Before Council:	N/A
Authors Name & Position:	Monica Treasure, Manager of Communities

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

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

BACKGROUND

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

COMMENT/ DETAILS

Actions performed under delegation during August 2018 are provided below:

- **Food Stall Holders Licence:**

Wandering Tavern

Temporary Food Permit 10 August 2018

Signed: Amanda O'Halloran, CEO

Wandering Annual Fair 22nd August 2018

- Rosa's Recipe
- MJ'Z Ice-Cream
- Wandering CWA
- Canarian Cuisine

- The Donut Shop
- Wandering Lions Club
- The Food Boss

Signed: Amanda O'Halloran, CEO

VMXWA
Millfarm Scramble 22 August 2018

Signed: Amanda O'Halloran, CEO

- **Planning Approval:**

DA17020 S Brand & H Herbert
Lot 93 O'Connell Road
Carport

Signed: Amanda O'Halloran, CEO

DA17021 I & K Price
Lot 1 Pollard Road
Carport & Patio

Signed: Amanda O'Halloran, CEO

DA17022 D Christ
17727 Corser Road
Patio

Signed: Amanda O'Halloran, CEO

- **Building Licences Issued:**

BL186 Rural Building Homes
4 Dunmall Drive
Dwelling

Signed: Amanda O'Halloran, CEO

- **Health:**

Wandering Tavern
Low Risk Food Registration
22 August 2018

Signed: Amanda O'Halloran, CEO

Rural Building Homes
4 Dunmall Drive
Approval for septic
22 August 2018

Signed: Gordon Tester, Health Officer

- **Payments:**

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

CONSULTATION

Planning and Building Specialists City of Kalamunda
Environmental Health Officer

STATUTORY/ LEGAL ENVIRONMENT

Local Government Act 1995 Section 9.49A

POLICY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

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

COUNCIL DECISION – ITEM 10.1.1

MOVED: Cr Watts

SECONDED: Cr Price

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

CARRIED 6/0

10.1.2 CONSIDERATION OF CHANGES TO ROAD TO RECOVERY PROGRAM – SUBSTITUTION OF CARABIN ROAD FOR KUBBINE ROAD IN THE 2018/19 BUDGET

File Reference	12.1.7 & 33.1.3
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	12 September 2018
Previously Before Council:	Nil
Authors Name & Position:	Amanda O'Halloran
Attachments:	Nil

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
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- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

Council is requested to support the substitution of Carabin Road for Kubbine Road in the approved Roads to Recovery Program. In order to overcome road maintenance issues and increasing safety concerns due to the increasing deterioration of Kubbine Road.

BACKGROUND

At the April 2018 Ordinary Meeting of Council – the 5 Year Road program was adopted which outlines the Councils Road Construction and Maintenance program for the next 4 years. The 2018/19 Roads to Recovery Program endorsed road works and bridge maintenance on Carabin Road to the amount of \$91,000. This would include road side clearing, resheeting, drainage improvements and culvert cleaning to approximately 3 – 5km of Road depending on defects identified after the winter rain season and the winter grade review. Carabine receives on average 17 vehicle movements a day and is not considered a part of the Shires Secondary Freight Route and is utilised for more local traffic movements.

COMMENT/ DETAILS

Comment

Climate conditions over the last two years have significantly increased the moisture profile of a number of Councils roads and this has impacted on the condition considerably. Rain fall has been significantly above average over this time and this as exacerbated areas where issues have been present yet manageable.

Current rainfall to August 2018	556mm
Rainfall to August 2017	680mm
Average rainfall to August (20yrs data)	400.1mm

Kubbine Road in the Hastings region of the Shire, the road starts at North Wandering Road and extends for 6.6kms where it terminates at York Williams Road. The road has shown signs of deterioration in both the winter and summer months for a number of years now and unfortunately suffered significant damage from recent rain which is making it increasingly difficult to maintain.

Kubbine Road is a significant road within the Shires network with road counts in the vicinity of 30 vehicle movements a day, and is classified as part of the Shires Secondary Freight Route. Kubbine Road experiences high levels of heavy haulage during hay and grain harvests, and is required to perform to a RAV 4 standard for general traffic up to a speed of 70km/hr.

