



WANDERING SHIRE COUNCIL

Minutes of Meeting

Thursday 21 November 2013

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1 DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The meeting was opened by the Chief Executive Officer, Martin Whitely, at 1:32pm who then introduced Mr Ian Turton JP attending for the swearing in of Councillors, Shire President and Deputy President.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance:

G Kerr	President
B Dowsett	Deputy President
B Whitely	Councillor
W Gowland	Councillor
J Price	Councillor
C Ferguson	Councillor
J McNeil	Councillor
M Whitely	Chief Executive Officer
P Rawlings	Manager Admin & Finance
S Friend	Environmental Health Officer (3:08pm to 3:58pm)

Apologies: Nil

Visitors: Mr I Turton, JP (1:32pm to 1:52pm)
Mr R Little (1:59pm to 2:17pm)
Mrs C Little (1:59pm to 2:17pm)

3 SWEARING IN OF NEWLY ELECTED COUNCILLORS

Mr Ian Turton JP presided over the swearing in of newly-elected Council members Brendan Whitely and Wade Gowland and the re-elected Council members Jim McNeil and Bruce Dowsett.

4 ELECTION OF PRESIDENT

The Chief Executive Officer called for nominations for the vacancy of Shire President.

Cr Price nominated Cr Dowsett.

Cr Dowsett declined the nomination but then nominated Cr Kerr who accepted the nomination.

With no further nominations received the Chief Executive Officer declared Cr Kerr elected to the office of Shire President for the next two years.

5 SWEARING IN OF PRESIDENT

Mr Ian Turton JP presided over the swearing in of Cr Kerr as Shire President.

The Shire President then assumed chairing the meeting and called for nominations for the vacancy of Deputy Shire President

6 ELECTION OF DEPUTY PRESIDENT

Cr Price nominated Cr McNeil, who accepted the nomination.

Cr Kerr nominated Cr Dowsett who also accepted the nomination.

There being more nominations than vacancies a ballot was called for and ballot papers distributed.

The Chief Executive Officer tallied the votes and advised that Cr Dowsett received four votes and Cr McNeil three votes.

Cr Dowsett was declared elected to the office of Deputy Shire President for the next two years.

7 SWEARING IN OF DEPUTY PRESIDENT

Mr Ian Turton JP presided over the swearing in of Cr Dowsett as Deputy Shire President and then exited the Council Chambers at 1:52pm.

8 DISCLOSURE OF INTERESTS

Cr Price declared a proximity interest in item 13.4 "Noise Complaint – Pumphrey's Bridge" and entered such in the register of interests.

Cr Gowland declared a financial interest in item 13.5 "Planning Application – New Single House, Carport & Outbuilding on Lot 119 (No.3) Humes Way, Wandering" and entered such in the register of interests.

9 PUBLIC QUESTION TIME

Mr Bob and Mrs Cheryl Little entered the Chambers at 1:51pm.

Mr Little thanked Council for the opportunity to address it regarding noise issues from two properties adjacent to their property in Pumphreys Bridge.

Mrs Little then outlined the issues involved including dust and noise, partying until the middle of the night, bonfires and fireworks displays during the prohibited burning period.

Mr and Mrs Little then responded to a number of questions from members regarding frequency and duration of the nuisance, actions they had taken to mediate with their neighbours and possible options that would be acceptable to them.

Mr and Mrs Little exited the Chambers at 2:17pm.

10 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

11 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

11.1 Shire of Wandering Ordinary Meeting – 19 September 2013

24:2013/14

Moved Cr Dowsett, Seconded Cr Price that the minutes of the Shire of Wandering Ordinary Meeting held 17th October 2013 be confirmed as a true and correct record.

CARRIED 7-0

12 COUNCILLOR REPORTS

President Kerr

Meetings Attended

Marradong Country Sundowner in Wandering on 14th November 2013.

Councillor McNeil

Meetings Attended

Marradong Country Sundowner in Wandering on 14th November 2013.

Councillor Whitely

Questions Without Notice

Requested new Councillor training delivered locally to be investigated with adjacent local governments.

Councillor Price

Meetings Attended

WA Local Government Grants Commission public hearing in Wandering on 13th November 2013

Questions Without Notice

Citizens of the Year Award – suggested winners be presented with a plaque and certificate

Requested copy of the Shire's Code of Conduct

Requested notification of Drummuster dates.

Community Resource Centre signage.

13 MATTERS REQUIRING COUNCIL DECISION

13.1 Audit & Risk Committee

NAME OF APPLICANT: CEO

FILE REFERENCE: 1.4.6

AUTHOR: CEO

SUMMARY:

Under Section 7.1A of the Local Government Act 1995, every local government is required to establish an Audit Committee of three or more persons.

COMMENT

Historically for the Audit & Risk Committee all Councillors are appointed as members of the Committee.

RECOMMENDATION:

That each Councillor is appointed as a member of the Audit & Risk Committee for a term of two years, expiring on the next ordinary election day.

25:2013/14

Moved Cr Dowsett, Seconded Cr McNeil that each Councillor is appointed as a member of the Audit & Risk Committee for a term of two years, expiring on the next ordinary election day.

CARRIED 7/0

13.2 Delegations to Committees and Community Organisations

NAME OF APPLICANT: CEO

FILE REFERENCE: 1.4.6

AUTHOR: CEO

SUMMARY:

It is common practice for many local authorities to review appointments of Elected Members and Staff to serve on various committee's and community organisations. It should be noted that this is a separate exercise to appointing members of a Council Committee.

