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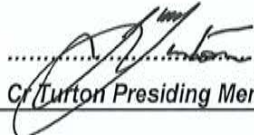
MINUTES

Shire of Wandering Council Meeting 21 July 2022

OUR VISION

Wandering is a community of responsible, resilient and adaptable residents thriving in our scenic, economically diverse environment.

These Minutes of the Council meeting held 21 July 2022 are confirmed as a true and correct record of proceedings without amendment. Confirmed on 18 August 2022 by the Presiding Member, Cr I Turton.


.....
Cr Turton Presiding Member

18/8/2022

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of Wandering disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Wandering during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Wandering. The Shire of Wandering warns that anyone who has an application lodged with the Shire of Wandering must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wandering in respect of the application.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision.

The Shire of Wandering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

Alan Hart
Chief Executive Officer

SHIRE OF WANDERING

Minutes of the Ordinary Meeting of Council held in the Council Chambers on Thursday 21 July 2022 – commencing at 3.30pm.

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1. Declaration of Opening / Announcements of Visitors

The Presiding Member declared the meeting open at 3.30pm.

2. Attendance / Apologies / Approved Leave of Absence

Councillors

Cr Ian Turton (Shire President)
Cr Paul Treasure (Deputy Shire President)
Cr Graeme Parsons
Cr Max Watts
Cr Gary Curtis

Staff

Alan Hart (Chief Executive Officer)
Barry Gibbs (Executive Manager Technical Services)

Apologies

Cr Gillian Hansen
Cr Sheryl Little

Members of the Public

Nil

3. Announcements by the Presiding Member

- Please note change of page 12 of the agenda to show Item 9.2 – Confirmation of Minutes of Special Council Meeting held on 12 July 2022.
- There will be a late item - Item 16.2.1 Wandering Community Centre Upgrade.

4. Response to Previous Public Questions Taken on Notice

Nil.

5. Public Question Time

No members of the public were present.

6. Petitions / Deputations / Presentations / Submissions

Nil.

7. Applications for Leave of Absence

010722 Moved: Cr G Curtis Seconded: Cr P Treasure

Council Decision:

That a leave of absence be granted to Cr Max Watts for the August 2022 General Planning Forum and Ordinary Council Meeting.

Carried 5/0

8. Disclosures of Interest

Nil

9. Confirmation of Minutes of Previous Meetings Held 16 June 2022

9.1 Ordinary Council Meeting Minutes 16 June 2022

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

020722 Moved: Cr P Treasure Seconded: Cr G Curtis

Recommendation and Council Decision:

That the Minutes of the Ordinary Meeting of Council held in Wandering on 16 June 2022 be confirmed as true and correct.

Carried 5/0

9.2 Special Council Meeting Minutes 12 July 2022

Statutory Environment:

Section 5.22 of the *Local Government Act* provides that minutes of all meetings to be kept and submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Voting Requirements:

Simple Majority

030722 Moved: Cr P Treasure Seconded: Cr G Parsons

Recommendation and Council Decision:

That the Minutes of the Special Meeting of Council held in Wandering on 12 July 2022 be confirmed as true and correct.

Carried 5/0

10. Reports of Committees of Council

Nil

11. Reports from Councillors

Cr Ian Turton (President)

Hotham Dale Sub Group Meeting – 11 July 2022:

Wheatbelt Secondary Freight Network

The meeting discussed the Wheatbelt Secondary Freight Network – Governance Plan and made recommendations in relation to the document.

- The Hotham Dale Sub Group strongly believes that the WSN Governance Plan should allow for an independent Chairperson of the Steering Committee.
- The Hotham Dale Sub Group believes that an independent chairperson would:
- Make the role of chairperson less political.
- Separate the role of Chairperson from the perceived conflict of interest of being a member of a LG receiving funding.
- Help ensure the perception of independence of the Chairperson utilising a Steering Committee casting vote.
- Assist in defusing controversy over WSN with funding bodies.
- May provide experience, knowledge or connections that benefit the WSN project.

Cr Paul Treasure (Deputy President)

Nil.

Cr Graeme Parsons

Nil.

Cr Max Watts

Nil.

Cr Gary Curtis

Nil.

Cr Gillian Hansen

Nil.

Cr Sheryl Little

Nil.

12. Chief Executive Officer

12.1 – Hotham Williams VROC – Memorandum of Understanding

File Reference: 13.135.13505
Location:
Applicant:
Author: Alan Hart – Chief Executive Officer
Authorising Officer
Date: 14 July 2022
Disclosure of Interest:
Attachments: Hotham Williams VROC Memorandum of Understanding
Previous Reference: OCM 21 October 2021 – Item 12.3

Summary:

The Shires of Boddington, Cuballing, Wandering and Williams have agreed to enter into a Memorandum of Understanding (MOU) to create an alliance to assist the Councils in having a strategic direction for economic development in the Hotham Williams region.

Background:

The Shire of Wandering has agreed to be part of the Hotham Williams Voluntary Regional Organisation of Councils (VROC) for a period of five years from the date of signing by the Local Government.

Comment:

The Memorandum of Understanding is the result of many meetings of the Councils listed in this document, with the exception of the Shire of Cuballing who formally agreed to be part of the VROC in June 2022.

This document is the result of the meetings and will signing the document will formalise the VROC

Consultation:

Not Applicable.

Statutory Environment:

Not Applicable

Policy Implications:

There are no policy implications.

