

## ORDER OF BUSINESS

### 1. Declaration of Opening/Announcement of Visitors

1:30pm – The President welcomed all present and declared the meeting open.

### 2. Record of Attendance/Apologies/Leave of Absence

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**Attendance:**

GG Kerr	President
BE Dowsett	Deputy President
JR McNeil	Councillor
J Price	Councillor
C Ferguson	Councillor
M Whitely	CEO

**Apologies:**

JC Schorer	Councillor
KJ Barge	Councillor
J Hobson	Works Supervisor

### 3. Public Question Time

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Nil

### 4. Applications for Leave of Absence

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Nil

### 5. Confirmation of Minutes of Previous Meetings

#### Shire of Wandering Ordinary Meeting held 20 December 2012

714:2012/13

Moved Cr Dowsett, Seconded Cr Price that the minutes of the Shire of Wandering Ordinary Meeting held 20 December 2012 be confirmed as a true and correct record.

CARRIED 5-0

#### Hotham Williams Economic Development Alliance Meeting held 17 December 2012

715:2012/13

Moved Cr Dowsett, Seconded Cr McNeil that the minutes of the Hotham Williams Economic Development Alliance Meeting held 17 December 2012 be received.

CARRIED 5-0

## 6. COUNCILLOR REPORTS

### Deputy President Dowsett

#### Questions Without Notice

Crossman Dwarda Rd – Vegetation Clearing

### Councillor Ferguson

#### Questions Without Notice

Where are we at with the purchase of a float?

Suggested that we advertise in Farm Weekly / Gumtree

Chevron sign on Codjatotine Mooterdine Rd at the Carabin Rd

### Councillor McNeil

#### Questions Without Notice

Requested an update on the Staff Rental Policy

## 7. MATTERS REQUIRING COUNCIL DECISION

### 7.1 Rates Write Off

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 23.1.1  
**AUTHOR:** CEO

#### **SUMMARY:**

Each year there are a number of rate assessments that are paid after the deadline for eligibility of the discount and instalment plan payments. Payments received after the cut-off date then accrue interest on the balance outstanding. In many cases the rates are paid in full shortly after the cut off dates and continue to accrue interest on only minimal amounts.

As at 9 January 2013 there are 8 different assessments ranging from \$0.08 to \$7.52, totalling \$24.57 which fit into the above category.

#### **COMMENT:**

Notices are sent regularly to all landowners with outstanding assessments which can be time consuming and in some cases, such as the \$0.08 balance, a waste of administration resources. Often the ratepayer is already disgruntled in the first instance as they have missed out on the discount and constant reminders of this fact doesn't necessarily help the cause.

Writing off small amounts such as the above assessments will also simplify balancing the Rate book back to the general ledger each month.

#### **RECOMMENDATION:**

That Council approve the 8 outstanding assessments totalling \$24.57 for the 2012/13 financial year to be written off and that the CEO be given delegated authority to write off any future amounts under \$10.

**716:2012/13**

**Moved Cr Price, Seconded Cr McNeil that Council approve the 8 outstanding assessments totalling \$24.57 for the 2012/13 financial year to be written off and that the CEO be given delegated authority to write off any future amounts under \$10.**

**CARRIED 5-0**

## 7.2 2012 Compliance Return

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**OF APPLICANT:** CEO  
**FILE REFERENCE:** 18.1.14  
**AUTHOR:** CEO

**SUMMARY:**

The annual compliance audit return for Local Governments covering the period 1 January 2012 to 31 December 2012 needs to be formally adopted by Council and forwarded to the Department by 31 March 2013.

**RECOMMENDATION:**

That Council adopt the 2012 Compliance Audit return for Local Governments covering the period 1 January 2012 to 31 December 2012.

[Attachment 3](#)

**717:2012/13**

**Moved Cr Kerr, Seconded Cr Ferguson that Council adopt the 2012 Compliance Audit return for Local Governments covering the period 1 January 2012 to 31 December 2012.**

**CARRIED 5-0**

## 7.3 Planning Application – Four Grouped Dwellings (Two Additional) on Lot 6654 (No.350) Wandering Pingelly Rd Wandering

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**NAME OF APPLICANT:** Mr Shane Kelliher on behalf of Messrs James & Robert Kelliher (  
**FILE REFERENCE:** A96  
**AUTHOR:** Messrs Joe Douglas & Carlo Famiano – Consultant Town Planners (Urban & Rural Perspectives)

**SUMMARY:**

This report recommends that a planning application submitted by Mr Shane Kelliher on behalf of the current landowners (i.e. Messrs James & Robert Kelliher) to construct two (2) additional grouped dwellings on Lot 6654 (No.350) Wandering-Pingelly Road, Wandering be approved by Council subject to the imposition of a number of conditions.