COMMENT

There is a need to conduct a review of the delegates appointed to each of the committees since there has been two newly elected members since the last review was conducted at the September 2012 Ordinary Meeting. At that meeting the following appointments to various committee's and community organisations were made;

Dryandra Voluntary Regional Organisation of Councils (DVROC)

Delegate: Cr Kerr

Proxy: Cr Dowsett

Hotham Sub Group, Regional Road Group

Delegate: Cr Kerr

Proxy: Cr Dowsett

Hotham Catchment Landcare Committee

Delegate: Cr McNeil
Proxy: Cr Barge

Pingelly Wandering Local Emergency Plan Committee

Delegate: Chief Fire Control Officer Peter Monk
Proxy: Cr Kerr

Local Emergency Plan Committee

Delegate: Chief Fire Control Officer Peter Monk
Proxy: Cr Kerr

Wandering Primary School Community Liaison Committee

Delegate: Cr Ferguson
Proxy: Cr Price

BHP Worsley Alumina Mine Community Liaison Committee

Delegate: Cr Schorer
Proxy: Cr Barge

Boddington Gold Mine Expansion Steering Committee

Delegate: Cr Schorer
Proxy: Cr Barge

Dryandra Country Visitor Centre

Delegate: Cr Ferguson
Proxy: Cr Price

Brookton Land Conservation District Committee

Delegate: Cr Kerr
Proxy: Nil

Wagin Regional Waste Group

Delegate: Cr Dowsett
Proxy: Cr Barge

There are several committees that have not required Council Representation for several years and it is my suggestion that delegates are no longer required to be appointed to these Committees. These Committees include the Hotham Catchment Landcare Committee, Boddington Gold Mine Expansion Steering Committee, Dryandra Country Visitors Centre and the Brookton Land Conservation District Committee. If the need arises for Council representation for any of these Committees at some stage in the future then Council can resolve to appoint delegates at that point in time.

RECOMMENDATION:

That Council review the various committees and appoint delegates to the various Committees and Community Organisations.

26:2013/14

Moved Cr McNeil, Seconded Cr Ferguson that the following committee delegates be appointed:

Dryandra Voluntary Regional Organisation of Councils (DVROC)

Delegate: Cr Kerr
Proxy: Cr Dowsett

Hotham Sub Group, Regional Road Group

Delegate: Cr Kerr
Proxy: Cr Dowsett

Hotham-Williams Economic Development Alliance

Delegate: Cr Whitely
Proxy: Cr Price

Pingelly Wandering Local Emergency Plan Committee

Delegate: Chief Fire Control Officer Peter Monk
Proxy: Cr Kerr

Local Emergency Plan Committee

Delegate: Chief Fire Control Officer Peter Monk
Proxy: Cr Kerr

Wandering Primary School Community Liaison Committee

Delegate: Cr Ferguson
Proxy: Cr Gowland

BHP Worsley Alumina Mine Community Liaison Committee

Delegate: Cr Dowsett
Proxy: Cr McNeil

Wagin Regional Waste Group

Delegate: Cr Price
Proxy: Cr Whitely

CARRIED 7/0

13.3 South West Settlement – Noongar Heritage Regime and Land Access License

NAME OF APPLICANT: Land, Approvals and Native Title Unit,
Department of the Premier and the Cabinet
FILE REFERENCE: 1.5.2
AUTHOR: CEO

SUMMARY:

A letter has been received from the Land, Approvals and Native Title Unit of the Department of the Premier and Cabinet outlining the Western Australian's Government proposal to resolve native title claims across the South West of Western Australia. Wandering falls into the Gnaala Karla Booja Regional Corporation and details of the proposal are shown in **Attachment 2**.

COMMENT:

I met with representatives of the Gnaala Karla Booja Regional Corporation in October as part of their meet and greet with Shires within the Gnaala Karla Booja region and they have requested to speak with Council early in the new year at either the February or March Council Meeting. Council will be informed when the proposed dates have been confirmed.

RECOMMENDATION:

That the information be received by Council.

27:2013/14

Moved Cr Dowsett, Seconded Cr McNeil that the information be received by Council.

CARRIED 7-0

Cr Price reiterated her declaration of a proximity interest in the next matter.

Environmental Health Officer, Mr Steven Friend, entered the Chambers at 3:08pm

13.4 Noise Complaint Pumphreys Bridge

NAME OF APPLICANT: Judith Price and Robert & Sheryl Little
FILE REFERENCE: A407 & A410
AUTHOR: EHO/BS

SUMMARY:

The Shire has over the last few months had complaints about noise in the Pumphreys Bridge area emanating from motor vehicles, principally motor cycles.

It would appear that the noise comes from two different properties with different owners, although both properties are relatively close to each other.

The properties that the noise allegedly comes from are Lot 4913 & 4914 York Williams Road Wandering and Lot 5921 York Williams Road Wandering

I have written to the owners of both properties advising the Shire is aware of the complaints and that in everyone's interests, it would be better if some compromise could be worked out at a local level.

The Shire has received a response from one of the property owners (attached). No response has been received from the other property owner/s.

COMMENT:

"Noise" is controlled by the Environmental Protection (Noise) Regulations 1997 (Regulations), made under the Environmental Protection Act 1986.

Noise is usually considered a Local Government (LG) matter, i.e. one of the many matters that a LG controls under state government legislation.

