



WANDERING SHIRE COUNCIL

Minutes of Meeting

Thursday 19 June 2014

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1 DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

The meeting was opened by the Shire President at 1:35pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance:

G Kerr President
B Dowsett Deputy President
J McNeil Councillor
B Whitely Councillor
W Gowland Councillor
J Price Councillor
C Ferguson Councillor
M Whitely Chief Executive Officer

Apologies: Nil

Leave of Absence Previously Granted: Nil

Visitors: Nil

3 DISCLOSURE OF INTERESTS

Nil

4 PUBLIC QUESTION TIME

There being no visitors the President proceeded with the meeting allowing a period of 15 minutes of questions from the public up until 1:51pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

99:2013/14

Moved Cr Dowsett Seconded Cr McNeil that Cr Whitely be granted a leave of absence for the Ordinary Council Meeting to be held Thursday 17 July 2014.

CARRIED 7-0

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Shire of Wandering Ordinary Meeting – 15 May 2014

100:2013/14

Moved Cr Price Seconded Cr Dowsett that the minutes of the Shire of Wandering Ordinary Meeting held 15 May 2014 be confirmed as a true and correct record of proceedings after the following amendment:

Councillor Reports (page 4) the “second mentioned Cr Ferguson to read Cr Price”

CARRIED 7-0

7 COUNCILLOR REPORTS

Councillor Kerr

Questions Without Notice

Codjatotine Toilets

Fair Committee Caravan

Councillor McNeil

Questions Without Notice

Vermin Control Policy

Rubbish Bins for Parking Bays

Stop sign at the corner of North Wandering Rd and Wandering Pingelly Rd (opposite school)

Councillor Price

Questions Without Notice

Noise Complaint at Kelly Rd

Main Roads funding in relation to email sent out by the CEO

School Bus Route on York Williams Rd

Councillor Whitely

Questions Without Notice

Community Centre

8 MATTERS REQUIRING COUNCIL DECISION

8.1 Wandering Shire Advertising Fee Increase

NAME OF APPLICANT: Community Resource Centre
FILE REFERENCE: 7.1.6
AUTHOR: Acting CEO

BACKGROUND

Every year the Council has a fee and charge through the Community Resource Centre for advertising in the Echo. It is proposed that the charge be increased.

COMMENT

There has been no increase in advertising charges since June 2012. Staff is of the opinion that an increase in charges is warranted as per attachment 2

STATUTORY & TOWN PLANNING

Sections 6.16 (3) (b) and 6.19 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

There are no strategic implications arising from this Item.

FINANCIAL IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That:

1. The fee for advertising in the Echo be as per [Attachment 2](#)
2. Following two weeks local public notice, the new fee becomes effective 14th July 2014.

[Attachment 2](#)

101:2013/14

Moved Cr Dowsett and Seconded Cr Gowland that:

1. The fee for advertising in the Echo be as per Attachment 2
2. Following two weeks local public notice, the new fee becomes effective 14th July 2014.

LOST 3-4

Council resolved that additional information was required from the Community Resource Centre before the revised advertising fees and charges could be endorsed.

8.2 Appointment of Dual Fire Control Officers

NAME OF APPLICANT: Shires of Pingelly and Brookton
FILE REFERENCE: 4.1.1
AUTHOR: Acting CEO

BACKGROUND:

Council are required to endorse the appointment of Fire Control Officers who are to act in a dual capacity from surrounding Local Governments. The following people have been nominated from the respective Councils:

Pingelly Anthony Turton, Alan Parsons, Adam Watts, Rodney Shaddick, Neville Giles & Malcolm Cunningham

Brookton Ross Evans, Len Simmons

COMMENT

To date there have not been any people nominated from the Shire of Williams, Shire of Cuballing or the Shire of Boddington.

STATUTORY & TOWN PLANNING

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

OFFICER RECOMMENDATION:

That the following persons be appointed as Dual Fire Control Officers for the Shire of Wandering;

Pingelly Anthony Turton, Alan Parsons, Malcolm Cunningham, Adam Watts, Rodney Shaddick & Neville Giles

Brookton Ross Evans, Len Simmons

[Attachment 3](#)

102:2013/14

Moved Cr McNeil and Seconded Cr Whitely that the following persons be appointed as Dual Fire Control Officers for the Shire of Wandering;

Pingelly Anthony Turton, Alan Parsons, Malcolm Cunningham, Adam Watts, Rodney Shaddick & Neville Giles
Brookton Ross Evans, Len Simmons.

