



Shire of Wandering

Ordinary Council Meeting 16 October 2014

Minutes

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1 DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS

1:45pm - The Presiding Person declared the meeting open

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Attendance:

Cr G Kerr President

Cr B Dowsett Deputy President

Cr W Gowland

Cr B Whitely

Cr J Price

Mr M Whitely Chief Executive Officer

Mr D Ojha Manager Administration & Finance

Visitors: Joseph Collard, Hotham River Nyoongar Aboriginal Corporation (1:53pm to 2:17pm)

Shirley Viti, Hotham River Nyoongar Aboriginal Corporation (1:53pm to 2:17pm)

Gallery: Nil

Apologies: Cr C Ferguson

Cr J McNeil

On Leave of Absence: Nil

Absent: Nil

3 DISCLOSURE OF INTERESTS

Cr Gowland declared a financial interest in Item 10.3.1 and handed the completed disclosure form to the Presiding Person.

4 PUBLIC QUESTION TIME

1:47pm – The Presiding Person opened public question time and explained that a minimum time of 15 minutes was allowed for questions from the public. There were no members of the public in attendance.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Shire of Wandering Ordinary Meeting – 18 September 2014

COUNCIL DECISION – ITEM 6.1

Moved Cr Dowsett seconded Cr Whitely;

That the minutes of the Ordinary Meeting of the Shire of Wandering held in the Council Chambers on 18 September 2014 be confirmed.

CARRIED 5/0

6.2 Shire of Wandering Special Meeting – 1 October 2014

COUNCIL DECISION – ITEM 6.2

Moved Cr Dowsett seconded Cr Price;

That the minutes of the Special Meeting of the Shire of Wandering held in the Council Chambers Special Council Meeting held on 1 October 2014 to appoint a consultant for the recruitment of a new CEO be confirmed.

CARRIED 5/0

7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

1:52pm – CEO left the meeting

1:53pm – CEO returned to the meeting with Joseph Collard and Shirley Viti

8.1 Hotham River Nyoongar Aboriginal Corporation – Request to Acquire Reserve Land

Mr Joseph Collard from the Hotham River Nyoongar Aboriginal Corporation made a presentation to Council relating to a request from the Hotham River Nyoongar Aboriginal Corporation to have reserve landed vested in the Shire of Wandering transferred to the Hotham River Nyoongar Aboriginal Corporation.

2:17pm – CEO, Joseph Collard and Shirley Viti left the meeting

2:19pm – CEO returned to the meeting

9 REPORTS OF COMMITTEES

Nil

10 REPORTS OF OFFICERS

10.1 CHIEF EXECUTIVE OFFICER

Nil

10.2 BUILDING SERVICES

Nil

10.3 PLANNING SERVICES

10.3.1 Straw Bale House

Prior to any consideration of Item 10.1.5 Cr Gowland disclosed a financial interest in this matter. The nature of his interest is that he has quoted for electrical work at the straw bale house. Cr Gowland requested to preside and participate in discussion and decision making procedures as he believed his interest was insignificant and unlikely to influence his conduct in relation to this matter.

COUNCIL DECISION ON DISCLOSURE

Moved Cr Dowsett seconded Cr Price

That Cr Gowland be allowed to preside and participate in decision and decision making procedures on this matter as it felt that his interest was insignificant and unlikely to influence his conduct in relation to consideration of Item 10.3.1

CARRIED – 4/0

Officer Report on Straw Bale House

Location:	Lot 100 Echidna Close, Blackboy Springs
Applicant:	Benjamin Bickley & Carly Steinbeck
File Reference:	A459
Disclosure of Interest:	Nil
Date:	9 October 2014
Author:	Alexander George Thamm – Planning Officer from Shire of Kalamunda
Senior Officer:	Martin Whitely, Chief Executive Officer

Background

The applicant is seeking Council's planning approval to construct a new single house and associated shed on Lot 100 (No. 100) Echidna Close, Wandering.

