

ORDER OF BUSINESS

1. Declaration of Opening/Announcement of Visitors

1:32pm – The President welcomed all present and declared the meeting open.

2. Record of Attendance/Apologies/Leave of Absence

Attendance:

GG Kerr	President
BE Dowsett	Deputy President
JC Schorer	Councillor
KJ Barge	Councillor
JR McNeil	Councillor
J Price	Councillor
M Whitely	CEO

Apologies:

C Ferguson	Councillor
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Visitors:

Mr David Lockwood	1:33pm – 1:43pm
Mr John Cole	1:33pm – 1:43pm

3. Public Question Time

Mr David Lockwood attended the meeting to address Council in relation to Agenda 7.5 to which Mr Lockwood was seeking a variation to his building envelope at Lot 47 O'Connell Road in Blackboy Springs. In summary Mr Lockwood stated that he and his wife had owned the property now for 6 years and during that time they had made a concerted effort to rehabilitate the property and plant a number of trees to maintain privacy between themselves and their neighbours. Mr Lockwood also stated that during the various short stay periods they had stayed at the property they had always stayed in the shed yet had no intention of using the shed for any purpose that a shed once their new property was completed.

4. Applications for Leave of Absence

Nil

5. Confirmation of Minutes of Previous Meetings

Shire of Wandering Ordinary Meeting held 15 August 2013

9:2013/14

Moved Cr Dowsett, Seconded Cr Barge that the minutes of the Shire of Wandering Ordinary Meeting held 15 August 2013 be confirmed as a true and correct record.

CARRIED 6-0

6. COUNCILLOR REPORTS

President Kerr

Meetings Attended

WALGA Central Country Zone

Questions Without Notice

Bitumen Patching – Pumphreys Rd

Requested that the CEO write to Minister Peter Collier in support of the Wandering Primary School

Councillor McNeil

Questions Without Notice

CRC Building Maintenance

Fire Shed Signage

Councillor Price

Questions Without Notice

York Williams Rd – Clear Vegetation at Pumphreys Bridge

Councillor Schorer

Questions Without Notice

Culverts still to be installed on Reid Rd

7. MATTERS REQUIRING COUNCIL DECISION

7.1 Gravel Royalties

NAME OF APPLICANT: Lori Hart, Lane Buck and Higgins on behalf of Mr James and Mrs Julie McNeil

FILE REFERENCE: A107.1

AUTHOR: CEO

SUMMARY:

The following correspondence has been received from solicitors Lane Buck and Higgins on behalf of their clients Mr James and Mrs Julie McNeil. The matter relates to gravel royalties from the above mentioned persons' property and details are enclosed at **Attachment 2**.

COMMENT:

I responded to the letter from Lane Buck and Higgins that the matter would be tabled for Council discussion at the September Ordinary Council meeting to be held on Thursday 19 September 2013.

A copy of the letter has also been forwarded to ACE Insurance who are the Shire's insurer for the Councillors and Officers Liability cover. The Councillors and Officers Liability cover will protect any individual employee if they incur legal costs as a result of this issue.

Due to this matter involving legal advice Section 5.23(2)(d) allows Council discussion to be closed to members of the public should there be any general public in attendance.

RECOMMENDATION

For Council discussion and consideration.

[Attachment 2](#)

Cr McNeil declared a financial interest prior to the commencement of the meeting in relation to Agenda Item 7.1 and left the meeting at 2:12pm.

Cr Kerr left meeting at 2:59pm and returned back to the meeting at 3:05pm

10:2013/14

Moved Cr Dowsett, Seconded Cr Price that Council write to Lane Buck and Higgins offering to reimburse Mr Jim and Mrs Julie McNeil \$3,500 for loss off earnings, while also offering to rehabilitate half the existing gravel pit area, remove debris from fence to the satisfaction of Mr & Mrs McNeil and subject to amicable terms of agreement look to use the remaining gravel pit area for future road projects.

CARRIED 4-1

Cr McNeil returned to the meeting at 3:17pm

7.2 Request for Funds

NAME OF APPLICANT: Mr David Parsons, Wandering Cricket Club
FILE REFERENCE: 24.1.2
AUTHOR: CEO

SUMMARY:

Mr David Parsons has written to Council requesting funds to purchase materials for the Wandering Cricket Club to construct a mobile cricket net for use at the Community Centre town oval.

The cost of materials is \$1,625 (GST Exclusive) to construct a 8m long x 4m wide x 3m with a black polyethylene net covering the frame which would be on transport wheels.

The transportable training net would remain at the town oval as the Cricket Club would relocate training from the Cheetaning Street oval to the town oval on a permanent basis.

Details of the materials requested are provided at **Attachment 3**.

COMMENT:

Council have allowed provision of \$5,000 in the budget for contributions towards community and sporting groups.

At the time of writing this report the CEO is the President of the Wandering Cricket Club so a recommendation for the request for funds will not be made.

RECOMMENDATION:

For Council discussion and consideration.