If noise is an issue, it is preferable that the people who are responsible for making it can reach a compromise with the complainants.

A compromise means that there is something for both parties, and while it might not be ideal for either of them, it is preferable that this occurs rather than a more vigilant legal approach.

If a compromise cannot be reached, options for sorting the matter out are as follows:

1. An "*authorised officer*" can initiate a prosecution
2. The police can initiate a prosecution
3. Three or more affected people (complainants) can initiate a prosecution.

- 1 An "*authorised officer*" is generally an Environmental Health Officer (EHO) employed by the LG who has undertaken a noise course. The *authorised officer* takes sound level recordings from the property affected and if found to be excessive, initiates a prosecution. I don't have the necessary qualifications so am not an *authorised officer*, so cannot undertake a prosecution.
- 2 Any police officer, by virtue of his or her office, is an authorised officer and can seize equipment associated with excessive noise, can issue a noise abatement notice or initiate a prosecution. Police do not like to get involved in noise matters as they believe it is a local government matter and their function is to catch people doing criminal wrong doings.
- 3 Three or more people aggrieved about noise can initiate their own legal proceedings – without the use of an authorised officer.

If Council considers the options above, number 1 is ruled out as I am not an authorised officer.

It may be possible to use someone with the appropriate qualifications to undertake the investigation and prosecute if appropriate.

I have contacted the EHO at Kalamunda Shire to see whether this might be a possibility, however the EHO stated that noise prosecutions are very lengthy and can be time consuming.

She also stated that she would not rely on any evidence garnered by another person (me) as she considered this would compromise any prosecution.

If the Shire of Wandering was to go down this path, the *authorised officer* from, say, Kalamunda, would have to be gazetted as an AO for the Shire of Wandering, come down and take recordings or whatever other measures considered appropriate, and then use this material to prosecute.

I imagine this would also involve the use of a lawyer to prosecute the case.

It is impossible to put a dollar value on this exercise however it would be considerable.

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I have been mentioning Kalamunda as the Shire uses them for building control, however since starting this item, I have been informed that Kalamunda would not consider it at this point in time.

If option 2 is exercised, this would mean the local police would have to be encouraged to get involved and be available to attend when the noise was being made.

They could instruct the noise makers to cease the activity; however this might not be a long term solution.

As mentioned, police are reluctant to get involved as they do not see noise as a core business.

Option 3 means under section 79 of the Act, three or more individuals can initiate their own action.

However this would also be a risky, as well as expensive option as I imagine any success would rely on good, accurate evidence.

The DER does have equipment available to record noise, called a "Yellow Brick", which is setup on the property affected by the noise. The "Yellow Brick" is then sent back to the DER who download the data and give a report on the findings.

This then could form part of any prosecution.

My fear is that without the involvement of an authorised officer, any chink in the evidence might be exploited by the defendants.

Apart from that stated above, if there was a house on the property that makes the noise, Regulation 14 deals with "specified equipment", which includes motorbikes. A notice under this section could, for instance, limit the times the motorbikes could be used.

It is my understanding that there are no houses on either of the properties that are alleged to be making the noise, so this is not an option.

Lastly, the CEO of the Shire can issue an Environmental Protection Notice under section 65 of the Act, which is registered on their title. The notice can require the owners to cease the activity or modify it to abate the nuisance.

However it is my belief and this has been confirmed by the EHO at Kalamunda, that it would be very risky to issue a notice under this section without some firm evidence to back the notice.

Some evidence that the noise was excessive should be sought before considering this option.

Then there would have to be monitoring of the properties to ascertain if the notices had not been complied with, and if not, would the Shire prosecute for non-compliance?

As mentioned, the DER does have a number of "Yellow Bricks" for use in instances like this, however the officer I spoke to said they would be reluctant to issue the Bricks for speculative purposes. They would want to know that there was some intention to use the data to prosecute as there were several day's work in downloading the data and issuing a report, which is obviously a cost to the Department.

The reality of noise problems has been highlighted and the complications in proving them and then abating them are enormous, particularly if the Shire does not employ an *authorised officer*. This is relatively common in EHO's that are my age, or have worked in the country most of their working lives.

Another aspect of this matter could be if the properties that are allegedly making the noise have organised events, where people other than members of the family or property owners attend to race around, development approval maybe required.

Again this is a bit of a grey area and what constitutes development and requires approval is difficult to exactly determine.

An email from the Shire's contract Town Planners addressing this matter is also attached.

RECOMMENDATION:

That Council considers the matters addressed in this item and determines a position on whether any or what action shall be undertaken in relation to the complaints.

28:2013/14

Moved Cr McNeil, Seconded Cr Ferguson that representatives from the Davis and Cooke families be invited to a meeting with the Chief Executive Officer and Environmental Health Officer to discuss the complaints received and to seek an acceptable solution to all parties.

CARRIED 7/0

Environmental Health Officer, Mr Steven Friend, entered the Chambers at 3:58pm

29:2013/14

Moved Cr McNeil, Seconded Cr Whitely that the meeting be adjourned for afternoon tea at 3:58pm.

CARRIED 7/0

Meeting resumed at 4:16pm with all attendees prior to the adjournment present with the exception of the Chief Executive Officer.