Kubbine Road has always had a high clay base which has made it difficult to handle. This year the Works Department has focused on improving drainage on the road network and this required the drains to be pulled up and laid out over the road, in most instances this worked well, however on Kubbine it has unfortunately had a negative impact by increasing the clay content which became exacerbated by a 40ml rain event shortly after the grading had been undertaken. Anecdotally the neighbouring Farmers and users of the road have provided feedback that this road has not performed well in years of high rainfall for a long time.

Kubbine Road Condition is rated as fair with a depleted gravel surface, making the road potentially unsafe when wet. Limited drainage causes the road to hold water and deteriorate significantly when high rainfall is received.

Proposed way forward:

Resheet up to 5.5 km of road – 100mm resheet and construction grade, replace broken pipes and headwalls and clean out culverts with small excavator to improve flow. Gravel will be sourced from Hardie’s gravel pit which is close to site, this gravel was used on North Wandering Road near Parson’s property and is considered to be of a reasonable grade. These works would be anticipated to cost the Following:

Description	Cost
Labour and Supervision	\$39,498.85
Plant Costs	\$21,075.00
Drainage	\$5,500.00
Gravel 8100m3 - \$4.60 per cubic Metre - Gravel is available locally	\$37,260.00
Contract Services as required – Roller, Truck Hire, Water Truck	\$15,000.00
Total	\$118,333.85

This equates to \$21,515.24 which is consistent with Councils recent works of this nature and demonstrates value for money.

Council has allocated funds to undertake similar works on Carabin Road in the 2018/19 Annual Budget, funded by the Roads to Recovery Program. The Roads to Recovery Program for 2018/19 will fund 76% of the proposed works with a further \$28,150.00 needing to come from the Rural Road Maintenance Program. It is proposed that should Council support the substitution of Kubbine Road for Carabin Road.

The timing of this level of works and upgrade has been reviewed and considered by the Shires Management Team and has been rated as a high priority. The upgrade of Kubbine Road to a sealed RAV 4 heavy haulage route has been factored into the Secondary Freight Route proposal, which is dependent on State and Federal Funding which to date hasn’t been secured, in other words there is little opportunity to influence the timing of the funding of the Secondary Freight Route Program and these works are considered essential to ensure that the Shire’s key business outcomes are achieved.

Works proposed are anticipated to cost approximately \$118,333.85. The works proposed will ensure that Kubbine Road has a minimum 5 years of ongoing capacity and will be able to meet the requirements put upon it with ongoing general maintenance.

CONSULTATION

Shire President
Shire Councillors

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire has the majority of funds available to undertake the works required, through the Roads to Recovery Funding Program and funds allocated in the Rural Road Maintenance Program. Should the works be undertaken and whilst they pose an immediate impost on the budget, maintenance works are anticipated to be decreased over the next few years due to the improvements proposed.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 2 A Robust and Diverse Rural Economy

Strategic Community Plan			
Outcome	Strategies		
2.3	A strong and resilient agricultural sector	2.3.1	Promote the Wandering region as a significant agricultural region

Goal 4 Infrastructure and Services that Are Well, Planned and Delivered

Strategic Community Plan			
Outcome	Strategies		
4.1	Infrastructure that is well constructed, maintained and utilised	4.1.1	Maintain and further develop roads at appropriate standards

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Absolute Majority

OFFICER' S RECOMMENDATION

That Council:

1. Endorse the substitution of Carabin Road for Kubbine Road in this year's Road Maintenance Plan.
2. Approve the expenditure of \$118,333.85 within the Shires Annual 2018/19 Budget being allocated to maintenance and improvement of Kubbine Road.

COUNCIL DECISION – ITEM 10.1.2

MOVED: Cr Ferguson

SECONDED: Cr Watts

That Council:

1. Endorse the substitution of Carabin Road for Kubbine Road in this year's Road Maintenance Plan.
2. Approve the expenditure of \$118,333.85 within the Shires Annual 2018/19 Budget being allocated to maintenance and improvement of Kubbine Road.

LOST 0/6

10.1.3 ANNUAL REVIEW AND ENDORSEMENT OF DELEGATED AUTHORITY REGISTER & COUNCIL APPROVED AUTHORISATIONS

File Reference	1.1.29
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	12 September 2018
Previously Before Council:	Nil
Authors Name & Position:	Amanda O'Halloran
Attachments:	10.1.3.1 Delegations Register 10.1.3.2 Council Approved Authorisations Register

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

The Delegations and Council Approved Authorisations Register is required to be reviewed once each financial year to comply with the Local Government Act 1995. This report seeks the Council's consideration in reviewing and adopting certain delegations of authority that permit officers to perform functions within a prescribed parameter.