CARRIED 7-0

8.3 Wandering Boddington Clay Target Club Inc.

NAME OF APPLICANT: Wandering Boddington Clay Target Club
FILE REFERENCE: 20.1.1
AUTHOR: Acting CEO

BACKGROUND

A letter has been received from the Wandering Boddington Clay Target Club seeking a contribution from the Shire towards the purchase of a concrete or poly septic system to allow completion of amenities.

COMMENT

There is some money still available in the 2013/2014 budget for small contributions/donations to community groups, schools and clubs.

STATUTORY & TOWN PLANNING

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Available funds exist under the donations and contributions budget.

STRATEGIC IMPLICATIONS

Nil

OFFICER RECOMMENDATION

That Council provide the Wandering Boddington Clay Target Club Inc. with a contribution of \$500.

[Attachment 4](#)

Cr Whitely declared an "Impartiality Interest" in Agenda Item 8.3 but remained in the meeting to participate in Council discussion, but left the meeting and abstained from voting. Cr Whitely left the meeting at 2:23pm when the matter was to be put to a vote.

103:2013/14

Moved Cr Price and Seconded Cr Ferguson that Council provide the Wandering Boddington Clay Target Club Inc. with a contribution of \$500.

CARRIED 4-2

Cr Whitely returned to the meeting at 2:28pm

8.4 Access and Inclusion Plan 2014-2018

NAME OF APPLICANT: Shire of Wandering
FILE REFERENCE: 2.2.5
AUTHOR: CEO

BACKGROUND

It is a legislative requirement of the Disability Services Act 1993 that a public authority's Disability Access and Inclusion Plan (DAIP) is reviewed within a five year period and that a current DAIP is available on the public authority's website. The Shire's plan has expired.

COMMENT

The Director General of the Disability Services Commission wrote to the Shire on the 22nd January 2014. The Shire was advised that the DAIP for the Shire had expired and was due for review and renewal.

Shire staff has liaised with the Commission seeking advice in regards to the Shire Review of the DAIP.

Regulation 10 of the Disability Services Regulations 2004 requires a Local Authority to undertake consultation in relation to its DAIP by calling for submissions. This can be done through the district of the Local Government. This can also be done via the Shire Website.

STATUTORY & TOWN PLANNING

Disability Services Act 1993
Disability Services Regulations 2004

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

DAIP has been reviewed by Shire Staff.

STRATEGIC IMPLICATIONS

Nil

OFFICER RECOMMENDATION

That Council receive the Draft Wandering Access and Inclusion Plan 2014-2018 for the purpose of advertising in accordance with regulation 10 Disability Services Regulations 2004.

[Attachment 5](#)

Cr Dowsett left the meeting at 2:29pm and returned at 2:31pm

104:2013/14

Moved Cr McNeil and Seconded Cr Ferguson that Council receive the Draft Wandering Access and Inclusion Plan 2014-2018 for the purpose of advertising in accordance with regulation 10 Disability Services Regulations 2004.

CARRIED 7-0

8.5 Native Seed Collection

NAME OF APPLICANT: Shire of Wandering
FILE REFERENCE: 1.10.1
AUTHOR: Acting CEO

SUMMARY

Greening Australia write seeking permission to collect native seed for a period of 12 months from within reserves vested in the Shire of Wandering

BACKGROUND

Greening Australia has written to the Shire seeking permission to collect native seeds from within reserves vested to the Shire. The Shire has supported this request in past years.

COMMENT

All staff employed by Greening Australia are licensed under the Wildlife Conservation Act (1950) and are required to abide by the conditions of this license.

Last year a permit was granted to Greening Australia for the collection of native seed with the same conditions as those made in the recommendation.

STATUTORY IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

DAIP has been reviewed by Shire Staff.

PUBLIC CONSULTATION

No public consultation has been undertaken in regards to this item

FINANCIAL IMPLICATIONS

As discussed above, the proposed amendments have no cash implications for the 2013/14 or 2014/15 financial years.