**BACKGROUND**

The applicant is seeking Council's planning approval to construct two (2) additional grouped dwellings on Lot 6654 (No.350) Wandering-Pingelly Road, Wandering. The application will result in a total of four (4) grouped dwellings being accommodated on the land, all of which are proposed to be occupied by family members.

Lot 6654 is located approximately two (2) kilometres south of the Wandering townsite. The land is irregular in shape, comprises a total area of approximately 346.906 hectares and has access to Wandering-Pingelly Road along its northern boundary and Fourteen Mile Brook Road along its western boundary (see Plans 1 & 2).

Lot 6654 has been extensively cleared and is currently used for broadacre agricultural purposes (i.e. cropping & grazing). The land is moderately sloping and comprises some scattered stands of natural vegetation throughout. The property also contains a number of physical improvements associated with its current rural use including two (2) single detached dwellings, sheds, dams, water storage tanks, internal access tracks, firebreaks and fencing (see Plan 3).

Under the terms of the information and plans submitted in support of the application the following is proposed (see Plan 4 & 5):

- i) The construction of a new 189m<sup>2</sup> four (4) bedroom, two (2) bathroom modular style dwelling with a 3 metre wide verandah around the entire perimeter;
- ii) The construction of a new 126m<sup>2</sup> three (3) bedroom, one (1) bathroom modular style dwelling with verandah and carport;
- iii) Each new dwelling will be constructed using steel framing, colorbond and weatherboard materials;

## MINUTES FOR THE MEETING HELD 17 JANUARY 2013

- iv) The new dwellings will have a wall height of 2.45 metres and a ridge height of approximately 4.1 metres;
- v) The new dwellings will have a setback of approximately 720 metres from the land's northern front boundary (i.e. Wandering-Pingelly Road) and a 690 metre setback from the land's western boundary (i.e. Fourteen Mile Brook Road);
- vi) Vehicle access for the new dwellings will be provided via existing interconnected gravel roads within the property which currently provide two wheel drive access to two points along Wandering-Pingelly Road to the north and one point along Fourteen Mile Brook Road to the south;
- vii) The new dwellings will be provided with a total of six (6) new on-site car parking bays;
- viii) All stormwater will be collected via new fibreglass rainwater tanks to be constructed adjacent to each new dwelling (i.e. a 60,000 litre tank & a 45,000 litre tank). Any excess stormwater generated during extreme storm events will be directed from the dwellings to nearby farm dams via contour banks;
- ix) Water supply for the new dwellings will be provided via the proposed new water tanks and via an existing 13,500 litre overhead tank, which is connected to a windmill powered well;
- x) Effluent disposal will be undertaken on-site using septic tanks and leach drains constructed in accordance with the relevant health standards and regulations;
- xi) All rubbish generated on-site will be managed by individual residents and deposited at the Shire's waste disposal facility as required; and
- xii) Bush fire risk will be managed through the preparation and implementation of a fire management plan, a copy of which has been prepared and submitted in support of the planning application.

### COMMENT

#### Current Zoning & Land Use Permissibility

Lot 6654 is currently classified 'Rural' zone under the Shire of Wandering Town Planning Scheme No.3 (TPS No.3) wherein the following objectives are required to be considered in determining any planning application for development and land usage within the zone:

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

The development and use of any land in the Shire for the purposes of 'grouped dwellings' is not expressly listed in the Zoning Table of TPS No.3 (i.e. it is a 'use not listed'). As such the application must be assessed in accordance with the specific requirements of clause 4.4.2 of TPS No.3.

Clause 4.4.2 of TPS No.3 states that when considering an application proposing the development and/or use of any land for the purposes of a 'use not listed' in the Zoning Table of TPS No.3 the local government may determine that the use:

- i) **is** consistent with the objectives of the particular zone and is therefore permitted;
- ii) **may be** consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- iii) **is not** consistent with the objectives of the particular zone and is not therefore permitted.

Following preliminary assessment of the application and discussion with the Shire's Chief Executive Officer the reporting officers' formed the view that the proposed grouped dwelling development on Lot 6654 **may be** consistent with the objectives of the land's current 'Rural' zoning classification. Public advertising of the application was therefore undertaken by the Shire in December 2012 for the minimum required period of 14 days in accordance with the specific requirements of clause 9.4 of TPS No.3.

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At the close of public advertising two (2) submissions had been received by the Shire, of which neither raised any objections to the proposed development and use of the land. A summary of the submissions received is provided in the attached 'Schedule of Submissions' (see Attachment 1).