The CEO declared an interest by way of perception of impartiality in relation to Agenda Item 7.2 prior to the meeting since he is the current President of the Wandering Cricket Club.

Cr Schorer also declared an interest by way of perception of impartiality in relation to Agenda Item 7.2 prior to the meeting since he is the current Treasurer of the Wandering Cricket Club.

[Attachment 3](#)

11:2013/14

Moved Cr Dowsett, Seconded Cr McNeil that Council purchase the materials for the Wandering Cricket Club to construct a mobile cricket net to a value no greater than \$1,625 (GST Exclusive), with payment of the funds subject to the Wandering Cricket Club obtaining a minimum of two quotes for the materials.

CARRIED 6-0

7.3 Purchase of Local Artwork

NAME OF APPLICANT: Mrs Erin Parsons
FILE REFERENCE: A454
AUTHOR: CEO

SUMMARY:

Mrs Erin Parsons has written to Council asking if Council would be interested in purchasing a piece of local artwork recently completed by Mrs Parsons.

The artwork will be displayed at the Wandering Fair Art Exhibition on Saturday 14 September 2013 and the asking price for the painting is \$1,000.

COMMENT:

Council have limited funds in the budget under Area & Tourism Promotion should Council decide that they would like to purchase the artwork.

RECOMMENDATION:

For Council discussion and consideration.

[Attachment 4](#)

12:2013/14

Moved Cr Kerr, Seconded Cr McNeil that Council decline the offer to purchase the piece of local artwork completed by Mrs Erin Parsons.

CARRIED 5-1

Council adjourned for afternoon tea at 3.32pm

Council returned from afternoon tea at 3:56pm

7.4 Shed – Lot 95 O’Connell Road, Blackboy Springs

NAME OF APPLICANT: Mr Mark and Mrs Nicole James
FILE REFERENCE: A454
AUTHOR: CEO

SUMMARY:

At the Ordinary Council Meeting held on Thursday 20 June 2013 Council received a second request from the owners of Lot 95 O’Connell Road to erect a 300m² colorbond® clad shed.

Council’s decision was to not allow the 300m² colorbond® clad shed on the property due to the significant variation of the request in relation to the existing Shire of Wandering Outbuilding Policy which only allows a shed up to 150m² to be installed.

Council’s resolution at the June 2013 Ordinary Meeting was as per below;

787:2012/13

Moved Cr Barge, Seconded Cr Price that the original decision stands however in light of the response from the landowners of Lot 95 O’Connell Road that all Rural Residential landowners be consulted on by Council with regard to conditions landowners would like in place in respect to the size of outbuildings.

CARRIED 6-1

MINUTES FOR THE MEETING HELD 19 SEPTEMBER 2013

The owners of Lot 95 O'Connell Road again wrote to Council in July 2013 to reconsider the two previous decisions as they feel that the decision is unreasonable.

COMMENT:

In line with the June 2013 resolution I wrote to a total of twelve neighbouring properties in the area located in the vicinity of Lot 95 O'Connell Road seeking their feedback on whether a 300m² should be allowed in the Blackboy Springs, in particular at the property located at Lot 95 O'Connell Road.

Submissions closed on Friday 6 September 2013 of which four of the twelve landowners responded. Responses from the 4 submissions were mixed with three landowners not in favour of allowing a 300m² while one landowner had no objections.

The owners of Lot 95 O'Connell Road have the ability to take the matter to the State Administrative Tribunal if they feel that Council's decision is unreasonable.

RECOMMENDATION:

For Council discussion and consideration.

[Attachment 5](#)

16:2013/14

Moved Cr McNeil, Seconded Cr Barge that Council allow the landowners of Lot 95 O'Connell Road to erect a 250m² shed.

CARRIED 4-3

The President used his casting vote to carry the original motion.

7.5 Change of Building Envelope - Lot 47 O'Connell Road, Wandering

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

SUMMARY:

An item was presented to the May ordinary meeting of Council with a request from the owners of Lot 47 O'Connell Road to "manipulate" the shape of the building envelope that would include the existing shed and allow a house to be built higher up on the property.

At that meeting it was resolved to approve the application, subject to no negative comments from affected neighbours.

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.

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 proposed 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 allowed size (1600m²).

COMMENT:

Letters were forwarded to those owners of properties that it was thought might be affected by the change in position of the envelope.

There was only one response and it was not in favour of the change. A copy is attached.

MINUTES FOR THE MEETING HELD 19 SEPTEMBER 2013

Basically the response is based on the assumption that the existing shed is a dwelling and that the proposed house will be a second dwelling.

The letter expresses the adjoining owners opposition to increased density via having a "second dwelling" on the property.

The shed that is referred to as a dwelling is a shed only. It has not been approved as a house.

It has been constructed to give the appearance of a house, i.e. it has a number of windows and a sliding glass door. Although I haven't seen inside the shed, I believe it has a toilet and ablution facilities.