OFFICER RECOMMENDATION

That Council give permission to Greening Australia to collect native seeds from within reserves vested in the Shire of Wandering under the following terms and conditions:

- a) All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,
- b) Permission is for the period from the date of approval until 30 June 2015,
- c) Collection is to only be undertaken by Greening Australia staff members,
- d) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,
- e) All care to be taken to avoid the disturbance of fauna habitat, and
- f) All care to be taken to avoid any disturbance that may lead to soil degradation.
- g) An administration fee of \$200 is charged for the license

[Attachment 6](#)

105:2013/14

Moved Cr McNeil and Seconded Cr Ferguson that Council give permission to Greening Australia to collect native seeds from within reserves vested in the Shire of Wandering under the following terms and conditions:

- a) All persons collecting native seed are to be licensed according to the Wildlife Conservation Act 1950 and will abide by the conditions of this licence,
- b) Permission is for the period from the date of approval until 30 June 2015,
- c) Collection is to only be undertaken by Greening Australia staff members,
- d) Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds,
- e) All care to be taken to avoid the disturbance of fauna habitat, and
- f) All care to be taken to avoid any disturbance that may lead to soil degradation.
- g) An administration fee of \$200 is charged for the license.

CARRIED 7-0

8.6 Rating Businesses

NAME OF APPLICANT: Shire of Wandering
FILE REFERENCE: RMNT - Valuations
AUTHOR: Acting CEO

SUMMARY

To consider whether to impose differential general rates on the basis of a combination of zoning and the purpose for which certain land is held or used for businesses within the district.

BACKGROUND

Under section 6.33 (1) of the *Local Government Act 1995* Council may impose differential general rates according to any, or a combination of, the following characteristics:

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
- (b) a purpose for which the land is held or used as determined by the local government; or
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

Under subsection (3) of the same section when imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.

COMMENT

In order to levy differential rates Council needs to establish the rational for re-distributing the rate burden within the respective rate category.

There is a distinct process that needs to be followed for a local government to determine the application of differential rating in respect to businesses within the Shire. In making a decision, the following principles must be observed:

- Objectivity
- Fairness and Equity
- Consistency
- Transparency
- Administrative efficiency

In order to make an application to the Minister for approval the following information needs to be provided:

- Description of the characteristics of the land that have been used to determine the basis for the differential rates;
- Details of the differential rates being proposed, number of properties affected in each category, total rateable value of each category, average assessment, number of assessments above the average and below the average for each category;
- When the last revaluation of land in this category occurred and how that has been taken into account;
- The reasons for seeking to impose a differential rate which is more than twice the lowest differential rate;
- How ratepayers in this rating category receive greater benefit from council services;
- Information on the likely impact on the rate assessments on the affected landowners in comparison with last year's rates;
- Details on consultation that has occurred, copies of any objections that have been received and the council's response to these - include a copy of the public notice and any other communication with landowners/ratepayers;
- The date the changes are proposed to take effect;
- Whether the proposed differential rates align with the rating strategies in the Corporate Business Plan and/or Long Term Financial Plan; and
- A copy of the officer's report to council, relevant Council minutes and Council resolution.

Having undertaken the task at another local government the process required to be undertaken to gather the information above is extremely time consuming and resource hungry. It is also politically sensitive and emotive.

STATUTORY & TOWN PLANNING

Sections 6.33 and 6.35 of the *Local Government Act 1995*.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire would require funds to be allocated in the 2014/2015 Budget. An estimate would be \$10000 - \$15,000.

PUBLIC CONSULTATION

Significant public consultation would be required.

STRATEGIC IMPLICATIONS

The Council would need to ensure that if it commenced this process that it is linked and addressed in their Strategic Community Plan

OFFICER RECOMMENDATION

That Council receive and note the report and information.

[Attachment 7](#)

CEO Martin Whitely exited the Chambers at 2:24pm and returned at 2:26pm

106:2013/14

Moved Cr Dowsett and Seconded Cr Price that Council receive and note the report and information.

CARRIED 7-0

8.7 2014/15 Draft Budget Meeting

NAME OF APPLICANT: Shire of Wandering
FILE REFERENCE: 10.1.4
AUTHOR: Acting CEO

BACKGROUND

The purpose of this report is to set a date for a draft budget meeting to discuss the 2014/15 Draft Budget in greater detail.

COMMENT

Currently the 2014/15 Draft Budget shows a balanced budget. It should be noted that the draft budget includes limited capital expenditure for most areas other than roads.

Council have until the 31st August each financial year to adopt the budget.