Financial Implications:

The MOU commits Council to provide funding over the life of the Memorandum of Understanding. The Shire's financial commitment is \$5,000 per annum over the life of the Memorandum of Understanding

Strategic Implications:

PROVIDE STRONG LEADERSHIP

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	<ul style="list-style-type: none"> • Ensure accountable, ethical and best practice governance • Develop and maintain our Strategic Plan, Corporate Business Plan, Asset Management Plan, Workforce Plan and Long Term Financial Plan • Service Level Plans detail operational roles, responsibilities and resources • Engage with local, regional, state and federal stakeholders to grow mutually beneficial relationships

Sustainability Implications:

- **Environmental:** There are no known significant economic considerations
- **Economic:** There are no known significant economic considerations
- **Social:** There are no known significant social considerations

Risk Implications:

Risk	Low (4)
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

Risk Matrix:

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

040722 **Moved:** **Cr M Watts** **Seconded:** **Cr P Treasure**

Officer Recommendation and Council Decision:

That Council:

- **Commit to participating in the Hotham Williams VROC**
- **Allocates \$5,000 per year over the life of the Hotham Williams VROC**
- **Authorises the Shire President to endorse and execute the Memorandum of Understanding to form the VROC as provided in the attachments.**

Carried 4/1

12.2 – Peel Harvey Catchment Council – Memorandum of Understanding

File Reference: 1.10.6
Location:
Applicant:
Author: Alan Hart – Chief Executive Officer
Authorising Officer
Date: 14 July 2022
Disclosure of Interest:
Attachments: PHCC Memorandum of Understanding 2017-2022
Previous Reference: OCM February 2018 - Item 10.1.3

Summary:

The Peel Harvey Catchment Council Inc (PHCC) have requested that the Shires of Boddington, Cuballing, Wandering and Williams extend the Memorandum of Understanding which formalises the partnership to provide natural resource management/landcare support to the landowners and community of the Hotham–Williams catchment. This request is to extend the MOU for a further five years, expiring in 2027.

Background:

The PHCC, through funding from the Australian Government and State Natural Resource Management Program, have been providing on ground support to landowners across the Hotham-Williams catchment for a number of years. The PHCC has delivered on the ground projects such as fencing of rivers and bushland, revegetation, feral animal control support, weed removal and investment in community groups.

The Shire of Wandering has little discretionary funds or resources to spend or direct towards to the area of environmental management and biodiversity and is heavily reliant on the work that the PHCC does to ensure that sound land care management is being undertaken in the Shire.

Comment:

The PHCC have requested that the MOU be extended by a further five years to enable a continuation of the works that they currently do within the district and an annual financial commitment to the PHCC. The commitment for the last five years has been \$2,500 per annum.

The funding from the Councils assists the PHCC in providing seed funding to attract other Government funding which is used to fund projects and programs within the Hotham-Williams catchment.

The PHCC have requested an increase on the annual commitment but have left it to Council's discretion as to the amount. If the average CPI increase had been applied to this contribution annually, the contribution for the 2021/22 year would have been approximately \$2,800.

It is recommended that Council extend the MOU for a further five years and make a financial contribution to the PHCC. Whilst it is acknowledged that the Shire has very little discretionary funds, it is recommended that the Council increase this commitment in 2022/23 to take into account the effects of CPI over the last five years. It is recommended that the contribution increase to \$3,000 per annum over five years.

Consultation:

In April 2022, Council received a presentation from the PHCC about their achievements over the last five years.

Statutory Environment:

Not Applicable

Policy Implications:

There are no policy implications.

Financial Implications:

The MOU commits Council to provide funding to the PHCC over the life of the MOU. Based on the officers recommendation, the commitment over the life of the MOU will be \$15,000

Strategic Implications:

PROVIDE STRONG LEADERSHIP

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	<ul style="list-style-type: none"> • Ensure accountable, ethical and best practice governance • Develop and maintain our Strategic Plan, Corporate Business Plan, Asset Management Plan, Workforce Plan and Long Term Financial Plan • Service Level Plans detail operational roles, responsibilities and resources • Engage with local, regional, state and federal stakeholders to grow mutually beneficial relationships

Sustainability Implications:

- **Environmental:** PHCC run programs and events in the Shire to enhance and restore the natural environment within the Hotham – Williams catchment including the Wandering District.
- **Economic:** There are no known significant economic considerations
- **Social:** There are no known significant social considerations

Risk Implications:

Risk	Low (4)
Risk Likelihood (based on history and with existing controls)	Low (4)
Risk Impact / Consequence	Low (4)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Low (4)
Risk Action Plan (Controls or Treatment Proposed)	Low (4)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Officer Recommendation:

That Council:

- Extend the Memorandum of Understanding with the Peel Harvey Catchment Council together with the Shires of Cuballing, Williams and Boddington for five years from July 2022 to June 2027.
- Provides an annual commitment of \$3,000 year over the life of the new Memorandum of Understanding

Alternative Council Motion:

That Council defer this item to enable the CEO of the PHCC, or their delegate to present to Council their plans over the life of the proposed MOU.

Council Decision:

050722

Moved:

Cr P Treasure

Seconded: Cr G Curtis

That Council defer this item to enable the CEO of the PHCC, or their delegate to present to Council their plans over the life of the proposed MOU.

Carried 5/0

13. Finance

13.1 - Financial Reports - May 2022

File Reference:	N/A
Location:	N/A
Applicant:	N/A
Author:	Moore Australia
Authorising Officer	Alan Hart – Chief Executive Officer
Date:	14 July 2022
Disclosure of Interest:	N/A
Attachments:	Financial Reports – 30 June 2022
Previous Reference:	Nil

Summary:

Consideration of the financial reports for the period ending 30 June 2022.

Background:

The financial reports for the periods ending 30 June 2022 are included as attachments.

Comment:

If you have any questions regarding details in the financial reports, please contact the office prior to the Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

Consultation:

Not applicable.

Statutory Environment:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 states that a Local Government is to prepare monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets on a monthly basis.

Policy Implications:

Not applicable.

Financial Implications:

Not applicable.