Lot 100 is located to the south of the Wandering town site, with access to Echidna Close through a secondary road along its western to northern boundary. The lot abuts 2 empty lots along its southern boundary and a lot with minimal development along its eastern boundary. The land is irregular in shape with its northern boundary shorter than its southern boundary and comprises a total area of approximately 6.18 Hectares and is currently vacant and not being used for any specific purpose's (see Plans 1-3).

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

1. Construction of a new 214.00m² three (3) bedroom, one (1) bathroom dwelling comprising a 5.25 metre wide by 2.4 meter long (12.48 m²) front veranda and a 32.22m² patio at the side and rear of the proposed living room (see Plans 4 to 6);
2. The dwelling will have a maximum wall height of 3.2 metres and a maximum ridge height of approximately 4.7m metres;
3. The dwelling will have a minimum setback of 22.96 metres from the northern (side) boundary;

4. The dwelling will have a minimum setback of 59.441 metres from the eastern (rear) boundary;
5. Construction of a new 91.5m² Zincalume outbuilding, measuring 7.5 metres by 12.2 metres;
6. Parking to be provided off the northern (side) boundary, located next to the proposed outbuilding. The parking area measures 11 metres wide with a 9.5m depth and allows for 9.5 metres of manoeuvring (see plans 2-3);
7. Construction of an aquaponics area between the outbuilding and the dwelling measuring 60.55m²;
8. Construction of a water tank to the south of the proposed welling, measuring a total area of 122.25m²;
9. Construction of a new 23.2 metre wide crossover to the Shire's specifications and standards along the lot's northern boundary leading into the proposed parking area and shed at the side of the property;
10. The proposed outbuilding will be used for domestic storage and hobby purposes;
11. All storm water disposal will be disposed of onsite;

Comment

Lot 100 Zoning & proposed land use permissibility

Lot 100 is classified 'Rural-Residential' zone under the Shire of Wandering's current operative Town Planning Scheme No.3 (TPS No.3).

The objectives outlined for rural-residential zoned land within the shire states:

- 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.*

Under the terms of TPS No.3 the development of a 'single house and associated outbuilding is a permitted use, while the development of any aquaculture related structures is considered a discretionary use under the Shires LPS No. 3 on any land classified under the 'Rural-Residential' zoning. These uses are subject to compliance with the relevant development standards prescribed in TPS No.3 and the Shire's adopted Local Planning Policy entitled 'Outbuildings: Residential & Rural Residential Zones'

Compliance with Development Standards

After completing an assessment of the proposal against the development standards prescribed in TPS No.3 and the Shire's current 'Outbuildings' policy has confirmed that it satisfies the majority of standards except for the following:

1. The total area of the proposed new shed (i.e. 'outbuilding') exceeds the maximum permitted area prescribed for an outbuilding of zincalume construction in the Shire's 'Outbuildings' policy (i.e. 91.5 m² in lieu of 85m²);
2. The wall and ridge heights of the proposed new shed exceed the maximum permitted wall height prescribed in the Shire's 'Outbuildings' policy (i.e. 3 metres & 4 metres respectively); as they are shown to measure 3.2m from the Natural Ground Level and 3.4m to the top of the skillion roof (See plans 4-5)

The following points elaborate on the non-compliance issues outlined above:

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

Within the Shire's 'Outbuildings' policy the maximum allowable floor area for any zincalume outbuilding is limited to 85m² on properties zoned Rural-Residential

The Shire must consider whether or not to approve this proposed variation to the requirements of Shire's 'Outbuildings' policy and must determine whether or not the size of the new shed on Lot 100 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. 6.5m²) is considered minor;
- 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 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 100 will have a wall height of 3.2 metres and a maximum roof height of 3.4m 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 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
- ii) The new shed abuts unused lots to the north and south which contains a large number of mature trees which will help minimize any potential negative impacts the shed may have on nearby properties. The lot to the east of lot 100 has minor development and will also be

unduly impacted by the 0.2m variation of wall height.