STATUTORY & TOWN PLANNING

Section 6.2 of the Local Government Act 1995
Financial Management Regulations 2007

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As per the Shire of Wandering 2014/15 Budget

STRATEGIC IMPLICATIONS

Corporate Business Plan
Long Term financial Plan
Plant Replacement Program
Road Replacement Program
Community Strategic Plan
Workforce Plan

OFFICER RECOMMENDATION

That a Budget Meeting to discuss the Draft 2014/2015 Budget be held at 4.00pm on Thursday 26th June.

107:2013/14

Moved Cr Price and Seconded Cr Whitely that a Budget Meeting to discuss the Draft 2014/2015 Budget be held at 4.00pm on Thursday 26th June.

CARRIED 7-0

8.8 Telstra Exchange

NAME OF APPLICANT: Shire of Wandering
FILE REFERENCE: A144.2
AUTHOR: Acting CEO

BACKGROUND

The Telstra Corporation signed an agreement in May 2003 to lease the Telstra Telephone Exchange located on Lot 12 Watts St, Wandering for a period of 10 years, meaning the current lease expires in May 2013.

Telstra's revised offer is for a new lease of 10 years with 2 x 5 year auto option terms at a commencing rent of \$1,000 per annum with a 3% annual review. There is also mention in the letter that Telstra would remove the 15m steel lattice tower and look at beautification works at the premises.

Council resolved at the Ordinary Meeting on 16th May 2013;

776:2012/13

Moved Cr McNeil, Seconded Cr Ferguson that Council write a letter of offer to Telstra Corporation for the Wandering Exchange with the following conditions forming part of the lease arrangement;

- 1. A new 5 year lease be entered into with an option for 2 x 5 year options on the basis that the exchange is relocated to the most south eastern location of the same land parcel, being Lot 12 Watts Street, Wandering within the first 5 year lease term.**
- 2. The existing tower is removed and a 2.4m colour bond to the specifications of the Shire of Wandering is erected around the exchange**
- 3. Rental will commence at \$10,000 per annum with a 3% annual review.**

CARRIED 6-1

COMMENT

Reference was made in the January 2013 letter from Telstra Corporation relating to Clause 61 of Schedule 3 of the Telecommunications Act 1997 and land access powers afforded to Telstra Corporation. Legal advice was sought in relation to this matter and is tabled at [Attachment 8 Confidential](#).

Discussions were held with Mr Tony O'Donnell, Tenure Resolution Manager of Telstra Corporation about the prospect of further negotiating the terms listed in the letter of offer dated January 2013. At the time Mr O'Donnell gave the impression that Telstra would consider any reasonable requests from Council in regards to the lease agreement.

Twelve months has now passed and Telstra Corporation has not signed a new lease as it does not accept the terms and conditions resolved by Council.

This report is resubmitted to Council to determine whether it wants to reiterate its decision 776:2012/13 from May 2013 or wishes to offer amended lease conditions.

STATUTORY & TOWN PLANNING

There are potential statutory implications as detailed in tabled [Attachment 8 Confidential](#)

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

There are possible financial implications dependent on the fee agreed to in the lease agreement

STRATEGIC IMPLICATIONS

Community Strategic Plan

OFFICER RECOMMENDATION

That Council write a letter of offer to Telstra Corporation for the Wandering Exchange with the following conditions forming part of the lease arrangement;

1. A new 5 year lease be entered into with an option for 2 x 5 year options on the basis that the exchange is relocated to the most south eastern location of the same land parcel, being Lot 12 Watts Street, Wandering within the first 5 year lease term.

2. The existing tower is removed and a 2.4m colour bond to the specifications of the Shire of Wandering is erected around the exchange
3. Rental will commence at \$10,000 per annum with a 3% annual review

[Tabled Attachment 8 Confidential](#)

Council adjourned the meeting for afternoon tea at 3:30pm

Council resumed the meeting at 4:09pm

108:2013/14

Moved Cr Kerr and Seconded Cr Ferguson that in the absence of Telstra not accepting Council's original offer made in May 2013 that the CEO respond to Telstra Corporation stating that Council's preferred option is to have the exchange relocated to the south eastern parcel of land with a 10 year lease and 10 year option offered at a substantially reduced rental of \$1,000 per annum. Should this offer not be deemed suitable by Telstra then Council would consider making a revised offer of a 2 year lease term with a further 2 year option with a rental component of \$500 per week or \$26,000 per annum. The rental component calculated on the basis of lost gross rental due the location of the Telstra Exchange inhibiting the Shire's capacity to secure new commercial business and investment opportunities. Further to the above, that both offers for the lease agreement are to be backdated to commence at the start of the previously expired agreement.