Strategic Implications:

Not applicable.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

060722

Moved:

Cr M Watts

Seconded: Cr P Treasure

Officer Recommendation and Council Decision:

That the financial report for the period ending 30 June 2022 as presented be accepted.

Carried 5/0

13.2 - Accounts for Payment June 2022

File Reference: N/A
Location: N/A
Applicant: N/A
Author: Sophie Marinoni – Finance Officer
Authorising Officer: Alan Hart – Chief Executive Officer
Date: 14 July 2022
Disclosure of Interest: N/A
Attachments: Payment Listing and Credit Card Statement – June 2022
Previous Reference: Nil

Summary:

Council to note payments of accounts as presented.

Background:

The schedule of accounts is included as an attachment for Council information.

Comment:

If you have any questions regarding payments in the listing please contact the office prior to the Council meeting.

Consultation:

There has been no consultation.

Statutory Environment:

Section 12 of the Local Government (Financial Management) Regulations 1996 states that

- 12 (1) A list of creditors is to be compiled for each month showing –
- (a) The payee's name;
 - (b) The amount of the payment;
 - (c) Sufficient information to identify to transaction; and
 - (d) The date of the meeting of the council to which the list is to be resented.

Policy Implications:

There are no policy implications.

Financial Implications:

There are no financial implications.

Strategic Implications:

There are no strategic implications.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (1)
Risk Likelihood (based on history and with existing controls)	Low (1)
Risk Impact / Consequence	Low (1)
Risk Rating (Prior to Treatment or Control)	Low (1)
Principal Risk Theme	Low (1)
Risk Action Plan (Controls or Treatment Proposed)	Low (1)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

Shire of Wandering

Certificate of Expenditure – 30 June 2022

This Schedule of Accounts to be passed for payment covering:

Payment Method	Cheque/EFT/DD Number	Amount
Municipal Fund:		
Electronic Funds Transfers	EFT7455 – EFT7539	\$357,770.35
Cheque	Cheque 1000009	\$ 6379.26
Direct Debits	DD3950.8 – DD3975.2	\$ 20,316.87
	TOTAL	\$384,466.48

to the Municipal and Trust Accounts, totalling \$384,466.48 which were submitted to each member of the Council on 21st July 2022, have been checked and fully supported by vouchers and invoices which are submitted herewith, have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings.

Alan Hart

Chief Executive Officer

Officer Recommendation and Council Decision:

070722

Moved:

Cr P Treasure

Seconded: Cr M Watts

That in accordance with section 13 of the Financial Management Regulations of the *Local Government Act 1995* and in accordance with delegation, payment of Municipal Fund vouchers, Licensing, Salaries and Wages and EFT Transfers, Direct Debit totalling \$384,466.48 (attached) be noted as approved for payment and credit card statement be noted.

Carried 5/0

14 Planning and Technical Services

14.1 – Application for Development Approval – Lot 12 (7841) Albany Highway, Bannister

File Reference:	PA281
Location:	Lot 12 (No. 7841) Albany Highway, Bannister
Applicant:	Glenn Burke
Author:	Cody Meyer c/- Altus Planning (Shire's Town Planning Consultant)
Authorising Officer:	Barry Gibbs – Executive Manager Technical Services
Date:	19 May 2022
Disclosure of Interest:	Nil
Attachments:	Development Application Form Certificate of Title Proposed Development Plans Main Roads WA Referral Response Bushfire Attack Level Assessment
Previous Reference:	Nil

Summary:

The Shire has received a development application seeking approval for a 'Use Not Listed', being a Tourist Facility and associated signage at Lot 12 (No. 7841) Albany Highway, Bannister (the 'subject site' or 'site').

The application requires development approval as a land use that is not listed within the zoning table under Town Planning Scheme No. 3 ('TPS3' or 'Scheme') has no permissibility assigned to it. As such, and in accordance with subclause 4.4.2 the Scheme, the application is to be assessed against the objectives of the zone within which the site is situated and is to be referred to Council for determination.

This report recommends the application be approved.

Background:

The application proposes to utilise an existing colorbond shed structure on the property to facilitate the offering of tourist related activities and associated amenities. Specifically, the applicant proposes to undertake the production and sale of rustic timber and metal furniture and artworks, locally produced arts and crafts and other local products, bric-a-brac, and gold panning. Signage is also proposed as part of the application for the purpose of wayfinding and the advertising of the proposed amenities that are offered.

The subject site is located approximately 14.5km to the west of the Wandering Town Site and measures a total of 2,003sqm in area. The subject site is bound by Albany Highway to the west, Bannister Road to the south, and a similarly sized battle-axe lot to the north and west. Vehicular access to the site is provided via two (2) separate crossovers; one providing access to the site from Bannister Road via the leg of the adjacent battle-axe lot, while the other from Albany Highway. It is noted that the applicant also owns the battle-axe lot.

The subject site and surrounding lots within the immediate locality are generally zoned Rural under TPS3 with the exception of a Special Use zoned lot approximately 50m to the east.

The subject site accommodates for an existing colorbond shed, water tank, and associated on-site effluent and stormwater disposal facilities. It is noted that in recent years, the culvert on the subject site adjacent to Albany Highway has been significantly upgraded.

North of the subject site is the 'Riverside Roadhouse' which offers services typically associated with the 'Roadhouse' land use as defined within TPS3. Existing development on nearby lots is typically characterised by agricultural and farming land, with associated outbuildings and singular dwellings. Please refer to the image below for mapping of the subject site in its local context.



Figure 1: Local Context of the Subject Land

Comment:

Town Planning Scheme No. 3

The subject site is zoned 'Rural' under TPS3. The objectives for the 'Rural' zone are provided at Clause 4.2(5) of the Scheme and state as follows:

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

As discussed in preceding sections of this report, the application has been determined as a 'Use Not Listed' in accordance with Clause 4.4 of the Scheme. This determination has been made following a review of Table 1 - Zoning table under Part 4 of the Scheme, which concluded that the activities proposed are not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use.