Consultation

Chief Executive Officer
Building Officer

Statutory Environment

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

Policy Implications

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

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

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

Conditions

1. The proposed finished floor level of the new single dwelling, carport and associated shed shall not to exceed 500mm above the natural ground unless otherwise approved by Council.
2. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
3. The proposed crossover and all on-site vehicle access ways shall be constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
4. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Wandering.
5. The proposed development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
6. The new shed shall have a maximum wall height of 3.2 metres and a maximum roof height of 3.4m metres.
7. The new shed shall be of zinalume construction with a total floor area not exceeding 91.5m².
8. The new shed shall be used for domestic purposes only unless otherwise approved by Council.

Advice Notes

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

[Attachment 4](#)

2:46pm – Cr Whitely left the meeting

2:48pm – Cr Whitely returned to the meeting

AMENDMENT

Moved Cr Price seconded Cr Whitely

That part 6 of the motion be amended by deleting the wording maximum wall height of "3.2m" and replacing with "3.0m"

LOST 2/3

AMENDMENT

Moved Cr Price seconded Cr Whitely

That part 7 of the motion be amended by deleting the wording maximum floor area not exceeding "91.5m²" and replacing with "85m²"

LOST 2/3

AMENDMENT

Moved Cr Dowsett seconded Cr Gowland

That part 7 of the motion be amended by deleting the wording "zincalume" and replacing with "colourbond²"

CARRIED 3/2

COUNCIL DECISION – ITEM 10.3

Moved Cr Dowsett seconded Cr Kerr;

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

Conditions

1. The proposed finished floor level of the new single dwelling, carport and associated shed shall not to exceed 500mm above the natural ground unless otherwise approved by Council.
2. The development is to be undertaken in a manner consistent with the information and plans submitted in support of the application.
3. The proposed crossover and all on-site vehicle access ways shall be constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
4. All stormwater generated by the proposed development shall be managed and disposed of to the specifications and satisfaction of the Shire of Wandering.
5. The proposed development shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
6. The new shed shall have a maximum wall height of 3.2 metres and a maximum roof height of 3.4m metres.
7. The new shed shall be of colourbond construction with a total floor area not exceeding 91.5m².
8. The new shed shall be used for domestic purposes only unless otherwise approved by Council.

Advice Notes

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

CARRIED 3/2

10.4 CORPORATE SERVICES

10.4.1 Financial Statements for the period ended 30 September 2014

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

Background

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

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

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

Comment

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

Consultation

Chief Executive Officer
Accounts Officer
Payroll Officer

Statutory Environment

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation

That Council

1. Endorse all Cheque, EFT, BPay, wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$376,957.38 for the period ending 30 September 2014.
2. Receive the bank reconciliation for the period ended 30 September 2014
3. Receive the financial statements for the period ended 30 September 2014

[Attachment 5](#)

[Bank Reconciliation for Period Ending 30 September 2014](#)

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

[Statement of Financial Activity for the period ended 30 September 2014](#)

COUNCIL DECISION – ITEM 10.4.1

Moved Cr Dowsett seconded Cr Gowland;

That Council

1. Endorse all Cheque, EFT, BPay, wages, transport payments, transfers to investments, credit card payments and other direct debits and transfers as listed from the Municipal and Trust Fund totalling \$376,957.38 for the period ending 30 September 2014.
2. Receive the bank reconciliation for the period ended 30 September 2014
3. Receive the financial statements for the period ended 30 September 2014

CARRIED 5/0

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

13 NEXT MEETING

Next Ordinary Council meeting to be held on Thursday 20 November at 1:30pm

14 CLOSURE OF MEETING

3:23pm – The Presiding Person closed the meeting

**These Minutes were confirmed at the Ordinary Council Meeting
on Thursday 20 November 2014.**

Signed:

Presiding Person at the meeting at which the minutes were confirmed

Date: