

## ORDER OF BUSINESS

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

1:35pm – The President welcomed all present, introduced Ms Jenni Law and Mr Stuart Fraser from the Department of Local Government as observers for the day 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
JC Schorer	Councillor
KJ Barge	Councillor
JR McNeil	Councillor
J Price	Councillor
C Ferguson	Councillor
M Whitely	CEO

**Guests:**

S Friend	EHO/BS (1:35pm – 2:28pm)
J Law	Observer Department of Local Government
S Fraser	Observer Department of Local Government

### 3. Public Question Time

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There being no other visitors present for Public Question Time the President continued on with the meeting.

### 4. Applications for Leave of Absence

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Nil

### 5. Confirmation of Minutes of Previous Meetings

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Shire of Wandering Ordinary Meeting held 18 April 2013

764:2012/13

Moved Cr McNeil, Seconded Cr Ferguson that that the minutes of the Shire of Wandering Ordinary Meeting held 18 April 2013 be confirmed as a true and correct record.

CARRIED 7-0

## 6. COUNCILLOR REPORTS

**President Kerr**

Meetings Attended  
Annual Electors Meeting

**Deputy President Dowsett**

Meetings Attended  
Annual Electors Meeting  
Questions Without Notice  
Hotham Ridge SAT decision

**Councillor Ferguson**

Meetings Attended  
Annual Electors Meeting

MINUTES FOR THE MEETING HELD 16 MAY 2013

Questions Without Notice

Road Maintenance - Herdigan Rd

Road Maintenance - Codjatotine Mooterdine Rd

**Councillor McNeil**

Meetings Attended

Annual Electors Meeting

Questions Without Notice

North Wandering Rd bitumen edges

Cemetery plaques

Kerry Patchette invoice

**Councillor Barge**

Meetings Attended

Annual Electors Meeting

**Councillor Price**

Meetings Attended

Annual Electors Meeting

Questions Without Notice

Electors Meeting coming event sign

Chair Inventory at Community Centre

**Councillor Schorer**

Meetings Attended

Annual Electors Meeting

## **7. MATTERS REQUIRING COUNCIL DECISION**

### **7.1 Lot 47 O'Connell Road, Wandering – Change of Building Envelope**

**NAME OF APPLICANT:** David & Joanne Lockwood  
**FILE REFERENCE:** A249  
**AUTHOR:** EHO/BS

**SUMMARY:**

The owners of Lot 47 O'Connell Road, Blackboy Springs, have applied to change their building envelope so that they can build a dwelling in a location that they think best meets their needs.

Lot 47 O'Connell Road is 5.49 Hectares in size and like all the properties in Blackboy Springs, has a building envelope that is required to contain all infrastructure.

In 2008 the owners applied to relocate the envelope from the top corner of the property to a position almost in the centre of the property.

They subsequently built a shed on the relocated envelope.

The owners have now realised that the building envelope will not cover where they want to build their house and have applied to change the shape to accommodate the proposed house.

It was previously considered that the building envelope be split into two to contain the shed and then a second part of the envelope to contain the house.

This is probably not the best scenario and it has been suggested that the envelope be "massaged" to accommodate the existing shed and proposed house without splitting it into two and also not exceeding the permitted size (1600m<sup>2</sup>).

A copy of the proposed shape, size and location of the building envelope is attached.

MINUTES FOR THE MEETING HELD 16 MAY 2013

**COMMENT:**

The issue of building envelopes is a source of constant irritation.

When they are initially placed on a subdivision plan they are invariably done as a desk top exercise without actually walking the properties and the locations are not always going to be the most ideal for subsequent purchasers.

Then the properties are on sold and new owners wish to build in different locations so the actual envelope can change several times before the site is actually built on.

In this particular case, the present owners relocated the envelope but didn't take into account that the house had to be placed within the new envelope, hence the application to extend/vary/split it.

The plan shown on the attachment shows a "corridor" linking the existing shed to an area higher on the property that will contain the proposed house.

The size of the envelope will still be the 1600m<sup>2</sup> that is allowed in this area.

The first location (on the top of the hill) was very exposed, both visually and to the elements) whereas the second spot was virtually invisible (the shed on the property cannot be seen from neighbouring properties).

The proposed house will be seen from some properties across the road and up the top of Wandoo Crescent.

Council can approve the change of shape of the envelope, reject the request or approve the change subject to no negative comments from those properties that could be impacted by the change in shape.

It must be stated that the properties that could be affected by the change in shape of the envelope could already, to a certain extent, be impacted by a house being built on the present envelope. This likelihood is increased due to the fact that the proposed elongation of the envelope will place the house about 100m further up the hill.

It is possible also that some of those properties that could be impacted (i.e. look directly at the proposed house) may have themselves changed their envelopes at some stage, although there are not enough resources to check this.

Due to the nature of the subdivision (smallish lots and hilly terrain), it will always occur that someone will look at someone else's house or vice versa, however as much as possible privacy is respected.

**RECOMMENDATION:**

That Council approves the elongation of the building envelope on Lot 47 O'Connell Road Blackboy Springs as per the attachment submitted by the owners subject to no detrimental comments being received, within 21 days, by the owners of properties that could be affected by the change.

[Attachment 2](#)

**765:2012/13**

**Moved Cr Dowsett, Seconded Cr McNeil that Council approves the elongation of the building envelope on Lot 47 O'Connell Road Blackboy Springs as per the attachment submitted by the owners subject to no detrimental comments being received, within 21 days, by the owners of properties that could be affected by the change.**

**CARRIED 6-1**

## **7.2 Lot 95 O'Connell Road, Wandering – Request To Relax Outbuilding Policy**

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**NAME OF APPLICANT:** Mark & Nicole James  
**FILE REFERENCE:** A454  
**AUTHOR:** EHO/BS

### **SUMMARY:**

The owners of Lot 95 O'Connell Road, Blackboy Springs, have applied to be able to construct a 300m<sup>2</sup> shed on their property.

Council has a policy for outbuildings (attached) that limits the size of outbuildings, regulated by the outbuilding finishes and the size of the property.

Lot 95 O'Connell Road is 5.07 Hectares in size and is located in the Blackboy Springs subdivision.

In 2009 the owners applied to be able to construct a shed of 200m<sup>2</sup> on the property which was approved.

The shed has not been built as yet and they are now applying to build the shed 300m<sup>2</sup> (a further increase of 33%).

Their letter of request sets out why they are requesting this further increase in size (attached).

### **COMMENT:**

The policy concerning outbuildings limits the size of sheds on lots 2-10 Ha to 150m<sup>2</sup>.

As mentioned, approval has already been granted to allow a shed of 200m<sup>2</sup> on this particular lot.

I am sure there have been other requests to allow a shed greater in size than that allowed in the policy but the resources are not sufficient to ascertain exactly what other sheds exceed the policy.

However it is fairly safe to assume that no sheds in that subdivision exceed the policy by 100%.

What is being requested is a significant sized shed and would possibly be similar in size to the dwelling on the property.

It is unusual for a Rural Residential subdivision to have an outbuilding as large as a dwelling as they (sheds) are usually not the predominant building, rather ancillary to the main building (dwelling). Having said that, the lots are largish (in this case 5 Ha (12.5 acres)) so there could be some assumption that a large shed/s could be built to accommodate household type goods, domestic vehicles and some agricultural implements.

Council has to consider several things when considering this request –

- Will this request set a precedence
- If approved, does it discriminate against an earlier refusal
- What effect will it have on the amenity of the neighbours

With dot point one, if a shed this size is approved, it will be difficult to refuse another request for a shed of this size as every case presented will be important to each individual.

With dot point two, Council will have to consider has an earlier request for a large shed been refused? If so, the owner of the property could be rightly offended that they were not allowed to have what they wanted yet this request is granted.

Dot point three does not really apply at this point in time as lots either side of this one are vacant so the shed, if approved will have minimal impact.

This is not to say however that they won't one day be built on and they might then be confronted by a very large shed on the property next door.

In addition, Lot 95 has a building envelope quite close to the road and the house is very visible to the road and passing traffic.

MINUTES FOR THE MEETING HELD 16 MAY 2013

Although the shed will be built at the rear of the house, it will still be prominent.

If Council refuses the request it has to have a justifiable reason and the decision will be able to be appealed.