With respect to Clause 4.4 it is maintained that the application aligns with the provisions of Subclause 4.4.2, which provides that the Local Government may:

- *Determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval.*

Given that the proposal seeks approval for a ‘Use Not Listed’, and in accordance with Clause 4.4.2 of the Scheme, the application will be assessed against the above objectives to determine the suitability of the proposal at the subject site. Refer to the table below.

Objective	Comment
a) To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.	The subject site has not previously been used for agricultural purposes and the current site characteristics make it unviable to do so. The proposed use of the land will also not pose a risk to the continuation of broad-hectare agriculture upon other lots within the locality.
b) To provide for diversification and intensive agricultural uses in suitable areas.	N/A – application does not propose agricultural uses.
c) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.	<p>The proposed ‘Use Not Listed’ can be most appropriately categorised as a Tourist-Based land use, which is not inherently non-rural in nature. Notwithstanding, it is deemed that the proposed use can be shown to be of benefit to the district as it will facilitate increased tourist activity and an aggregation of similar amenities within the immediate surrounds.</p> <p>It is acknowledged that production of waste is expected through the furniture manufacturing process. In order to ensure that existing environmental values within the locality are preserved, it is recommended that a Waste Management Plan is submitted as a condition of approval within a set time as determined by Council, that provides details on the quantity, capacity and location of bin storage as well as waste disposal method and frequency.</p>
d) To allow for facilities for tourists and travellers, and for recreation uses.	The application directly addresses and achieves this objective as it proposes to provide tourist activities and facilities in the form of local furniture and arts and craft sales, and gold-panning tours.
e) To have regard to use of adjoining land at the interface of the Rural zone with other zones to avoid adverse effects on local amenities.	N/A – all adjoining land is also zoned Rural (with the exception of Albany Highway which is not zoned under TPS3). It is noted that a property zoned ‘Special Use’ is located approximately 50m east of the subject site however the provisions of this zone predominantly provide for uses akin to those of a rural nature and therefore no adverse effects are expected.

As per the above commentary and assessment in the above table, it is maintained that the proposed activities are generally consistent with the objectives of the 'Rural' zone, in particular objective d).

Clause 5.17 of the Scheme prescribes various standards for development in the 'Rural' zone. Of the provided requirements, only subclause 5.17.3 is applicable as the proposal seeks approval for a change of use, whereby Subclauses 5.17.1 and 5.17.2 relate to proposals involving construction of new buildings, and agroforestry/plantations, respectively.

While it is acknowledged the proposal incorporates a 'works' component by way of the proposed signage, the Scheme does not provide development requirements which relate to such works and subsequently, the proposed signage will be assessed against the provisions of the *Stock on Road Signs* document, produced by Main Roads Western Australia (MRWA) and adopted by the Shire per the Shire of Wandering Policy Manual (2020); the *Guidelines for Sign Standards* prepared by MRWA; and with respect to comments provided to the Shire by MRWA following the referral of the application. This will be discussed in later sections of this report.

An assessment of the proposal against the provisions of Subclause 5.17.3 is provided within the table below.

Subclause 5.17.3 - General Development Requirements	
In considering an application for planning approval the Local Government will have due regard for the following, in addition to the provisions of the Scheme.	
Provision	Comment
a) Any sensitive or incompatible uses which may require buffer separation from the proposed use;	<p>It is understood that the production of the rustic furniture will require the use of power tools. The materials used to construct the furniture are either metal or wood, and as such it can be reasonably concluded that there will be significant noise generation during the manufacturing process.</p> <p>Notwithstanding this fact it is also understood that the production of furniture will be by the applicant only, and therefore can be considered a small-scale manufacturing process without the use of commercial machinery. Further, there is only one (1) residence within a 400m radius of the subject site being the Riverside Roadhouse, of which a review of Shire records confirms the roadhouse has been previously approved to allow for residential use by the owner/operator.</p> <p>In order to mitigate any potential adverse impacts upon the owner/operator of the roadhouse, it is recommended that a condition of approval is imposed limiting the hours of furniture manufacturing from 7am – 7pm Monday to Saturday.</p>
b) Evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;	The subject site has a large water tank which has been constructed prior to the lodgement of this application. It is maintained that the water tank is able to provide for a sufficient and sustainable water supply and does not pose any impact upon water availability for other lots.

Provision	Comment
c) Soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics;	As the application proposes a change to the use of the land only, there is no impact upon site characteristics with respect to soil, rock or foundation conditions.
d) Proposals for treatment and disposal of waste products.	The applicant claims that a pre-existing on-site effluent disposal system has previously been installed at the subject site. A review of Shire records by the Shire’s Health Officer confirmed that the existing system is adequate, and the proposal is not expected to generate increased waste disposal that would exceed the capacity of the system. The applicant is required to submit a septic application and to pay the relevant application fee for approval.

Having regard to the above assessment, the activities proposed to be undertaken at the subject site are considered acceptable and are supported.

Public Notice of Development Application

In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (‘Regulations’), the proposal is considered a ‘Complex’ application as the proposed use of the land is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located. Clause 64 of the Regulations states that the Local Government must advertise a complex application in accordance with subclause (3).

Consistent with the above and in accordance with Clause 4.4 and 9.4 of TPS3, the application was advertised to surrounding landowners and referred to MRWA for comment given the proximity of the site to Albany Highway.

Landowners notified were those within a 200m radius of the subject site, as per subclause 64(3)(b)(ii) of the Regulations. Additional landowners slightly outside of the 200m radius were also notified in accordance with subclause 64(3)(b)(i), which provides that the Shire may advertise the application to any other owners of land who, in the opinion of the Shire, have the potential to become impacted by the granting of development approval.

Surrounding landowners were issued letters with details of the proposal, and in accordance with the Regulations, were given a period of 28 days to make comment on the application. The advertising commenced on 27 May 2022 and concluded 24 June 2022. Upon conclusion of the advertisement period, a total of zero (0) submissions were received.

In addition to surrounding landowners, the application was referred to MRWA due to the proximity of the subject site to Albany Highway, which is a Primary Distributor Road under the Western Australian Road Hierarchy and therefore managed by MRWA.

The application was referred to MRWA on 27 May 2022. On 5 July 2022 MRWA provided their response (see attachment) which advised of no objections to the proposal subject to the following conditions being imposed:

1. Suitable arrangements being made with Main Roads WA for the upgrade of the direct vehicular access onto the Main Roads network.
2. Suitable arrangements being made with Main Roads WA for the approval of signage is visible from the Main Roads network.

MRWA added to the above by way of the following advice notes:

- The applicant is encouraged to contact the Main Roads WA Wheatbelt Region for advice in relation to vehicular access and signage.
- The applicant is required to submit an Application for Advertising Signs within and beyond State Road Reserves and receive approval prior to the installation of signage.
- The applicant is required to submit an Application for Highway Access and Application to Undertake Works within the Road Reserve, and receive approval, prior to undertaking any works within the road reserve.

In relation to vehicular access, MRWA voiced concerns that there is no formal, structured access to the site and that vehicles can enter and exit the site onto Albany Highway along a wide informal section. MRWA also wants to protect the highway from mud and debris on the pavement, which could be tracked from vehicles using the subject site which does not have constructed parking areas.

It is recommended therefore that the above conditions are imposed within the determination of this application.

Proposed Signage

The application proposes the erection of signage at the subject site which pertains to the proposed activities to be carried out. The Shire's planning framework does not provide development requirements in relation to signage and therefore no assessment can be undertaken on this basis.

In absence of any development requirements relating to signage, a holistic review indicates that the proposed signage is not of an unreasonable scale or quantity, and subsequently, it is not expected that the signage would negatively impact the existing visual amenity of the site and surrounds. The signage can therefore be supported at officer level.

With respect to comments provided to the Shire by MRWA and as discussed above, it is recommended that a condition is imposed which requires the applicant to submit an 'Application for Advertising Signs' to MRWA and receive approval prior to installation of the signage. This will further ensure appropriateness of the signage prior to installation at the site.

Car Parking

The application proposes a total of three (3) formal car parking spaces for customers. The car parking area is accessed from the east of the site and provides an adequate manoeuvring area for vehicles. Given the small-scale nature of the proposal, it is deemed that the provision of three (3) car parking bays is sufficient. Further, it is not unreasonable to expect that some customers will initially park at the Riverside Roadhouse and walk to the subject site, given the aggregate of similar amenities.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7) has been prepared by the Western Australian Planning Commission (WAPC) to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The subject site is designated as a 'Bushfire Prone Area' as per the Department of Fire and Emergency Services Map of Bushfire Prone Areas (2022), refer Figure 2 below. Given this designation, the applicant engaged a suitable Bushfire Practitioner to prepare a Bushfire Attack Level (BAL) Assessment to determine the level of risk which exists.



Figure 2: Map of Bushfire Prone Area

A copy of the BAL Assessment is included as an attachment. The assessment was undertaken on 14 June 2022 by Preplan Consulting in accordance with AS 3959 – 2018. The determined BAL for the site/proposal is **BAL-12.5** which is considered low and does not pose a risk to the development.

Notwithstanding the above, Clause 6.6 of SPP3.7 provides detail on procedures when dealing with a 'vulnerable' or 'high-risk' land use. Given that the application proposes a 'Use Not Listed', an evaluation must occur to determine whether the proposed use could be considered a 'vulnerable' use. SPP3.7 considers tourist-based land uses as a 'vulnerable' use and as such the same is applied to this application. Subclause 6.6.1 of SPP3.7 requires that a vulnerable land use cannot be supported unless accompanied by a Bushfire Management Plan (BMP). It is recommended therefore that a BMP is submitted by the applicant and approved by the Shire as a condition of approval, and that the use is not commenced until this time.

Planning and Development (Local Planning Schemes) Regulations 2015

Deemed Provisions – Cl 67 Matters to be considered by local Government

Deemed Provisions – CI 67 Matters to be Considered by Local Government	
Provision	Comment
(a) the aims and provisions of the Scheme and any other relevant town planning scheme operating within the Scheme Area;	The proposal is consistent with the objectives of the 'Rural' zone under TPS3.
(c) any approved Statement of Planning Policy of the Commission;	The proposal is consistent with SPP3.7 subject to the submission of a Bushfire Management Plan as a condition of approval.
(i) the compatibility of a use or development within its setting;	The proposal has been determined as principally a tourist-based development and is deemed compatible within the context of the locality for the reasons provided in previous sections of this assessment.
(l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;	The proposal has a negligible impact upon the natural environment with the exception of waste generation, which is accounted for by the recommendation for a Waste Management Plan to be submitted as a condition of approval.
(m) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;	The application underwent a BAL Assessment to determine risk, given the site's status as Bushfire Prone. The BAL Assessment confirmed a BAL of 12.5 which is considered acceptable for development.
(n) the preservation of the amenity of the locality;	The proposal will not result in an adverse impact upon the existing amenity of the locality and will add to the existing amenities offered by the nearby roadhouse.
(p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;	The proposed car parking, access and manoeuvrability for vehicles has been assessed and is considered appropriate for the proposed development.
(q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;	There is no expected negative impact upon the ability of Albany Highway or Bannister Road to accommodate traffic generated by the development as a result of the proposal.
(z) the comments or submissions received from any authority consulted under clause 10.1.1;	The assessment has considered the comments received from MRWA with respect to vehicular access and signage.

Consultation:

In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations'), the proposal is considered a 'Complex' application and as such was advertised to surrounding landowners for a period of 28 days as per subclause 64(3). The application was also referred to MRWA for comment as the subject site proposes access via Albany Highway and signage that is visible from Albany Highway.

Statutory Environment:

Planning and Development Act 2005
 Planning and Development (Local Planning Schemes) Regulations 2015
 Shire of Wandering Total Planning Scheme No. 3

Policy Implications:

Nil

Financial Implications:

Costs may be incurred by the Town if the landowner requests a review of the determination from the State Administrative Tribunal (SAT).

Strategic Implications:

The recommendations of this report are consistent with the Shire's Strategic Community Plan 2018 - 2028.

Sustainability Implications:

- **Environmental:** Nil
- **Economic:** Nil
- **Social:** Nil

Risk Implications:

Risk	That an undesirable precedent will be set for the approval of structures located outside of prescribed building envelopes.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	A precedent for other similar applications
Risk Action Plan (Controls or Treatment Proposed)	Accept officer Recommendation

Risk Matrix:

Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it.

An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 3 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

080722 Moved: Cr G Curtis Seconded: Cr G Parsons

Officer Recommendation and Council Decision:

That Council approves the application for development approval, submitted by Glenn Burke to commence a 'Use Not Listed' at Lot 12 (No. 7841) Albany Highway, Bannister, subject to the following conditions:

- **The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.**
- **Manufacturing of furniture and art to be undertaken between the hours of 7:00 and 19:00 Monday to Saturday. Manufacturing of furniture is not permitted outside of these hours.**
- **The applicant, within 30 days of the date of approval or whichever time period is deemed as appropriate by Council, is to submit a Waste Management Plan to the satisfaction of the Shire which provides detail on the size, quantity, type and location of bin storage as well as the method and frequency of disposal, prior to commencement of the use.**
- **The applicant, within 30 days of the date of approval or whichever time period is deemed as appropriate by Council, is to submit a Bushfire Management Plan to the satisfaction of the Shire and in accordance with the provisions of State Planning Policy 3.7, prior to commencement of the use.**
- **The applicant, within 30 days of the date of approval or whichever time period is deemed as appropriate by Council, is required to submit a septic application and to pay the relevant application fee for approval.**
- **Suitable arrangements being made with Main Roads WA for the upgrade of the direct vehicular access onto the Main Roads network.**
- **Suitable arrangements being made with Main Roads WA for the approval of signage is visible from the Main Roads network.**

Advice Notes:

With respect to Conditions 1, 5 and 6:

- **The applicant is encouraged to contact the Main Roads WA Wheatbelt Region for advice in relation to vehicular access and signage.**
- **The applicant is required to submit an Application for Advertising Signs within and beyond State Road Reserves and receive approval prior to the installation of signage.**
- **The applicant is required to submit an Application for Highway Access and Application to Undertake Works within the Road Reserve, and receive approval, prior to undertaking any works within the road reserve.**
- **Your attention is drawn to that fact that this consent constitutes development approval under the Planning and Development Act 2005 only and that a Building Permit may be required to be obtained prior to commencement of the land use that demonstrates compliance with the Building Code of Australia. It is the responsibility of the applicant to liaise with the Shire obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.**

Carried 5/0

14.2 – Application for Development Approval – Lot 64 (818) Moramocking Road, Wandering

File Reference:	PA288
Location:	Lot 64 (No. 818) Moramocking Road, Wandering
Applicant:	Stephen Bullock
Author:	Ben Laycock c/- Altus Planning (Shire Consultant Planner)
Authorising Officer:	Barry Gibbs – Executive Manager Technical Services
Date:	27 June 2022
Disclosure of Interest:	Nil
Attachments:	Development Plans / Blackboy Springs Estate Building Envelope
Previous Reference:	Nil

Summary:

The Shire has received an application for development approval to construct a 31.5m² 'lean-to' to the existing shed at Lot 64 (No. 818) Moramocking Road, Wandering ('subject site' or 'site'). The application requires development approval as the location of the proposed lean-to is located outside of the prescribed building envelope for the site.

As outlined in this report, conditional approval is recommended as:

- The proposed lean-to is located within the existing development cluster on-site.
- The structure is not readily visible from the street or the closest adjoining neighbour due to distance and existing vegetation.
- Being non-habitable, the structure is exempt from any bushfire planning considerations.

Background:

The subject site is located approximately 6km to the south-west of the Wandering Town Site, within the 'Blackboy Springs Estate' and measures 5.0437ha. The site is located within a street block that is broadly bound by O'Connell Road to the north, Moramocking Road to the east, Reid Road to the south and Blackboy Gully Road to the west.

The site is currently developed for rural-residential purposes and comprises of an existing single storey dwelling, a shed and several water tanks which are accessed via a driveway extending from the south-eastern corner. The property boundaries are, for the most part, lined with mature vegetation.

In terms of the surrounding area, the lands to the north, south and west are similarly sized (approximately 5ha) and have been developed for similar rural-residential purposes. The land immediately on the eastern side of Moramocking Road is zoned 'Rural' and consists of much larger lot sizes. Refer to Figure 1.

The proposed lean-to measures 3.5m (w) x 9.0m (l) and is to be located on the eastern side of the existing shed which the Applicant states is to be used for storage. The proposed development plans are provided as an attachment.



Figure 1: Locality aerial (Source: Landgate 2022)

Comment:

Town Planning Scheme No. 3

The subject site is zoned 'Rural Residential' pursuant to the *Shire of Wandering Town Planning Scheme No. 3* ('TPS3' or 'Scheme'). The objectives for the Rural Residential zone are provided at clause 4.2 of the Scheme and state as follows:

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

With respect to the above, only objective c) is considered relevant to this application and is discussed further within this Report.

The Blackboy Springs Estate is otherwise referred to as 'Rural Residential Zone No. 2' and pursuant to Schedule 11 of TPS3, building envelopes were prescribed for all of the Rural Residential lots at the time of the original subdivision. Schedule 1 of TPS3 defines 'building envelope' as follows:

means an area of land within a lot marked on a plan approved by the local government within which all buildings and effluent disposal facilities on the lot must be contained.

The applicable building envelope for the subject site is provided as an attachment. As the existing shed has been constructed along the south-eastern edge of the prescribed building envelope, the proposed lean-to will be located outside of the building envelope and therefore requires planning approval. Clause 5.5.1 of TPS3 provides Council with the discretion to approve an application that does not comply with a standard or requirement of the Scheme.

Clause 5.16 of TPS3 prescribes various standards for development in the Rural Residential zone. An assessment of the proposed lean-to against these standards is provided in the following table.

Scheme Requirement	Assessment Comments
<p><u>Clause 5.16.1</u> Minimum building setback:</p> <ul style="list-style-type: none"> • Front - 30m • Rear - 10m • Side - 10m 	<p>The prescribed building envelope for the site overrides the setback requirements of Clause 5.16.1. Notwithstanding, they provide guidance in the exercise of discretion when considering the appropriateness of the proposed lean-to, which are as follows:</p> <ul style="list-style-type: none"> • Front - Approximately 94m • Rear - Approximately 133m • Side - Approximately 90m <p>In this regard, the setbacks are considered acceptable due to the following:</p> <ul style="list-style-type: none"> • The nearest dwelling is approximately 132m to the north-east of the proposed lean-to and due to the shed being located on the southern side of the existing dwelling, there is no direct line of sight towards the proposal due to the existing development and mature vegetation. • The proposed lean-to will be orientated at an angle to the street and neighbour lot boundaries, consistent with the existing development on-site, which reduces the visibility of the structure. • The proposed lean-to will be located within the main “development cluster” for the site which assists in minimising any visual impacts.
<p><u>Clause 5.16.2</u> Development to be in accordance with Schedule 11, No. 2 and the associated plan of subdivision</p>	<p>Only sub-provisions 4 and 5 are relevant to the proposal. These are as follows:</p> <p><u>Provision 4 (20m low fuel radius maintained around all buildings)</u></p> <ul style="list-style-type: none"> • The proposal is a non-habitable structure and will be constructed of non-combustible materials (Trimdek roof sheeting and steel frame). • The proposal will abut an existing non-habitable structure (outbuilding), which contributes towards this radius. • Whilst not specifically referenced in the application, the southern side of the existing shed is lined with vegetation which will need to be removed as part of the application. The Applicant has advised that this vegetation is a Grevillea Bush and historical aerial imagery on Landgate would suggest it was planted circa 2003. • It should also be noted that the proposal is exempt under planning legislation from requiring any accompanying Bushfire Management Plan (‘BMP’) or Bushfire Attack Level (‘BAL’) Assessment as the siting of the development is outside a designated bushfire prone area and furthermore, a shed is not a habitable building.

Scheme Requirement	Assessment Comments
	<p><u>Provision 5 (Shire may require planting of 50 trees and maintenance for 2 year period)</u> Having regard to the abovementioned low fuel area requirements and considering the proposed lean-to is located within the existing development cluster on-site, as well as the extent of vegetation already on-site, further planting is not considered necessary.</p>
<p><u>Clause 5.16.3</u> a) Development approval required for all development in Rural-Residential zone. b) Maximum one dwelling per lot. c) All trees shall be retained unless otherwise approved by the Shire. d) If the land is considered deficient, the Shire may require replanting of the site as a condition of any approval. e) Appropriate measures must take place to prevent noise, odour or dust from the keeping of animals. f) The Shire may take any action to prevent detrimental impacts such as overstocking or erosion due to the keeping of animals. g) The Shire may require provision for bush fire control measures in accordance with an adopted local planning policy.</p>	<p>a) A development application has been submitted seeking approval for the proposed lean-to. b) There is one existing dwelling on the subject site. c) The proposal will not result in the removal of any existing significant trees on the site. d) See above assessment comments for Clause 5.16.2, Provision 5. e) N/A f) N/A g) See above assessment comments for Clause 5.16.2, Provision 5. Notwithstanding, the Shire does not have a separate adopted local planning policy regarding bushfire.</p>
<p><u>Clause 5.16.4</u> When considering an application, the Shire will also have regard to the following: a) the colour and texture of external building materials; b) building size, height, bulk, roof pitch; c) setback and location of the building on its lot; d) architectural style and design details of the building; e) relationship to surrounding development; f) other characteristics considered by the local government to be relevant.</p>	<p>a) Materials of construction comprise of Trimdek roof sheeting and steel frame which are considered consistent with the rural character. b) The proposed lean-to will result in 31.5m² of additional floor area, taking the overall floor area of development on site to approximately 257m² which equates to 0.5% of the total lot area. Being a lean-to, the proposal will have a maximum height of 3.3m where it adjoins the existing structure and will slope down to a height of 2.9m, creating a continuous roof form. c) As previously mentioned, the location of the proposed lean-to at the southern end of the existing development cluster and the existing vegetation that lines the property boundaries is such that visibility of the structure from adjoining properties and the street will be minimal. d) The proposed structure will form a continuation of the roofline for the existing shed. e) As previously mentioned, the proposed is to be located within the established development footprint of the site. f) The Applicant has advised that the lean-to is for storage purposes which is consistent with the Rural Residential character of the locality.</p>

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The south-western corner of the subject site is mapped as falling within a designated bushfire prone area, however all of the existing development on-site and the proposed lean-to are located well clear of the designated area by some 147m.