BACKGROUND

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.

Without delegated authority, most decisions of the Shire would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allow day to day decisions to be made by the Chief Executive Officer, who in turn can sub – delegate these to other staff if appropriate. The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by relevant legislation.

The Local Government Act 1995 (The Act) provides for the delegation of certain powers and duties to certain Committees (Sections 5.16 & 5.17) and the Chief Executive Officer (Sections 5.42 & 5.43). The Chief Executive Officer may, unless prohibited by the Council's instrument of delegation, further on-delegate powers and duties to employees (Section 5.44).

The Act also provides for a delegations register to be maintained and reviewed each financial year (Section 5.46). Council Officers have reviewed the delegations and this report requests the Council to review the reviewed delegations as submitted by officers.

COMMENT/ DETAILS

It is necessary to review all current delegations to ensure, in the first instance, that they are consistent with the legislation and secondly, that they are still necessary. Although the provisions of the Local Government Act 1995 do not affect delegations made under other legislation, it is also considered an appropriate time to review those delegations.

“Delegated Authority” refers only to those powers or duties required by legislation and are often referred to as statutory delegations. Generally, these delegated authorities will be made to the Chief Executive Officer who may then on-delegate to such person or persons as he/she feels appropriate.

The 2018 Delegated Authority Register for the Shire of Wandering is attached. This attachment provides specific detail as to the extent of each delegation. All Delegations have been reviewed by appropriate Staff and the CEO and any suggestions or Act revisions have been included.

The review process was undertaken by the CEO and given the extensive work that has been undertaken over the last 3 years, the main amendments recommended are fine tuning of the existing delegations. No significant changes were made to the document during the 2018 review.

ATTACHMENTS 10.1.3.1 &10.1.3.2

CONSULTATION

Relevant Staff and Contractors reviewed their respective delegations and each was checked for accuracy.

STATUTORY/ LEGAL ENVIRONMENT

The following section of the *Local Government Act 1995* applies:

Section 5.42 Delegation of some powers and duties to the CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
 - a. this Act other than those referred to in section 5.43; or
 - b. the Planning and Development Act section 214(2), (3) or (5).

*Absolute Majority required.

Section 5.43 Limits on delegations to CEO

Section 5.44 CEO may delegate powers and duties to other employees

Section 5.46. Register of, and records relevant to, delegations to CEO and employees

- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council’s decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation’s governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Absolute Majority

OFFICER' S RECOMMENDATION

That Council adopt the Delegations Register as per **ATTACHMENT 10.1.3.1** and the Council Approved Authorisations Register as per **ATTACHMENT 10.1.3.2** of this agenda and minutes.

COUNCIL DECISION – ITEM 10.1.3

MOVED: Cr Turton

SECONDED: Cr Price

That Council:

Adopt the Delegations Register as per **ATTACHMENT 10.1.3.1** and the Council Approved Authorisations Register as per **ATTACHMENT 10.1.3.2** of this agenda and minutes.

CARRIED 6/0

10.2 BUILDING AND PLANNING REPORTS

10.2.1 REQUEST TO WAIVE BUILDING SITE REFUSE DISPOSAL FEE

File Reference	A237
Proponents:	L&L Coonz
Disclosure of Interest:	Nil
Date:	13 September, 2018
Previously Before Council:	Nil
Authors Name & Position:	Monica Treasure, Manager of Communities
Attachments:	Email from L & L Coonz

NATURE OF COUNCIL'S ROLE IN THE MATTER:

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- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

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

BACKGROUND

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

Lee and Lisa Coonz have applied for a building licence for a transportable dwelling at Lot 17 Wandoo Crescent, Wandering. They have paid the associated fees for the building licence, transportable dwelling deposit and a building site refuse disposal. The application is being assessed by the building surveyor at the City of Kalamunda. Mr L Coonz has written to the Council to request the fee for the building site to be waived as he believes a transportable dwelling will not have the waste generated to utilise the five tonnes of waste available in the fee.