However this is not completely uncommon in this area. There are a number of sheds in this subdivision that have windows, etc and ablution facilities.

I am sure there are a lot of sheds that are being used for temporary accommodation, whether it be for the permissible 3 days every 28 days or when constructing a dwelling.

It is not illegal to have windows in sheds nor is it illegal to have ablution facilities in sheds.

It IS illegal to convert a shed into a house without approval.

It may be a natural assumption that the existing shed is a dwelling due to its appearance, however this is not the case.

The argument about lack of privacy and increased noise and activity can possibly be dispelled by the fact that the proposed dwelling may house a couple plus a number of children, all with a vehicle and motor bikes etc.

This could generate a lot of noise as mentioned in the letter. It would not necessarily require a "second" dwelling to make life uncomfortable for the neighbour.

What is a legitimate argument is the statement that the proposed envelope change will allow the proposed house to be closer and higher up the hill, potentially closer to the owners of Lot 46.

The building envelope for the adjoining Lot 46 is right up the top of the property.

It is true this change to the envelope will permit any proposed dwelling to be closer to the envelope on Lot 46, however there is still considered adequate separation between the properties.

The response letter also mentions that the contours of the land in this area makes sound travel and that there is a noticeable drop in wildlife on the properties.

By altering the shape of the building envelope will not change this.

As mentioned, the existing shed is a shed only and cannot be used for constant habitation.

There is certainly potential for more activity and noise, but this can occur at any time with the construction of a dwelling or even a change in ownership.

However a complaint about the proposal has been received and Council has to decide whether to allow the request to extend the building envelope or disallow the request.

RECOMMENDATION:

That Council approves the change of shape of the building envelope on Lot 47 O'Connell Road Blackboy Springs as per the request received and advises the owner of Lot 46 O'Connell Road that the request has been approved due to the fact that the building on Lot 47 O'Connell Road is a shed and is not considered a second dwelling.

[Attachment 6](#)

13:2013/14

Moved Cr Barge, Seconded Cr McNeil that Council approves the change of shape of the building envelope on Lot 47 O'Connell Road Blackboy Springs as per the request received and advises the owner of Lot 46 O'Connell Road that the request has been approved due to the fact that the building on Lot 47 O'Connell Road is a shed and is not considered a second dwelling.

CARRIED 5-1

7.6 List of Accounts – August 2013

NAME OF APPLICANT: Accounts Officer
FILE REFERENCE: N/A
AUTHOR: Accounts Officer

SUMMARY:

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

RECOMMENDATION:

That all Cheque, EFT, wages, transport payments, transfers to investments, credit card payments, creditor payments and other vouchers from the Municipal and Trust Fund totalling \$267,772.46 be passed for payment.

[Attachment 7](#)

14:2013/14

Moved Cr Schorer, 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 \$267,772.46 be passed for payment.

CARRIED 6-0

7.7 Financial Reports – August 2013

NAME OF APPLICANT: Manager Administration & Finance
FILE REFERENCE: N/A
AUTHOR: Manager Administration & Finance

SUMMARY:

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

RECOMMENDATION:

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

[Attachment 8](#)

15:2013/14

Moved Cr Dowsett, Seconded Cr Kerr that Council endorse the monthly Financial Statements for the period ending 31 August 2013.

CARRIED 6-0

8. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

8.1 Wandering Wheatbelt Wine Awards

NAME OF APPLICANT: Darralyn Ebsary, Secretary Wheatbelt Wine Awards
FILE REFERENCE: 18.1.28
AUTHOR: CEO

SUMMARY:

A letter was received from the Secretary of the Wheatbelt Wine Awards inviting the Shire of Wandering to participate in the 2013 Wandering Wheatbelt Wine Awards.

There are three different levels of sponsorship again this year which are as follows;

GOLD \$1,000 Sponsorship and you receive 2 tickets to the Wine Awards
SILVER \$500 Sponsorship and you receive 1 ticket to the Wine Awards
BRONZE \$250 Sponsorship and you receive a set of wine glasses

Sponsors will also be recognised on a banner displayed on the evening as well as other forms of advertising on menus, flyers, website and local papers.

COMMENT:

Council have allowed provision in the budget for a contribution towards the Wheatbelt Wine Awards.

In the past couple of years Council have not participated in any of the sponsorship levels, however the Shire have provided the use of the photocopier for printing programs free of charge.

I have already spoken with Ms Ebsary and let her know that the use of the photocopier will again be available for the printing of the programs.

RECOMMENDATION:

For Council discussion and consideration.

11:2013/14

Moved Cr Schorer, Seconded Cr McNeil that Council purchase the SILVER sponsorship level for 2013 Wandering Wheatbelt Wine Awards.

CARRIED 4-1

11. NEXT MEETING

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

12. CLOSURE OF MEETING

There being no further business the President closed the meeting at 5:59pm

These Minutes were confirmed by Council at the Ordinary Council Meeting on Thursday 17 October 2013.

CR G G KERR, President