Following further detailed assessment of the application at the completion of public advertising the reporting officers formed the view that the proposed development and use of Lot 6654 for 'grouped dwelling' purposes is consistent with the objectives and purpose of the land's current 'Rural' zoning classification in TPS No.3 and is capable of being supported by Council for the following reasons:

- i) It is unlikely to have any negative impact upon the continued use of the balance portion of the land for broadacre farming purposes;
- ii) It is unlikely to have a detrimental impact on the amenity, general character, functionality or safety of the immediate locality;
- iii) It is unlikely to have a detrimental impact on any natural resources or the environment generally;
- iv) It will enable the current occupants and other family members to continue residing on the land; and
- v) It is capable of being implemented in a proper and orderly manner subject to compliance with the specific requirements all relevant legislation, regulations and policies.

### TPS No.3 Development Standards & Requirements

TPS No.3 does not contain any development standards specific to the development and/or use of 'Rural' zoned land for 'grouped dwelling' purposes. As such the application has been assessed with due regard for the general development standards contained in TPS No.3 including those that apply specifically to all land classified 'Rural' zone.

Having regard for the information submitted in support of the application the reporting officers' have concluded that the proposal satisfies the various general development standards prescribed by TPS No.3 (i.e. minimum dwelling standards, vehicle parking, boundary setbacks, compatibility of land usage, site characteristics, water supply and waste disposal) and may therefore be approved by Council.

### Fire Management Plan

As previously mentioned the applicant has prepared and submitted a fire management plan in support of the application. Following a detailed review of the proposed fire management plan the reporting officers have formed the view that it is based upon an old, outdated fire management plan model and does not incorporate or reflect the specific requirements of the latest '*Planning for Bush Fire Protection Guidelines (Edition 2, May 2010)*'. As such the proposed fire management plan is considered unsatisfactory in its current form.

Council should note that the fire management plan was referred to the Shire's Chief Fire Control Officer (i.e. Mr Peter Monk) for review and comment. By email correspondence dated 9<sup>th</sup> January 2013 Mr Monk advised that the fire management plan appears to be satisfactory and in line with the fire break orders of the Shire of Wandering. Notwithstanding the advice received from the Shire's Chief Fire Control Officer, it is recommended that Council impose a condition on any approval issued requiring the applicant to prepare and submit a revised fire management plan which incorporates and reflects the specific requirements of the latest '*Planning for Bush Fire Protection Guidelines (Edition 2, May 2010)*' prior to the commencement of construction of the new dwellings and that the plan be implemented prior to occupation of the two new grouped dwellings.

### **CONCLUSION**

It is concluded from a detailed assessment of the application that the proposed 'grouped dwelling' development on Lot 6654 (No.350) Wandering-Pingelly Road, Wandering is capable of being implemented in a proper and orderly manner and is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions.

### **FINANCIAL IMPLICATIONS**

Nil

### **STATUTORY & TOWN PLANNING IMPLICATIONS**

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

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- Shire of Wandering Local Planning Strategy
- State Planning Policy No.3.4 – Natural Hazards and Disasters
- Planning for Bush Fire Protection Guidelines (Edition 2, May 2010)

### COMMUNITY CONSULTATION

Public advertising of the application was undertaken by the Shire in December 2012 for the minimum required period of 14 days in accordance with the specific requirements of clause 9.4 of TPS No.3. At the close of public advertising a total of two (2) submissions had been received by the Shire (see Attachment 1 – Schedule of Submissions).

### STRATEGIC IMPLICATIONS

Nil

### VOTING REQUIREMENTS

Simple majority required.

### RECOMMENDATION:

That the application for planning approval submitted by Mr Shane Kelliher on behalf of the current landowners (i.e. Messrs James & Robert Kelliher) to construct two (2) additional grouped dwellings on Lot 6654 (No.350) Wandering-Pingelly Road, Wandering be **APPROVED** in accordance with the details of the information and plans submitted in support of the application subject to compliance with the following conditions and advice notes:

#### Conditions

1. A fire management plan shall be prepared in accordance with the guidance provided and format recommended by the Western Australian Planning Commission and Fire & Emergency Services Authority publication entitled '*Planning for Bush Fire Protection Guidelines (Edition 2, May 2010)*' and submitted to the Shire of Wandering for final endorsement prior to occupation of the proposed new grouped dwellings.
2. All internal vehicle accessways, including private driveways and emergency accessways servicing the existing and proposed dwellings, shall comply with the construction standards prescribed in Element 2 of the publication entitled '*Planning for Bush Fire Protection Guidelines (Edition 2, May 2010)*' and clearly depicted in the fire management plan required by Condition 1 above unless otherwise approved by the Shire of Wandering.
3. All existing driveway crossovers to Wandering-Pingelly Road and Fourteen Mile Brook Road shall be upgraded (if required) and maintained to the specifications and satisfaction of the Shire of Wandering.
4. All on-site vehicle parking shall be constructed in accordance with the details submitted in support of the planning application and maintained to the specifications and satisfaction of the Shire of Wandering.
5. All stormwater generated by the existing and proposed dwellings on the land shall be managed and disposed of in accordance with the details submitted in support of the planning application.
6. A potable water supply shall be provided to each of the proposed new dwellings in accordance with the details submitted in support of the planning application.
7. The proposed new dwellings shall be provided with an adequate on-site effluent disposal system constructed and maintained to the specifications and satisfaction of the Shire of Wandering.
8. All rubbish generated on-site shall be managed and disposed of in accordance with the details submitted in support of the planning application and to the specifications and satisfaction of the Shire of Wandering.

#### Advice Notes

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced 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 earthworks or construction on the land.

3. The proposed development is 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 prior to 7.00am 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](#)

718:2012/13

Moved Cr Dowsett, Seconded Cr McNeil that the application for planning approval submitted by Mr Shane Kelliher on behalf of the current landowners (i.e. Messrs James & Robert Kelliher) to construct two (2) additional grouped dwellings on Lot 6654 (No.350) Wandering-Pingelly Road, Wandering be APPROVED in accordance with the details of the information and plans submitted in support of the application subject to compliance with the following conditions and advice notes:

1. The development is to be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced 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 earthworks or construction on the land.
3. The proposed development is 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 prior to 7.00am 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 5-0

#### **7.4 Lot 128 Dunmall Drive, Wandering - 3x2 Residential House**

**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** A421  
**AUTHOR:** CEO

**SUMMARY:**

At the December Ordinary Meeting Council resolved that the CEO approach Redink Homes for some alternative north facing designs for the proposed 3x2 dwelling to be constructed for the Department of Housing at Lot 128 Dunmall Drive, Wandering.

**COMMENT:**

I have spoken with the Redink Bunbury branch as well as the sales representative from head branch in Perth on several occasions in relation to having standard designs modified slightly to suit Council's requirements. Anthony D'Ascenzo, the sales representative that I have been dealing (who is also the same person I dealt with in signing up the house for Humes Way) has been on leave over the Christmas break and does not return until Monday 14 January 2013. On his return to the office Anthony will forward to me the current promotional and modified plans for Council to review at the meeting.

**RECOMMENDATION:**  
For Council discussion.

***Council adjourned the meeting at 3:50pm to have a site visit at location where the proposed dwelling is to be constructed and returned to meeting at 4:06pm***

**719:2012/13**

Moved Cr Price, Seconded Cr Ferguson that Council proceed with the construction of the Redink "Indulgence" Promotional home on the basis that the Housing Authority makes a firm commitment to leasing the property.

**CARRIED 5-0**

## **7.5 Road Safety Audit – Crossman Dwarda Rd**

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**NAME OF APPLICANT:** SHAWMAC Consulting  
**FILE REFERENCE:** 18.1.36  
**AUTHOR:** CEO

**SUMMARY:**

Main Roads recently appointed consulting firm SHAWMAC to carry out a road safety audit at the turning lanes off the Albany Highway onto the Crossman Dwarda Rd and Crossman Rd.

**COMMENT:**

Details of the findings and recommendations are shown at **Attachment 6**.

**RECOMMENDATION:**

For Council information.

[Attachment 5](#)

***Resolved that the information be received by Council***

## **7.6 List of Accounts – December 2012**

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**NAME OF APPLICANT:** Finance Officer  
**FILE REFERENCE:** N/A  
**AUTHOR:** Finance Officer

**SUMMARY:**

Attached is a list of accounts for Council consideration.

**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 \$252,791.96 be passed for payment.

[Attachment 6](#)

**720:2012/13**

Moved Cr Dowsett, Seconded Cr Ferguson 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 \$252,791.96 be passed for payment.

**CARRIED 5-0**

## 7.7 Financial Reports – December 2012

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** N/A  
**AUTHOR:** CEO

**SUMMARY:**

Separately attached are the monthly Financial Statements for the period 31 December 2012.

**RECOMMENDATION:**

That Council endorse the monthly Financial Statements for the period ending 31 December 2012.

[Attachment 7](#)

721:2012/13

Moved Cr Ferguson, Seconded Cr Dowsett that Council endorse the monthly Financial Statements for the period ending 31 December 2012.

CARRIED 5-0

## 8. NEXT MEETING

Next Ordinary Council meeting to be held on Thursday 21 February 2013 commencing at 1.30pm

## 9. CLOSURE OF MEETING

There being no further business the meeting was closed at 4:40pm

**These Minutes were confirmed by Council at the Ordinary Council Meeting  
on Thursday 21 February 2012.**

**CR G G KERR, President**