Section 1.2 of the *Guidelines for Planning in Bushfire Prone Areas Version 1.4* clarifies that:

For development applications where only part of a lot is designated as bushfire prone and the proposed development site is wholly outside of the designated area, the development application will not need to address SPP 3.7 or these Guidelines.

Consultation:

The proposal’s non-compliance with the Scheme requirement (i.e. building envelope) is considered to be of minor nature that will not adversely impact on the surrounding properties. Public advertising is therefore not considered necessary pursuant to Clause 64(2) of the Deemed Provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Statutory Environment:

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

Policy Implications:

Nil

Financial Implications:

Costs may be incurred by the Shire if the landowner requests a review of the determination by the State Administrative Tribunal.

Strategic Implications:

The recommendations of this report are consistent with the following strategy of the Shire’s Strategic Community Plan 2018 – 2028:

4.2 *Ensure our planning framework & environment supports nimble decision making and gives confidence to developers*

Sustainability Implications:

- **Environmental:** Nil
- **Economic:** Nil
- **Social:** Nil

Risk Implications:

Risk	That an undesirable precedent will be set for the approval of structures located outside of prescribed building envelopes.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	A precedent for other similar applications
Risk Action Plan (Controls or Treatment Proposed)	Accept Officer Recommendation

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

090722 Moved: Cr M Watts

Seconded: Cr P Treasure

Officer Recommendation and Council Decision:

That Council approves the application for development approval, submitted by Stephen Bullock, to construct a lean-to to the existing shed at Lot 64 (No. 818) Moramocking Road, Wandering, subject to the following conditions:

Conditions:

1. The development hereby approved shall occur generally in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Council.
2. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Wandering.
3. Satisfactory buildings plans being approved by the Shire of Wandering.
4. The existing shed/garage and new lean-to is not to be used for industrial or commercial purposes and is not to be used for human habitation.

Carried 5/0

15. Elected Members Motions of Which Previous Notice Has Been Given

16. New Business or Urgent Business Introduced by Decision of the Meeting

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

16.1 Elected Members

Nil.

16.2 Officers

100722 Moved: Cr G Curtis

Seconded: Cr M Watts

That late item 16.2.1 Wandering Community Centre Upgrade be introduced as new business

Carried: 5/0

16.2.1 - Wandering Community Centre Upgrade

File Reference: Nil
Location: Down Street, Wandering
Applicant: Nil
Author: Alan Hart – Chief Executive Officer
Authorising Officer
Date: 19 July 2022
Disclosure of Interest: Nil
Attachments: Wandering Community Centre Floor Plan
Previous Reference: Nil

Summary:

To consider and recommend to Council the way forward for the upgrade of the Wandering Community Centre.

Background:

The Wandering Community Centre is the community hub for the Wandering Community and has been identified as a building that needs to be upgraded to ensure that community expectations of a modern facility are addressed and the building is fit for purpose going into the future.

A working group of various Community Members has been working with Council Representatives and an Architect to develop a design that meets the above objectives and it is now time to progress this further to the next stage.

Comment:

The working group that have been involved in this project to-date have been working with Harris Design to develop a concept plan of the refurbishment of the Wandering Community Centre. That will service the needs of the users of the facility and the wider community going into the future. Key aspects of the upgrade include:

Extension of the existing kitchen and construction of a new store-room

Refurbishment of the existing toilets to incorporate universal access toilets

Construction of a new veranda overlooking the oval

Construction of new sports amenities and dedicated storage for community/sporting groups

Installation of a universal access ramp from the Community Centre to the Oval.

The next phase of the project is to have a concept plan prepared and have the works costed. Once this has been completed, and if the committee are happy with the final concept and costings, then engagement with the community by undertaking community consultation and seeking their feedback on the concept plan should be undertaken.

Whilst this is happening, the Shire will continue discussions with potential funding organisations and will obtain proposals from suitably qualified consultants who can assist the Shire in preparing the necessary business cases to support any grant applications.

Any decision of the Committee is a recommendation to Council as the Committee does not have any delegated powers to make decisions.

Consultation:

Shire of Wandering Elected Members
 Community Groups that use the Wandering Community Centre
 Shire of Wandering Community

Statutory Environment:

Not Applicable

Policy Implications:

There are no policy implications.

Financial Implications:

The full financial implications of the upgrade of the Wandering Community Centre are not known at this stage of the process.

Strategic Implications:

Our Goals	Our Strategies
A well informed Community	Foster Opportunities for connectivity between Council and the Community
We plan for the future and are strategically focused	<ul style="list-style-type: none"> Ensure accountable, ethical and best practice governance

Sustainability Implications:

- **Environmental:** There are no known significant economic considerations
- **Economic:** There are no known significant economic considerations
- **Social:** There are no known significant social considerations

Risk Implications:

Risk	Low (3)
Risk Likelihood (based on history and with existing controls)	Low (3)
Risk Impact / Consequence	Low (3)
Risk Rating (Prior to Treatment or Control)	Low (3)
Principal Risk Theme	Low (3)
Risk Action Plan (Controls or Treatment Proposed)	Low (3)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 3 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

110722 Moved: Cr M Watts Seconded: Cr G Curtis

Officer Recommendation and Council Decision:

That the Committee acknowledge the amount of work that Rosalie Pech Eva has done during her time on the Working Group with the development of the conceptual plans for the Community Centre Upgrade and the Committee recommends the following to Council:

- 1. Subject to obtaining a satisfactory quotation from Harris design, engage Harris Design to prepare a concept plan for the upgrade of the Wandering Community Centre.**
- 2. Engage Harris Design to undertake a full costing of the project by a suitably qualified quantity surveyor.**

Carried 5/0

17. Matters Behind Closed Doors

Nil.

18. Closure of Meeting

The Presiding Member declared the meeting closed at 4.46pm.