**RECOMMENDATION:**

That Council refuses to allow the request by the owners of Lot 95 O'Connell Road to build a shed of 300m<sup>2</sup> on the property as the size requested will exceed the policy regarding outbuildings by 100%, however acknowledges the earlier approval for a shed of 200m<sup>2</sup> being able to be built on the property.

[Attachment 3](#)

*The CEO left meeting at 2.00pm and returned at 2.02pm*

766:2012/13

Moved Cr Schorer, Seconded Cr Price that Council refuses to allow the request by the owners of Lot 95 O'Connell Road to build a shed of 300m<sup>2</sup> on the property as the size requested will exceed the policy regarding outbuildings by 100%, however acknowledges the earlier approval for a shed of 200m<sup>2</sup> being able to be built on the property.

CARRIED 4-3

### **7.3 Lot 8 Pollard Street, Wandering Downs – Living in a Shed**

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**NAME OF APPLICANT:** R Houghton & E Troup  
**FILE REFERENCE:** A383  
**AUTHOR:** EHO/BS

**SUMMARY:**

The owners of Lot 8 Pollard Street Wandering Downs, have been living onsite for the majority of the last five years.

Approval was granted by Council to reside on site on **6.5.2008**.

This approval was issued with conditions; these being

1. A building license being issued prior to construction of the temporary accommodation
2. Town Planning and building approval being obtained for the permanent residence within six months of the approval
3. Approval for temporary accommodation to last for 12 months from the date of the building license for the permanent dwelling
4. Septic tanks being installed to the satisfaction of the Environmental Health Officer

On **22.6.2009** the Shire wrote to the owners stating that the initial approval had expired and requested written advice as to why the approval had not been complied with.

On **15.9.2009** the owners responded to the Shire's letter (22.6.2009) explaining that they misunderstood the guidelines for the temporary accommodation and requested an extra six months (from September 2009) be granted for the temporary accommodation.

On **19.10.2009** a letter was received thanking the then CEO and EHOBS for meeting with the owners and that as a result of that meeting they should be able to submit plans for a permanent residence in the near future.

On **7.7.2010** the owners wrote to the Shire requesting copies of plans and approvals for the donga, patio and shed as the bank needed proof that these had been approved.

**14.7.2010** A file note says that the donga only was approved and that there were no plans for the patio or shed on file.

On **3.8.2011** the Shire wrote again to the owners stating that the approval had expired and that the matter would have to go to Council.

MINUTES FOR THE MEETING HELD 16 MAY 2013

On **8.8.2011** the owners wrote to the Shire explaining that they didn't realise the permit of 6.5.2008 had expired and that their business was struggling. Further that plans have been drawn up and they are just waiting for finance approval.

On **9.8.2011** an email was received stating that the Global Financial Crisis had made it difficult to comply.

**18.8.2011** an item to Council resulted in a resolution that the owners could continue to reside on site subject to the owners submitting plans for the permanent residence be submitted within 12 months.

On **7.9.2011** the Shire wrote to the owners advising the owners of the results of the Council meeting (above).

It is now 20 months since the last extension of time. This is now 8 months "overdue" from the last approval, but almost 5 years after the original approval.

**COMMENT:**

This matter has gone on now for five years without any apparent resolution.

Council can write to the owners for an explanation however this has been done on a number of occasions.

Council can also grant another extension of time, however this has been done for a period of five years now.

It is my belief that the owners have been given ample time to sell their business or home in Perth or whatever in order to build a permanent dwelling.

Council has to be mindful that every decision they make can be seen as setting precedence. Would the Shire allow other land owners to camp on site for five years in temporary accommodation?

What effect could this prolonged camping have on the amenity of the other residents of this subdivision?

It may be time to take some harder action which can only be to prosecute the owners for a breach of a planning decision or possibly a contravention of the Camping and Caravans Act whereby the land is being illegally camped on.

Whenever it is time to take firmer action, it is my belief that to not muck up the action that has been decided, it is imperative that the matter be handed to the Shire's legal representatives.

If the matter goes to the State Administrative Tribunal (SAT) as an appeal you want to get it right and this applies even more so if the matter goes to court.

It can be expensive to take legal action but a lot more expensive if you get it wrong and have to go back again or pay restitution etc.

**RECOMMENDATION:**

That Council writes to the owners of Lot 8 Pollard Road Wandering advising them that due to the lack of positive action over the last five years, if they have not vacated the premises by the 30<sup>th</sup> June 2013, that the Shire will engage the services of its solicitors with a view to prosecuting the owners under the most appropriate legislation.

**767:2012/13**

**Moved Cr Kerr, Seconded Cr Price that Council writes to the owners of Lot 8 Pollard Road Wandering advising them that due to the lack of positive action over the last five years, if they have not vacated the premises by the 30<sup>th</sup> June 2013, that the Shire will engage the services of its solicitors with a view to prosecuting the owners under the most appropriate legislation.**

**DEFEATED 4-3**

*Following detailed discussion for an alternate recommendation the following motion was drafted;*

**768:2012/13**

**Moved Cr Dowsett, Seconded Cr Price that Council writes to the owners of Lot 8 Pollard Road Wandering seeking details within 30 days as to the their current level of occupancy and their future building intentions due to their lack of positive action over the last 5 years.**

**DEFEATED 4-3**

*Council again revisited Agenda Item 7.3 and after much discussion and debate the original motion below was again put forward;*

**769:2012/13**

**Moved Cr Kerr, Seconded Cr Price that Council writes to the owners of Lot 8 Pollard Road Wandering advising them that due to the lack of positive action over the last five years, if they have not vacated the premises by the 30<sup>th</sup> June 2013, that the Shire will engage the services of its solicitors with a view to prosecuting the owners under the most appropriate legislation.**

**CARRIED 4-3**

## **7.4 Works Supervisor Vehicle Changeover**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 22.1.1  
**AUTHOR:** CEO

### **SUMMARY:**

The current Works Supervisor vehicle is approaching 40,000km's and some changeover prices have been obtained for the following vehicles;

<b>Supplier</b>	<b>Make &amp; Model</b>	<b>Purchase Price</b>	<b>Trade</b>	<b>Changeover</b>
Edwards Holden	2013 Colorado 4x4 Dual Cab	\$32,870	\$26,052	\$6,818
Narrogin Toyota	2013 Toyota Hilux 4x4 Dual Cab	\$35,000	\$27,273	\$7,727

All prices are GST Exclusive and the Shire pays for the licensing costs which would be approximately \$300 for 12 months.

### **COMMENT**

Provision for \$10,000 was allowed in the budget.

### **RECOMMENDATION:**

That Council trade the current Works Supervisor Vehicle in for a 2013 Toyota Hilux 4x4 Dual Cab at Narrogin Toyota for the GST Exclusive changeover price of \$7,727.

[Attachment 4](#)

**770:2012/13**

**Moved Cr McNeil, Seconded Cr Barge that Council revisit the vehicle changeover for the Works Supervisor until further notice and when more information is available regarding the negotiated salary package for the Manager Administration & Finance.**

**CARRIED 7-0**

## 7.5 Appointment of Dual Fire Control Officers

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**NAME OF APPLICANT:** Shire of Pingelly  
**FILE REFERENCE:** 4.1.1  
**AUTHOR:** CEO

**SUMMARY:**

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, Malcolm Cunningham, Graeme Watts, Rodney Shaddick & Neville Giles

**COMMENT:**

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

**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

771:2012/13

Moved Cr McNeil, Seconded Cr Ferguson 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

CARRIED 7-0

## 7.6 Narrogin-Wandering School Bus Route

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**NAME OF APPLICANT:** Mrs Jaylea Marsh  
**FILE REFERENCE:** 8.1.2  
**AUTHOR:** CEO

**SUMMARY:**

Mrs Jaylea Marsh has provided Council with a copy of correspondence sent to Mr Trevor Greenham of School Bus Services regarding the possibility of a school bus route between Wandering and Narrogin and has requested Council support for the proposal.

**COMMENT**

A community meeting is scheduled for Thursday 16 May 2013 at 7pm at the Wandering Community Resource Centre to discuss further the School Bus Route between Wandering and Narrogin for students to attend the Narrogin High School and is open to all residents in the community.

**RECOMMENDATION:**

That Council write a Letter of Support addressed to School Bus Services following up on the letter from Mrs Jaylea Marsh supporting the introduction of a School Bus Route between Wandering and Narrogin for students to attend the Narrogin High School.

[Attachment 5](#)

*Cr Ferguson declared at interest in Agenda Item 7.6 but was not asked to leave the meeting however did refrain from voting.*

772:2012/13

Moved Cr McNeil, Seconded Cr Barge that Council write a Letter of Support addressed to School Bus Services following up on the letter from Mrs Jaylea Marsh supporting the introduction of a School Bus Route between Wandering and Narrogin for students to attend the Narrogin High School.

CARRIED 6-0



## 7.7 WALGA – Notice of Annual General Meeting

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**NAME OF APPLICANT:** WALGA  
**FILE REFERENCE:** 18.1.3  
**AUTHOR:** CEO

**SUMMARY:**

Member Local Governments are invited to submit motions for inclusion on the Agenda for consideration at the 2013 Annual General Meeting to be held on Wednesday 7 August 2013. Attendance at the Annual General Meeting is free of charge to all member Local Governments.

**COMMENT:**

A possible motion for consideration from Council could be in relation to the current treatment of storm damage claims under the Western Australian Natural Disaster Relief and Recovery Arrangements (WANDRRA) administered by the Department of Fire and Emergency Services (DFES). This particular matter is being addressed by Main Roads and DFES with an item tabled for discussion at the State Advisory Meeting, so depending on the result and outcome of this meeting a notice of motion for the WALGA AGM may be beneficial. The closing date for submission of motions is Monday 10 June 2013.

Dates for the 2013 Local Government Convention have also been released with the convention being held on Thursday 8<sup>th</sup> & Friday 9<sup>th</sup> August 2013. Details of the programme have not been released.

**RECOMMENDATION:**

That the information be received by Council.

[Attachment 6](#)

**773:2012/13**

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

**CARRIED 7-0**

## 7.8 2012/13 Budget Review Amendment

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**NAME OF APPLICANT:** Department of Local Government  
**FILE REFERENCE:** 10.1.4  
**AUTHOR:** CEO

**SUMMARY:**

Part 33A of the Local Government (Financial Management) Regulations 1996A requires a review of each Local Governments annual budget to take place between 1 January and 31 March, with details of the review to be submitted to Council within 30 days of completion of the review.

The Budget Review for the 2012/13 financial year was adopted for the 8 month period ending 28 February 2013 at the March 2013 meeting with Council accepting the recommendations from the budget review and continuing to adopt the original 2012/13 Budget without change for the remainder of the 2012/13 financial year.

The Department of Local Government has brought to my attention a discrepancy of \$43,396 which relates to the Estimated Surplus at 30 June 2012 carried forward figure in the 2011/12 Annual Financial Statements and the Estimated Surplus at 1 July 2012 brought forward in the 2012/13 Budget.

**COMMENT:**

The reason for the discrepancy is that the 2012/13 Budget was prepared and adopted prior to the 2011/12 Annual Financial Statements being finalised and audited, with subsequent yearend adjustments of \$43,396 resulting in the variance.

As part of the Budget Review the variance between the 30 June 2012 carried forward figure in the 2011/12 Annual Financial Statements and the Estimated Surplus at 1 July 2012 brought forward in the 2012/13 Budget should have be included when considering other variances within the Profit and Loss Statement and Capital Expenditure Statement.

In light of more certainly since the budget review with funding allocations for the CLGF and Main Roads Storm Damage, the reduction in proposed capital expenditure for the 2012/13 financial year and the size of the discrepancy, it is not expected that the variance will have any adverse impact on Council achieving budget at year end.

**RECOMMENDATION:**

That Council acknowledge the discrepancy of \$43,396 between the Estimated Surplus carried forward figure in the 2011/12 Annual Financial Statements and the Estimated Surplus brought forward in the 2012/13 Budget and continue to adopt the original 2012/13 Budget without change for the remainder of the 2012/13 financial year.

[Attachment 7](#)

**774:2012/13**

**Moved Cr Schorer, Seconded Cr Ferguson that Council acknowledge the discrepancy of \$43,396 between the Estimated Surplus carried forward figure in the 2011/12 Annual Financial Statements and the Estimated Surplus brought forward in the 2012/13 Budget and continue to adopt the original 2012/13 Budget without change for the remainder of the 2012/13 financial year.**

**CARRIED 7-0**

## **7.9 2011/12 Auditors Report and Management Report**

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**NAME OF APPLICANT:** Butler Settineri / Department of Local Government  
**FILE REFERENCE:** 10.1.6  
**AUTHOR:** CEO

**SUMMARY:**

The 2011/12 Auditors Report and Management Report have been completed and a letter has been received from the Department of Local Government seeking clarification on the following matters raised in the Management Report;

- Segregation of Duties
- Non-Current Asset Held for Sale
- Rollover Retained Earnings Balance in the Rate Setting Statement

**COMMENT:**

The matters raised in the Management Report have since been addressed by the CEO as follows;

Segregation of Duties

The segregation of duties is difficult to implement within a small organisation due to the number of staff performing a range of roles and responsibilities and is also impacted by the level of staff experience and knowledge of Local Government practises. Since the audit process a schedule has been compiled to document staff roles and responsibilities and this document will be monitored and updated as required by the CEO as the delegations, policies and procedures of Council continue to be reviewed.

Non-Current Asset Held for Sale

Asset valuations for all Land, Buildings, Plant and Equipment have been completed in readiness for the new Fair Value accounting standard which is to be implemented in the Financial Statements in the next couple of years. As a result of the valuations all assets falling into the category of Land, Buildings, Plant and Equipment will be valued at fair value and any necessary adjustments will be implemented on 30 June 2013 and reflected in the 2012/13 Financial Statements.

Rollover Retained Earnings Balance in the Rate Setting Statement

The reason for the discrepancy is that the 2012/13 Budget was prepared and adopted prior to the 2011/12 Annual Financial Statements being finalised and audited, with subsequent yearend adjustments of \$43,396 resulting in the variance. This is an error that should have been amended and has subsequently been addressed by the CEO in his response to the Department of Local Government in relation to the 2012/13 Budget Review process.

**RECOMMENDATION:**

That Council accept the 2011/12 Auditors Report and Management Report noting that the matters raised in the report have been addressed as follows;

1. A detailed list of Staff Responsibilities has been implemented to address issues with the segregation of duties and this will continue to be monitored
2. Asset valuations have been completed for all Land, Buildings, Plant and Equipment and all adjustments to the fair value for these classes of assets will be incorporated in the 2012/13 financial statements
3. The brought forward retained earnings balance in the Shire's Rate Setting Statement has been addressed in the CEO's response to the Department of Local Government addressing the 2012/13 Budget Review process.

[Attachment 8](#)

**775:2012/13**

**Moved Cr Schorer, Seconded Cr Dowsett that Council accept the 2011/12 Auditors Report and Management Report noting that the matters raised in the report have been addressed as follows;**

- 1. A detailed list of Staff Responsibilities has been implemented to address issues with the segregation of duties and this will continue to be monitored**
- 2. Asset valuations have been completed for all Land, Buildings, Plant and Equipment and all adjustments to the fair value for these classes of assets will be incorporated in the 2012/13 financial statements**
- 3. The brought forward retained earnings balance in the Shire's Rate Setting Statement has been addressed in the CEO's response to the Department of Local Government addressing the 2012/13 Budget Review process.**

**CARRIED 7-0**

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**7.10 Telstra Lease Agreement – Lot 12 Watts St, Wandering**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** A144.2  
**AUTHOR:** CEO

**SUMMARY:**

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.

**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 9**.

I have also had discussions 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. Mr O'Donnell gave the impression that Telstra would consider any reasonable requests from Council in regards to the lease agreement.

**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 colourbond 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

[Attachment 9](#)

**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 colourbond 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**

**Council adjourned for afternoon tea at 3:19pm**

**Council returned from afternoon tea at 3:44pm**

## **7.11 List of Accounts – April 2013**

**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 \$359,120.20 be passed for payment.

[Attachment 10](#)

**777:2012/13**

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 \$359,120.20 be passed for payment.

**CARRIED 7-0**

## **7.12 Financial Reports – April 2013**

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

**SUMMARY:**

Separately attached are the monthly Financial Statements for the period 30 April 2013.

**RECOMMENDATION:**

That Council endorse the monthly Financial Statements for the period ending 30 April 2013.

[Attachment 11](#)

**778:2012/13**

Moved Cr McNeil, Seconded Cr Price that Council endorse the monthly Financial Statements for the period ending 30 April 2013.

**CARRIED 7-0**

## 8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 8.1 Staff Selection Process

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**NAME OF APPLICANT:** Cr Judith Price  
**FILE REFERENCE:** 1.2.2  
**AUTHOR:** CEO

**SUMMARY:**

Cr Price has requested a letter addressing the staff selection process be tabled for discussion in the Agenda. Cr Price's suggestion is that all future staff employment at the Shire of Wandering be made using a selection panel consisting of the Chief Executive Officer, President and Deputy President. A copy of the letter from Cr Price is tabled at **Attachment 12**.

**SUMMARY:**

Section 5.41 of the Act lists the functions of the CEO where Section 5.41(g) states the CEO is responsible for the employment, management supervision, direction and dismissal of other employees. It is not the role of Councillors nor do they have the authority to be involved with the selection of employees unless it is for the appointment of a senior employee.

Since I have been employed at the Shire it has been common practise for the CEO to involve the President and Deputy President for all senior employee appointments,

Other than the CEO, Senior Employees of the Shire of Wandering are the Works Supervisor, and if one is appointed, the Manager Administration and Finance.

Further, it is not unusual for the CEO to involve other people for the selection of Shire employees. As an example, with the position of Final Trim Grader Operator which is currently being advertised the CEO will involve the Works Supervisor to assist with the selection process.

**RECOMMENDATION:**

That the information be received by Council.

[Attachment 12](#)

779:2012/13

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

**CARRIED 7-0**

### 8.2 Wandering Community Resource Centre

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**NAME OF APPLICANT:** Cr Judith Price  
**FILE REFERENCE:** 7.1.6  
**AUTHOR:** CEO

**SUMMARY:**

Cr Price has requested a letter addressing the opening hours for the Wandering Community Resource ("CRC") Centre be tabled for discussion in the Agenda. A copy of the letter from Cr Price is tabled at **Attachment 13**.

**COMMENT:**

The Wandering CRC is a Level 1 centre which means that the CRC receives \$40,000 operational funding per annum to pay for wages, overheads, utilities, etc and is required to open 30 hours a week.

The library service agreement also requires the library to be open to the public for a minimum period of 8 hours a week.

Currently the CRC is open to the public for 30 hours a week from Monday to Thursday.

## MINUTES FOR THE MEETING HELD 16 MAY 2013

While I am not opposed to the CRC being open 5 days a week I'm uncertain that the operation of the CRC by a Trainee is the best long term solution. From a CEO viewpoint the main issue I have with the Trainee opening the CRC on a Friday is that the Trainee would be working unsupervised which I feel is a major safety issue.

Aside from the safety issue other issues I see with the Trainee opening the CRC by themselves are;

- The trainee position is only a 12 month term of which they have already completed 4 months and there is every possibility that the position may not continue to be funded by the Department of Regional Development and Lands
- The trainee has little to no experience with licensing
- When employed by the Shire the trainee's role was to include 1-2 days a week working in the Shire Office to assist with Administrative Duties and this day is currently on Friday's when the CRC is closed
- There is no provision in the 2012/13 Budget to have two staff working at the CRC 5 days a week

### **RECOMMENDATION:**

That Council make provision in the 2013/14 Budget for additional financial resources should the decision be made to open the Wandering Community Resource Centre five days a week.

[Attachment 13](#)

**780:2012/13**

**Moved Cr McNeil, Seconded Cr Price that the CEO provide some additional information at the June Meeting on the financial implications of the various options in having licensing open to the public five days a week.**

**CARRIED 6-1**

*The reason for the variation to the original recommendation was that Council requested the proposed information prior to the commencement of the budget process.*

## **9. NEXT MEETING**

Next Ordinary Council meeting to be held on Thursday 20 June 2013 at 1:30pm

## **10. CLOSURE OF MEETING**

There being no further business the President closed the meeting at 5.09pm

**These Minutes were confirmed by Council at the Ordinary Council Meeting  
on Thursday 20 June 2013.**

**CR G G KERR, President**