ATTACHMENT 10.2.1.1

COMMENT/ DETAILS

All building licences for a dwelling are charged the building site refuse disposal fee which enables the holder to deliver up to five tonnes of waste to the Transfer Station regardless of the style of dwelling that is to be built i.e. brick, transportable, steel. This fee enables the building block to have waste removed and maintain the site free of unwanted materials produced directly or incidentally by the building this can include but not limited to insulation, nails, electrical wiring, tree stumps and rubble. Some construction waste may contain lead or other

hazardous substances which is good management to be removed and disposed of correctly according to regulatory bodies. To ensure Council is consistent in the consideration of applications and is able to demonstrate professional contemporary management practices it is recommended that the fee is not waived in this instance.

CONSULTATION

Manager of Communities
Chief Executive Officer

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

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

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

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Simple Majority

OFFICER' S RECOMMENDATION

That in the interests of maintaining consistent, professional management practices regarding the management of building site waste it is recommended that Council do not waive the fee as requested.

COUNCIL DECISION – ITEM 10.2.1

MOVED: Cr Ferguson

SECONDED: Cr Watts

That in the interests of maintaining consistent, professional management practices regarding the management of building site waste it is recommended that Council do not waive the fee as requested.

CARRIED 6/0

10.3 COMMUNITY SERVICES REPORTS

10.3.1 WANDERING COMMUNITY RESOURCE CENTRE ANNUAL REPORT 2017/2018

File Reference	
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	13 September, 2018
Previously Before Council:	Nil
Authors Name & Position:	Monica Treasure, Manager of Communities
Attachments:	Annual Report 2017/2018

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

In accordance with the Community Service agreement between the Department of Primary Industries and Regional Development and the Shire of Wandering an annual report for the 2017/2018 year is to be received by the Department of Primary Industries and Regional Development by the 30th September 2018.

BACKGROUND

The Wandering Community Resource Centre has a tender contract with the Department of Primary Industries and Regional Development to provide contracted services under three outcomes:

- Government and Community information and services
- Economic and Business development initiatives
- Social development initiatives.

The Annual Report provides an opportunity to provide information and the volume of services delivered along with the impact and value our services have had on our community.

The Annual Report also elevates the capacity of the Wandering CRC in communicating with our stakeholders and to influence Department of Primary Industries and Regional Development's understanding of the impact our work is having in a practical sense.

ATTACHMENT 10.3.1.1

COMMENT/ DETAILS

The Wandering CRC Annual Report has been written to display and inform the social, business and economic outcomes and initiatives the CRC has contributed to the community. It also reports on the Government and Community information and services that have been utilised within and facilitated within the community.

Council is requested to endorse the Wandering CRC Annual Report for 2017/2018 as presented.

CONSULTATION

Manager Communities
Chief Executive Officer

STATUTORY/ LEGAL ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 1 – A Community that is involved and caring

Strategic Community Plan			
Outcome	Strategies		
1.1	Community facilities that support the community.	1.1.1	Promote community programs in the Community Centre to increase patronage.
1.2	A community that celebrates and participates together.	1.2.1	Promote and support community and cultural events.
		1.2.2	Actively promote and assist community groups and clubs.
1.3	A supportive and inclusive community for people of all ages.	1.3.1	Support and promote programs and activities for youth.
		1.3.2	Support and promote activities for the aged.

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Simple Majority

OFFICER' S RECOMMENDATION

That Council:
Endorse the Wandering CRC Annual Report for 2017/2018.

COUNCIL DECISION – ITEM 10.2.1

MOVED: Cr Price

SECONDED: Cr Turton

That Council:
Endorse the Wandering CRC Annual Report for 2017/2018.

CARRIED 6/0

10.4 CORPORATE SERVICES

10.4.1 FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31 AUGUST 2018

File Reference	10.1.16
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	September 2018
Previously Before Council:	N/A
Authors Name & Position:	Cara Ryan, Finance Manager
Attachments:	10.4.1.1 Monthly Financial Report 10.4.1.2 Bank Reconciliations, Bank Statements (Muni A/C) 10.4.1.3 Bank Reconciliations, Bank Statements (Invest A/C) 10.4.1.4 Bank Reconciliations, Bank Statements (Trust A/C) 10.4.1.5 Credit Card Statement 10.4.1.6 List of Payments

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

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

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

BACKGROUND

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

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

COMMENT/ DETAILS

Council is requested to accept the Monthly Financial Report, Bank Reconciliation and List of payment for the period ended 31 August 2018, as presented.