13.5 Planning Application – New Single House, Carport & Outbuilding on Lot 119 (No.3) Humes Way, Wandering

NAME OF APPLICANT: Kidron Construction on behalf of Anthony & Sharon Smith (Landowners)
FILE REFERENCE: A429
AUTHOR: Messrs Joe Douglas & Carlo Famiano – Consultant Town Planners (Urban & Rural Perspectives)

SUMMARY

This report recommends that a planning application submitted by Kidron Constructions on behalf of Anthony & Sharon Smith (Landowners) to construct a new single house, carport and associated shed (i.e. 'domestic outbuilding') on Lot 119 (No.3) Humes Way, Wandering be approved subject to conditions.

BACKGROUND

The applicant is seeking Council's planning approval to construct a new single house, carport and associated shed on Lot 119 (No.3) Humes Way, Wandering.

Lot 119 is located in the southern part of the Wandering townsite with direct frontage and access to Humes Way along its northern boundary and Crown Reserve 47901 ('Public Recreation') along its southern rear boundary. The land is rectangular in shape, comprises a total area of approximately 1,000m² and is currently vacant and not being used for any specific purpose/s (see Plans 1 to 3).

Under the terms of the information and plans submitted in support of the application the following is proposed:

- i) Construction of a new 181.35m² four (4) bedroom, two (2) bathroom dwelling comprising a 2.5 metre wide verandah around its perimeter and a 64m² patio at the rear (see Plans 4 to 6);
- ii) The dwelling will be a new steel framed structure with colorbond wall (i.e. 'Classic Cream' in colour) and colorbond roof cladding (i.e. 'Manor Red' in colour);
- iii) The dwelling will have a wall height of 3.45 metres and a ridge height of approximately 5.7 metres;
- iv) The dwelling will have a minimum setback of 5 metres from the land's frontage to Humes Way with an average front setback of 7.5 metres;
- v) The dwelling will have a setback of 3.055 metres from the land's western side boundary, a setback of approximately 9.7 metres from the land's eastern side boundary and a setback of 6 metres from the southern rear boundary;
- vi) Construction of a new 72m² steel framed colorbond storage shed at the rear of the property comprising a width of 12 metres and a depth of 6 metres;
- vii) The new shed will have a wall height of 4 metres and a ridge height of 5.5 metres;

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- viii) Construction of a new 36m² steel framed colorbond carport in front of and attached to the new shed referred to in points vi) and vii) above.
- ix) The new carport will have a width of 6 metres and a depth of 6 metres with a maximum wall height of 2.85 metres;
- x) The new shed and carport will have a 1 metre setback from the land's eastern side boundary, a 19.25 metre setback from the western side boundary and 1 metre setback from the southern rear boundary;
- xi) Construction of a new 4 metre wide crossover to the Shire's specifications and standards along the land's frontage to Humes Way and a new 4 metre wide concrete driveway to the new carport and shed at the rear of the property.
- xii) All stormwater will be discharged onto the Humes Way road reserve; and
- xiii) The new shed will be used for domestic storage and hobby purposes (i.e. the storage and restoration of motor vehicles owned by the landowners).

COMMENT

Current Zoning & Land Use Permissibility

Lot 119 is classified 'Residential' zone under the Shire of Wandering's current operative Town Planning Scheme No.3 (TPS No.3) with an applicable residential density coding of R10.

Council's stated objectives for the development and use of any land classified 'Residential' zone are as follows:

- (a) *To provide for the predominant form of residential development to be single houses.*
- (b) *To provide for diversity of lifestyle choice with a range of residential densities where possible.*
- (c) *To achieve a high standard of residential development having regard to the economic importance of tourism to the district.*
- (d) *To allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.*

Under the terms of TPS No.3 the development of a 'single house' including a carport and/or outbuilding/s is classified as being permitted (i.e. a 'P' use) on any land classified 'Residential' zone subject to compliance with the relevant development standards prescribed in TPS No.3, the Residential Design Codes of WA (i.e. the 'R-Codes') and the Shire's adopted Local Planning Policy entitled '*Outbuildings: Residential & Rural Residential Zones*'.

Compliance with Development Standards

An assessment of the proposal against the development standards prescribed in TPS No.3, the R-Codes and the Shire's current 'Outbuildings' policy has confirmed that it satisfies the majority of standards except for the following:

- i) The total area of the proposed new shed (i.e. 'outbuilding') exceeds the maximum permitted area prescribed for an outbuilding of colorbond construction in the Shire's 'Outbuildings' policy (i.e. 65m²);
- ii) The wall and ridge heights of the proposed new shed exceed the maximum permitted heights prescribed in the Shire's 'Outbuildings' policy (i.e. 3 metres & 4 metres respectively);
- iii) The proposed new shed and carport will have a 1 metre setback from the land's eastern side boundary in lieu of a minimum side setback of 1.5 metres as required by the 'deemed to comply requirements' of Element 5.1.3 C3.1 of the R-Codes ('Lot boundary setback');
- iv) The proposed new shed and carport will have a 1 metre setback from the land's southern rear boundary in lieu of a minimum rear setback of 1.5 metres as required by the 'deemed to comply requirements' of Element 5.1.3 C3.1 of the R-Codes ('Lot boundary setback'); and
- v) The overall development will comprise 54.76% of private open space in lieu of 60% open space required by the 'deemed to comply requirements' of Element 5.1.4 C4 of the R-Codes ('Open space').

The following is a brief discussion of these non-compliance issues:

Point 1: Outbuildings Policy Clause (a)(ii) – 'Size of Outbuildings'

Clause (a)(ii) of the Shire's 'Outbuildings' policy states that an outbuilding constructed of colorbond material on any residential lot with an area less than 1,500m² shall be limited to a maximum area of 65m².

Under the terms of the plans submitted in support of the application the proposed new shed on Lot 119 will be of colorbond construction with a total floor area of 72m².

In considering whether or not to approve this proposed variation to the requirements of Shire's 'Outbuildings' policy Council must determine whether or not the size of the new shed on Lot 119 is likely to have a detrimental impact upon the amenity and character of the immediate locality.

It is concluded from a detailed assessment of the application that the proposed variation is unlikely to have any adverse impacts for the following reasons:

- i) The proposed variation to the maximum permitted size of any outbuilding (i.e. 7m²) is considered minor;
- ii) The new shed satisfies the 'deemed to comply requirements' of Element 5.4.2 C2.1 of the R-Codes ('Solar access for adjoining sites') as it will not detrimentally impact access to light and ventilation for any existing dwellings or future possible residential development on any adjoining properties;
- iii) The new shed will not have any adverse impacts on the local streetscape in terms of its bulk and scale due to its location at the rear of the land; and
- iv) The new shed provides for the effective use of all available space on the land which will benefit its future occupants.

Point 2: Outbuildings Policy Clause (d) – 'Wall & Ridge Heights'

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

Under the terms of the plans submitted in support of the application the proposed new shed on Lot 119 will have a wall height of 4 metres and a ridge height of 5.5 metres.

It is concluded from a detailed assessment of the application that the proposed variation to the maximum permitted wall and ridge heights of the new shed are minor in scale (i.e. between 1000mm & 1,500mm) and unlikely to have any adverse impacts for the following reasons:

- i) The new shed satisfies the 'deemed to comply requirements' of Element 5.4.2 C2.1 of the R-Codes ('Solar access for adjoining sites') as it will not detrimentally impact access to light and ventilation for any existing dwellings or future possible residential development on any adjoining properties;
- ii) The new shed will not have any adverse impacts on the local streetscape in terms of its bulk and scale due to its location at the rear of the land; and
- iii) The new shed abuts a public recreation reserve along the land's southern rear boundary (i.e. Crown Reserve 47901) which contains a large number of mature trees which will help minimise any potential negative impacts the shed may have on nearby properties.

Point 3: R-Code Element 5.1.3 C3.1 – 'Lot Boundary Setback' (Side Setback)

The application proposes that the new shed and carport will have a 1 metre setback from the land's eastern side boundary in lieu of a minimum side setback of 1.5 metres as required by the 'deemed to comply requirements' of Element 5.1.3 C3.1 of the R-Codes.

Council may consider this non-compliance issue under the 'design principles criteria' contained in Element 5.1.3 of the R-Codes which expressly states:

"P3.1 Buildings setback from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties*

is not restricted; and

- *positively contributes to the prevailing development context and streetscape.*”

It is concluded from a detailed assessment of the application in the context of the above ‘design principles criteria’ that the proposal is unlikely to have any adverse impacts for the following reasons:

- i) The proposed variation to the minimum required setback for the new shed and carport from the eastern side boundary (i.e. 500mm) is considered minor;
- ii) The new shed and carport satisfy the ‘deemed to comply requirements’ of Element 5.4.2 C2.1 of the R-Codes (‘Solar access for adjoining sites’) as they will not detrimentally impact access to light and ventilation for the existing dwelling on the adjoining Lot 120 Humes Way;
- iii) The new shed and carport satisfy the ‘deemed to comply requirements’ of Element 5.4.1 C1.1 of the R-Codes (‘Visual privacy’); and
- iv) The new shed and carport will not have an adverse impact on the local streetscape in terms of their bulk and scale due to their location at the rear of the land.

Point 4: R-Code Element 5.1.3 C3.1 – ‘Lot Boundary Setback’ (Rear Setback)

The application proposes that the new shed and carport will have a 1 metre setback from the land’s southern rear boundary in lieu of a minimum rear setback of 1.5 metres as required by the ‘deemed to comply requirements’ of Element 5.1.3 C3.1 of the R-Codes.

Council may consider this non-compliance issue under the ‘design principles criteria’ contained in Element 5.1.3 which expressly states:

“P3.1 Buildings setback from lot boundaries so as to:

- *reduce impacts of building bulk on adjoining properties;*
- *provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing development context and streetscape.*”

It is concluded from a detailed assessment of the application in context of the above ‘design principles criteria’ that the proposal is unlikely to have any adverse impacts for the following reasons:

- i) The proposed variation to the minimum required setback for the new shed and carport from the southern rear boundary (i.e. 500mm) is considered minor;
- ii) The new shed and carport satisfy the ‘deemed to comply requirements’ of Element 5.4.2 C2.1 of the R-Codes (‘Solar access for adjoining sites’) as they will not detrimentally impact access to light and ventilation for any existing dwellings or future possible residential development on any adjoining properties;
- iii) The new shed and carport satisfy the ‘deemed to comply requirements’ of Element 5.4.1 C1.1 of the R-Codes (‘Visual privacy’);
- iv) The new shed and carport will not have any adverse impacts on the local streetscape in terms of their bulk and scale due to their location at the rear of the land;
- v) The new shed and carport abut a public recreation reserve along the land’s southern rear boundary (i.e. Crown Reserve 47901) which contains a large number of mature trees which will help minimise any potential negative impacts the shed may have on nearby properties; and
- vi) The new shed and carport allow for the effective use of all available space on the land which will be of benefit to future occupants.

Point 5: R-Code Element 5.1.4 C4 – ‘Open Space’

The application proposes the provision of 54.76% of private open space in lieu of 60% open space required by the ‘deemed to comply requirements’ of Element 5.1.4 C4 of the R-Codes.

Council may consider this non-compliance issue under the ‘design principles criteria’ contained in Element 5.1.4 which states:

“P4 - Development incorporates suitable open space for its context to:

- *reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *provide access to natural sunlight for the dwelling;*
- *reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *provide space for external fixtures and essential facilities.”*

It is concluded from a detailed assessment of the application in context of the above ‘design principles criteria’ of the R-Codes that the open space provided for the proposed development is adequate for the following reasons:

- i) The proposed variation to the total amount of private open space required to be provided (i.e. 52.4m² or 5.24%) is considered minor;
- ii) Lot 119 abuts a public recreation reserve (i.e. Reserve 47901) and is located within 250 metres of the Wandering Recreation Precinct, both of which are capable of supplementing the day-to-day recreational needs of the land’s future occupants;
- iii) The proposed development will not have a detrimental impact on the local streetscape or the amenity of any adjoining properties in terms of its bulk and scale;
- iv) The proposed development satisfies the ‘deemed to comply requirements’ of Element 5.4.2 C2.1 of the R-Codes (‘Solar access for adjoining sites’) as it will not detrimentally impact access to light and ventilation for any existing dwellings or future possible residential development on any adjoining properties; and
- v) The proposed development includes a large covered outdoor living area and a 2.5 metre wide verandah around the perimeter of the dwelling. These areas could be expected to provide improved levels of amenity and functionality for the future occupants of the dwelling.

CONCLUSION

It is concluded from a detailed assessment of the application that the proposal to construct a new single house, carport and associated outbuilding on Lot 119 (No.3) Humes Way, Wandering is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be approved by Council subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner.

STATUTORY, TOWN PLANNING & POLICY IMPLICATIONS

- Planning & Development Act (2005)
- Shire of Wandering Town Planning Scheme No.3
- Shire of Wandering Local Planning Policy – ‘Outbuildings: Residential & Rural Residential Zones’

RECOMMENDATION:

That the application for planning approval submitted by Kidron Construction on behalf of Anthony & Sharon Smith (Landowners) to construct a new single detached dwelling, carport and associated shed (‘outbuilding’) on Lot 119 (No.3) Humes Way, Wandering be **APPROVED** in accordance with the information and plans submitted in support of the application subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed finished floor level of the new single dwelling, carport and associated shed shall not to exceed 500mm above the natural ground unless otherwise approved by Council.

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2. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
3. The proposed crossover and all on-site vehicle accessways shall be constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
4. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Wandering.
5. The proposed development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
6. The new shed shall have a maximum wall height of 4 metres and a maximum ridge height of 5.5 metres.
7. The new shed shall be of colorbond construction with a total floor area not exceeding 72m².
8. The new carport shall be an open structure of colorbond construction and shall not be enclosed by any walls or doors unless otherwise approved by Council.
9. The new shed shall be used for domestic purposes only unless otherwise approved by Council.

Advice Notes

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

The Chief Executive Officer entered the Chambers at 4:20pm.

30:2013/14

Moved Cr Price Seconded Cr Whitely the application for planning approval submitted by Kidron Construction on behalf of Anthony & Sharon Smith (Landowners) to construct a new single detached dwelling, carport and associated shed ('outbuilding') on Lot 119 (No.3) Humes Way, Wandering be APPROVED in accordance with the information and plans submitted in support of the application subject to compliance with the following conditions and advice notes:

Conditions

1. The proposed finished floor level of the new single dwelling, carport and associated shed shall not to exceed 500mm above the natural ground unless otherwise approved by Council.
2. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
3. The proposed crossover and all on-site vehicle accessways shall be constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
4. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Wandering.
5. The proposed development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
6. The proposed new shed and carport is to have a 1.5 metre setback from the land's eastern side boundary and a 1.5 metre setback from the land's southern rear boundary as required by the 'deemed to comply requirements' of Element 5.1.3 C3.1 of the R-Codes ('Lot boundary setback'); and

7. The new shed shall have a maximum wall height of 3 metres and a maximum ridge height of 4 metres.
 8. The new shed shall be of colorbond construction with a total floor area not exceeding 65m².
 9. The new carport shall be an open structure of colorbond construction and shall not be enclosed by any walls or doors unless otherwise approved by Council.
 10. The new shed shall be used for domestic purposes only unless otherwise approved by Council.
- CARRIED 7/0**

In amending the officer recommendation Council resolved to enforce the provisions of the Town Planning Scheme.

13.6 Alteration to Policy on Capitalisation Thresholds and Depreciation of Non-Current Assets

NAME OF APPLICANT: Manager, Administration and Finance
FILE REFERENCE: 10.1.5
AUTHOR: Manager, Administration and Finance

SUMMARY

To propose revising the existing significant accounting policy with respect to non-current assets by lifting the capitalisation threshold for property, plant and equipment purchases from \$300 to \$2,000 (with exceptions).

BACKGROUND

In September 2011 the Australian Accounting Standards Board issued accounting standard *AASB 13 Fair Value Measurement* to apply to non-current assets from 1 January 2013.

Subsequent amendments to the *Local Government (Financial Management) Regulations 2006* allowed the phasing-in of fair values for plant & equipment (2012-13), land & buildings (2013-14) and all other assets (2014-15).

To comply with the standard, Ross's Auctioneers and Valuers were engaged to undertake an assessment of the fair market and insurance replacement values of all plant and equipment with a depreciated value in excess of \$2,000.

COMMENT

As a result of the above changes it is proposed that capitalisation of the cost of all items of property, plant and equipment (other than land) will only occur at an acquisition value of \$2,000 or greater, with the exception of assets that are acquired or donated for a lesser amount but have a value greater than \$2,000. These will be immediately revalued to their fair value.

Expenditure on plant, furniture and equipment assets for \$500 or more but under \$2,000 will be expensed rather than capitalised but will be recorded in the asset ledger for tracking purposes.

Expenditure on infrastructure assets under \$5,000 will also be expensed rather than capitalised.

These proposed capitalisation thresholds are in accordance with the WA Accounting Manual issued by the Dept. of Local Government and Communities.

STATUTORY ENVIRONMENT

AASB13 "Fair Value Measurement"

Local Government (Financial Management) Regulations 2006

AASB101 "Presentation of Financial Statements"

AASB116 "Property, Plant and Equipment"

AASB140 "Investment Property" (eg caravan parks)

AASB136 "Impairment of Assets" (eg obsolete or damaged assets)

AASB138 "Intangible Assets" (eg easements)

RECOMMENDATION

That Council adopts the revised finance policy "Capitalisation and Depreciation of Non-Current Assets" with effect from 30th June 2013.

31:2013/14

Moved Cr Price Seconded Cr Ferguson that the revised finance policy "Capitalisation and Depreciation of Non-Current Assets" be adopted with effect from 30th June 2013.

CARRIED 7/0

13.7 Wandering Refuse Site Transfer Stations

NAME OF APPLICANT: CEO
FILE REFERENCE: 13.1.6
AUTHOR: CEO

SUMMARY:

Council approved in the 2013/14 Budget the completion of a Transfer Station at the Wandering Refuse Site. The total amount budgeted was \$172,795 which is 100% funded under the Regional component of the Royalties for Regions Country Local Government Fund. The project is a joint project with the Shire of Wickepin. Wickepin are the lead agent for the project, meaning they are holding the funds and will pay for the contractor and materials up to the funding amount of \$172,795.

The Financial Assistance agreement signed with the Department of Regional Development and Lands requires that all funding for the transfer stations is expended by February 2015.

BACKGROUND:

Council narrowly avoided receiving an infringement from the DEC after a fire was reported at the Wandering Refuse Site on the evening of Tuesday 25 January 2011. After an investigation by DEC it was found that the refuse site did not comply with many of the requirements imposed under the Environmental Protection (Rural Landfill) Regulations 2002. While these issues of non-compliance were addressed, as you can see from the Environmental Protection (Rural Landfill) Regulations 2002 attached, there are many measures which are difficult to implement when you have an unmanned site.

The need for a transfer station at the Wandering Refuse Site has arisen from a number of factors. Firstly, the Wandering site is an unmanned site, one of a few in the area and as a result we receive a lot of waste from surrounding districts which the Shire are then required to maintain. Secondly, the cost of maintaining the refuse site as a result of the first issue is rapidly increasing from year to year with the cost of refuse maintenance expected to be in the vicinity of \$35,000 for the 2013/14 financial year. Thirdly, and most critical of all is the need to meet all legislative requirements imposed by the Department of Environment and Conservation (DEC).

COMMENT:

In June 2013 Cr Kerr, Cr Dowsett and I did a tour of the various transfer stations in the regions. Sites visited included Brookton, Cunderdin, Corrigin, Kondinin and Kulin. Of all the sites visited it was agreed that Corrigin was the benchmark of the transfer stations. While all of the transfer stations were functional, at the end of day the transfer stations were completed within different budget restraints. The facility at Corrigin was completed with a similar budget to which Wandering have to complete our transfer station.

I have obtained from the Shire of Corrigin the engineered plans for the loading bay/platform to be constructed at the transfer station. This is the most complex part of the transfer station with the other site works determined largely by the configuration of the site available. I have included a copy of the engineered plans along with some photos of the Corrigin site which are shown at **Attachment 6**.

After the last Council Meeting in October, Councillors had a site visit of the refuse site to look at various options as to where the best location was to build the transfer station. It was agreed that the most practical location would be next to the existing DrumMuster location due to the topography and proximity to the entrance from Moramocking Road. The plans for the Corrigin site would be a good match for this location.

On completion of the transfer station at the Wandering Refuse Site the facility will need to be manned to ensure that the facility is maintained correctly. There will also be required a degree of fencing and blocking off various access points to the existing waste facility.

On first reflection my suggestion would be that the site is opened twice a week, one day during the week and one day on the weekend. Most Councils that have implemented transfer stations have found that 2-3 days a week is more than sufficient to meet the demands of the public. While there needs to be a degree of education in terms of utilising the facility, most Councils I have spoken to have advised that it is best to be open fewer days per week and increase capacity if there is demand to do so rather than go the other way and open more regularly then eliminate days when demand does not warrant being open every day.

There would also be a need to implement a system whereby ratepayers are not disadvantaged from using the facility. This could be overcome by providing all ratepayers with a tip pass that entitles them to access the transfer station a certain number of times a year, for example 12 times, or once a month. People that are not ratepayers would still be able to access the transfer station but it would be based on a user pays system. Other Councils have also put in place that ratepayers wanting to drop off green waste can do so as many times a year as they wish.

RECOMMENDATION

That Council commence work on constructing the transfer station at the Wandering Refuse Site.

32:2013/14

Moved Cr Kerr Seconded Cr Price that work on construction the transfer station at the Wandering refuse site commence as soon as practicable.

CARRIED 7/0

13.8 WA Local Government Grants Commission

NAME OF APPLICANT: CEO
FILE REFERENCE: 12.1.1
AUTHOR: CEO

SUMMARY:

The WA Local Government Grants Commission was held on Wednesday 13 November 2013. A copy of the presentation from the hearing is shown at **Attachment 7**.

RECOMMENDATION:

That the information be received by Council.

33:2013/14

Moved Cr Dowsett Seconded Cr Price that the information be received.

CARRIED 7/0

13.9 Write-off of Obsolete or Unserviceable Plant Items

NAME OF APPLICANT: Manager, Administration and Finance
FILE REFERENCE: 10.1.5
AUTHOR: Manager, Administration and Finance

SUMMARY

To seek approval to amend the asset register as at 30 June 2013 to remove obsolete or unserviceable items of plant and equipment.

BACKGROUND

In the course of reviewing the plant and equipment asset ledger as part of the implementation of fair values (discussed in previous agenda item) a number of plant items were deemed no longer serviceable and should be removed from the ledger.

Following is a list of such items.

Plant as at 30 June 2013 Deemed Obsolete				
Asset Code	Asset Name	Historical Cost	Accumulated Depreciation	Net Book Value
102	Stihl BT308 Auger	1,935.15	1,935.15	0.00
105	Road Drag	1,900.00	1,900.00	0.00
106	2 x Stihl Chainsaws	754.72	754.72	0.00
107	Masport 530I-4 Mower	550.00	550.00	0.00
110	3" Trash Pump & 6HP motor	1,778.45	1,778.45	0.00
112	24V Diesel Pump	678.00	678.00	0.00
115	Volvo Loader Rake Clamp	2,950.00	2,950.00	0.00
117	ROMAN Software	2,000.00	2,000.00	0.00
119	Howard Rotary Hoe	750.00	0.00	750.00
120	Water Tank	850.00	850.00	0.00
128	Sheep Foot Roller	3,000.00	0.00	3,000.00
129	Masport MSV60 Mower -	680.00	680.00	0.00
131	Stihl 101 Chainsaw	454.80	454.80	0.00
132	Stihl 034 Chainsaw	834.90	834.90	0.00
212	3 leg Alloy Chain/Shackle	404.14	404.14	0.00
310	Husqvana Pole Saw	1,315.00	930.41	384.59
69	Whirling Hygrometer	151.00	151.00	0.00
70	Hand Cup Anemometer	303.00	303.00	0.00
85	Fire tank trailer unit	2,509.64	2,509.64	0.00
93	1000 gallon Water Tank	1,200.00	1,200.00	0.00
94	Dynapac Plate Compactor	1,120.00	1,120.00	0.00
99	Sand/Metal Spreader	2,950.00	2,950.00	0.00
	TOTALS	29,068.80	24,934.21	4,134.59

COMMENT

If accepted, adjustments will be made in the accounts for the year ended 30th June 2013.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 2006

RECOMMENDATION

That Council approves amending the plant and equipment asset ledger to remove obsolete or unserviceable items as listed above with effect from 30th June 2013.

34:2013/14

Moved Cr Dowsett Seconded Cr McNeil that Council approves amending the plant and equipment asset ledger to remove obsolete or unserviceable items as listed above with effect from 30th June 2013.

CARRIED 7/0

13.10 List of Accounts – October 2013

NAME OF APPLICANT: Accounts Officer
FILE REFERENCE: 10.1.16
AUTHOR: Accounts Officer

SUMMARY:

Separately attached are the monthly Financial Statements for the period 31 October 2013.

RECOMMENDATION:

That all Cheque, EFT, wages, transport payments, transfers to investments, credit card payments, creditor payments and other vouchers from the Municipal and Trust Fund totalling \$295,615.41 be passed for payment.

35:2013/14

Moved Cr McNeil Seconded Cr Dowsett that all Cheque, EFT, wages, transport payments, transfers to investments, credit card payments, creditor payments and other vouchers from the Municipal and Trust Fund totalling \$295,615.41 be passed for payment.

CARRIED 7/0

13.11 Financial Reports – October 2013

NAME OF APPLICANT: Manager Administration & Finance
FILE REFERENCE: 10.1.16
AUTHOR: Manager Administration & Finance

SUMMARY:

Separately attached are the monthly Financial Statements for the period 31 October 2013.

RECOMMENDATION:

That Council endorse the monthly Financial Statements for the period ending 31 October 2013.

36:2013/14

Moved Cr Dowsett Seconded Cr Ferguson that Council endorses the monthly Financial Statements for the period ending 31 October 2013.

CARRIED 7/0

14 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

16 NEXT MEETING

Next Ordinary Council meeting to be held on Thursday 19 December at 1:30pm

17 CLOSURE OF MEETING

There being no further business for discussion the Shire President closed the meeting at 6:32pm

**These Minutes were confirmed by Council at the Ordinary Council Meeting
on Thursday 19 December 2013.**

CR G G KERR, President