CARRIED 7-0

8.9 Dowsett Cemetery

NAME OF APPLICANT: Shire of Wandering
FILE REFERENCE: 6.1.1
AUTHOR: Acting CEO

BACKGROUND

The Shire have received a request from the Wandering Lions for approval of a seat design and location at the Dowsett Cemetery

COMMENT

Staff are supportive of the design and location of the seat. Approval is sort from Council.

STATUTORY & TOWN PLANNING

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

OFFICER RECOMMENDATION

That Council approve the seat design and location for the Dowsett Cemetery

[Attachment 9](#)

Both Cr McNeil and Cr Whitely declared an "Impartiality Interest" as members of the Lions Club of Wandering but were not required to leave the meeting and neither of the Councillors abstained from voting.

109:2013/14

Moved Cr Dowsett and Seconded Cr Whitely that Council approve the seat design and location for the Dowsett Cemetery.

CARRIED 7-0

8.10 List of Accounts – May 2014

NAME OF APPLICANT: Shire of Wandering
FILE REFERENCE: 10.1.16
AUTHOR: Accounts Officer

BACKGROUND

Attached is a list of accounts for Council consideration.

COMMENT

Nil

STATUTORY & TOWN PLANNING

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

2013/14 Budget

STRATEGIC IMPLICATIONS

Nil

OFFICER 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 \$264,931.23 be passed for payment.

[Attachment 10](#)

110:2013/14

Moved Cr Ferguson and 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 \$264,931.23 be passed for payment

CARRIED 7-0

8.11 Financial Reports – May 2014

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

BACKGROUND

Separately attached are the monthly Financial Statements for the period 31 May 2014.

COMMENT

Refer to Finance Report on page 16.

STATUTORY & TOWN PLANNING

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Shire of Wandering 2013/14 Budget

STRATEGIC IMPLICATIONS

Nil

OFFICER RECOMMENDATION

That Council endorse the monthly Financial Statements for the period ending 31 May 2014.

[Attachment 11](#)

111:2013/14

Moved Cr Price and Seconded Cr Gowland that Council endorse the monthly Financial Statements for the period ending 31 May 2014.

CARRIED 7-0

9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

10.1 Lot 15 Charlton Road, Wandering – Request To Be Able To Live On-Site

NAME OF APPLICANT: C Gardiner/V Steedman
FILE REFERENCE: 10.1.16
AUTHOR: EHO/BS

SUMMARY:

The owners of Lot 15 Charlton Road, Wandering Downs applied to Council to be able to live on-site on their property whilst building a new residence.

The Council resolved:

78:2013/14

Moved Cr Dowsett, Seconded Cr Price that development approval be given to the owners of Lot 15 Charlton Road, Wandering Downs to construct a three bedroom Hardiplank and colorbond dwelling on the property in the position shown on the application documentation, subject to the issue of a building permit and payment of all fees.

CARRIED 7/0

The Shire has received a letter on 9th June 2014, requesting an extension to stay on their property for a further 12 months.

COMMENT:

A building permit for lot 15 Charlton Road is currently being processed.

As stated in the April Report to Council, an additional 12 months can be approved as per the Caravan and Camping Grounds Regulations. Confirmation has not been received that suitable ablution facilities have been provided on site.

Any approval for extension should not be given until confirmation is received from the Shire EHO that suitable ablution facilities have been provided.

RECOMMENDATION:

That approval be granted to the owners of Lot 15 Charlton Road, Wandering Downs to camp on site in a camper bus for a period of 12 months subject to the Chief Executive Officer receiving confirmation from the Shire EHO that suitable ablution facilities have been provided.

112:2013/14

Moved Cr Dowsett and Seconded Cr Whitely that approval be granted to the owners of Lot 15 Charlton Road, Wandering Downs to camp on site in a camper bus for a period of 12 months subject to the Chief Executive Officer receiving confirmation from the Shire EHO that suitable ablution facilities have been provided.

CARRIED 7-0

11 NEXT MEETING

Next Ordinary Council meeting to be held on Thursday 17 July 2014 at 1:30pm

12 CLOSURE OF MEETING

There being no further business for discussion the Shire President closed the meeting at 5:44 pm

**These Minutes were confirmed by Council at the Ordinary Council Meeting
on Thursday 17 July 2014.**

CR G G KERR, President