Monthly Financial Report 31 August 2018
Bank Reconciliations & Bank Statements (Muni A/C) 31 August 2018

ATTACHMENT 10.4.1.1
ATTACHMENT 10.4.1.2

Bank Reconciliations & Bank Statements (Investment A/C) 31 August 201	ATTACHMENT 10.4.1.3
Bank Reconciliations & Bank Statements (Trust A/C) 31 August 2018	ATTACHMENT 10.4.1.4
Credit Card Statement 31 August 2018	ATTACHMENT 10.4.1.5
List of Payments 31 August 2018	ATTACHMENT 10.4.1.6

CONSULTATION

Finance Officer
Chief Executive Officer

STATUTORY/ LEGAL ENVIRONMENT

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

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

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

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and Effective Organisation

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$229,541.95 for the period ending for the periods ending 31 August 2018.
2. Receive the bank reconciliations & bank statements for the periods ended, 31 August 2018.
3. Receive the financial statements for the periods ended 31 August 2018.

COUNCIL DECISION – ITEM 10.2.1

MOVED: Cr Ferguson

SECONDED: Cr Watts

That Council:

1. Endorse all cheque, EFT, BPay, salary & wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$229,541.95 for the period ending for the periods ending 31 August 2018.
2. Receive the bank reconciliations & bank statements for the periods ended, 31 August 2018.
3. Receive the financial statements for the periods ended 31 August 2018.

CARRIED 6/0

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

Nil

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

COUNCIL DECISION – ITEM 12.1

MOVED: Cr Parsons

SECONDED: Cr Ferguson

That Council considers Item 12.1.2 – PROPOSED SALE OF LOT 1 MICHIBIN STREET, WANDERING WA 6308 as new business of an urgent nature.

CARRIED 6/0

12.1.2. PROPOSED SALE OF LOT 1 MICHIBIN STREET, WANDERING WA 6308.

File Reference	2.1.18
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	19 September 2018
Previously Before Council:	12.1.2 16 August 2018;13.1.1 15 December 2016, 10.1.7; 20 October 2016
Authors Name & Position:	Amanda O'Halloran
Attachments:	12.1.2.1 Advertisement Narrogin Observer 12.1.2.2 Valuation Documentation

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

To seek Councils approval to proceed with the sale of 1 Michibin Street, Wandering as advertised in accordance with Section 3.58 of the *Local Government Act 1995*.

BACKGROUND

Council has had 1 Michibin Street listed for sale with Landmark Harcourt's in Boddington since December 2016, with a listing price of \$250,000.00, during that time no offers were received.

The Shire received a formal offer of sale from Graham and Jemma Caldwell on Tuesday 14 August 2018. The offer was for \$175,000.00. It was proposed that Council consider the offer and during this process undertake the formal requirements of the *Local Government Act 1995*, prior to a final acceptance being undertaken.

The provisions of the *Local Government Act 1995* prescribe the manner in which a local government can

dispose of property. The proposal to offer the property for sale via marketing by a Real Estate Agent follows the process outline in s3.58(3)&(4), rather than proceeding to public auction or public tender. The Council is required to seek a formal valuation and advertise the intent to sell the property in local newspapers and on notice boards.

At the Council Meeting held on the 16th August 2018 the Council authorised the CEO to proceed with advertising Councils intent to sell 1 Michibin Street, Wandering in accordance with the Local Government Act 1995 and the Offer of Sale received from Graham and Jemma Caldwell for \$175,000.00.

COUNCIL DECISION - ITEM 12.1.2

MOVED: Cr Watts

SECONDED: Cr Parsons

OFFICER' S RECOMMENDATION

That Council:

1. Authorises the CEO to undertake Advertising advising the Community of Councils intent to dispose of No 1 Michibin Street, Wandering in accordance with Section 3.58 of the Local Government Act 1995.
2. Authorises the CEO to undertake a formal valuation of the property and include the final valuation in all advertising in accordance with Section 3.58 of the Local Government Act 1995.
3. Directs the CEO to present submissions received and the formal offer to the Council for further consideration at the earliest possible occasion.

CARRIED 5/0

COMMENT/ DETAILS

Formal Advertising as per Councils direction commenced on the 3rd September 2018 on local notice boards and the Councils Website, an advertisement was placed in the Narrogin Observer on Thursday the 6th September 2018, for local and regional advertising. The advertisement highlighted the intent to sell, the valuation of the property undertaken by LMV – Licensed Valuer's and that submissions were invited for a period of up to 2 weeks closing on the 18 September 2018.

**ATTACHMENT 12.1.1.1 ADVERTISEMENT
ATTACHMENT 12.1.1.2 VALUATION DOCUMENT**

No written submissions were received in relation to the matter by the time of closing on the 18th September 2018.

Council is therefore directed to accept the offer for 1 Michibin Street, Wandering and proceed to settlement of sale.

The Shire had not budgeted for the sale of the property in the 2018/19 budget and it is advised that the proceeds be split 80/20 and allocated to the Plant Replacement Reserve and the Land and Buildings Reserve.

CONSULTATION

Shire President
Shire Councillors
LMW – Licensed Valuer

STATUTORY/ LEGAL ENVIRONMENT

3.58. Disposing of property

(1) In this section —

*dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property,
but does not include money.*

(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or*
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and**
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned; and*
- (b) the consideration to be received by the local government for the disposition; and*
- (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.**

(5) This section does not apply to —

- (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) any other disposition that is excluded by regulations from the application of this*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Fees and Charges of the sale will be included in the proceeds of sale and will not impact the 2018/19 Budget negatively. The Shire had not budgeted for the sale of the property in the 2018/19 budget and it is advised that the proceeds be split 80/20 and allocated to the Plant Replacement Reserve and the Land and Buildings Reserve.

STRATEGIC IMPLICATIONS

Community Strategic Plan 2013-2023

Goal 5 – A strong and effective Organisation

Strategic Community Plan			
Outcome	Strategies	Strategies	
5.2	Accountable decision making and resource allocation through effective governance.	5.2.1	Ensure the Council's decision making process is effective and transparent.
		5.2.2:	Ensure that the organisation's governance structure, policies and procedures are current and relevant.

VOTING REQUIREMENT

Absolute Majority

OFFICER' S RECOMMENDATION

That Council:

1. Notes the completion of the legislative requirements for the disposal of Lot 1 Michibin Street, Wandering in accordance with the requirements of Section 3.58 (3) & (4) of the *Local Government Act 1995*; and
2. Gives approval and delegation for the CEO to proceed to settlement for sale of 1 Michibin Street, Wandering for the advertised price of \$175,000.00 to Jemma and Graham Caldwell.
3. Delegates and Authorises the Shire President and the Chief Executive Officer to sign and affix the common seal in relation to all documentation associated with the disposal of Lot 1 Michibin Street, Wandering.
4. Approve the transfer of 80% of the proceeds of sale to the Plant Replacement Reserve and 20% to Land and Buildings Reserve in the 2018- 2019 Annual budget.

COUNCIL DECISION - ITEM 12.1.2

MOVED: Cr Watts

SECONDED: Cr Price

That Council:

1. Notes the completion of the legislative requirements for the disposal of Lot 1 Michibin Street, Wandering in accordance with the requirements of Section 3.58 (3) & (4) of the *Local Government Act 1995*; and
2. Gives approval and delegation for the CEO to proceed to settlement for sale of 1 Michibin Street, Wandering for the advertised price of \$175,000.00 to Jemma and Graham Caldwell.
3. Delegates and Authorises the Shire President and the Chief Executive Officer to sign and affix the common seal in relation to all documentation associated with the disposal of Lot 1 Michibin Street, Wandering.
4. Approve the transfer of 80% of the proceeds of sale to the Plant Replacement Reserve and 20% to Land and Buildings Reserve in the 2018- 2019 Annual Budget.

CARRIED 6/0

Recommendation was changed at the advice of the Finance Manager during the Meeting to obtain Councils approval for the allocation of the proceeds of sale in the 2018/19 Annual Budget.

13. CONFIDENTIAL ITEMS

Nil


14. TIME AND DATE OF NEXT MEETING

Next Ordinary Council meeting to be held on 18 October, 2018 at 3:30pm.

15. CLOSURE OF MEETING

The Shire President declared the meeting closed at 4.30 pm

**These Minutes were confirmed at the Ordinary Council Meeting
on Thursday 18 October 2018.**

Signed: 

Presiding Person at the meeting at which the minutes were confirmed

Date: 18/10/2018

