



# Minutes February 2010

**Minutes of the Ordinary Meeting held in the  
Council Chambers, Wandering  
on Wednesday 17 February 2010**

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

1:52pm - The President welcomed the CEO and all Councillors present and declared the meeting open.

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

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**Attendance:**

BE Dowsett	President
KJ Price	Councillor
DF White	Councillor
JR Mcneil	Councillor
KJ Barge	Councillor
JC Schorer	Councillor
M Whitely	CEO

**Apologies:**

GG Kerr	Vice President
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**3. Public Question Time**

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As there were no members of the public present there were no questions asked.

**4. Applications for Leave of Absence**

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Cr White requested a leave of absence for the March ordinary meeting.

320:2009/10

Moved Cr McNeil, Seconded Cr Barge that Cr White be granted a leave of absence for the March Ordinary Meeting.

**CARRIED 5-0**

**5. Confirmation of Minutes of Previous Meetings**

**Shire of Wandering Ordinary Meeting held 17 December 2009**

321:2009/10

Moved Cr Price, Seconded Cr White that minutes of the Shire of Wandering Ordinary Meeting held 18 December 2009 to be confirmed as a true and correct record.

**CARRIED 6-0**

**Shire of Wandering Annual Electors Meeting held 9 February 2010**

322:2009/10

Moved Cr Price, Seconded Cr White that the minutes of the Shire of Wandering Annual Electors Meeting held 9 February 2010 be received.

**CARRIED 6-0**

## **6. MATTERS REQUIRING COUNCIL DECISION**

### **6.1 List of Accounts – December 2009**

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

**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 \$96,300.18 be passed for payment.

[Attachment 3](#)

**334:2009/10**

**Moved Cr Price, Seconded Cr White 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 \$96,300.18 be passed for payment.**

**CARRIED 6-0**

### **6.2 List of Accounts – January 2010**

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

**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 \$74,885.76 be passed for payment.

[Attachment 4](#)

**334:2009/10**

**Moved Cr Price, Seconded Cr White 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 \$74,885.76 be passed for payment.**

**CARRIED 6-0**

### **6.3 Financial Reports – December 2009**

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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 ending 31 December 2009.

**RECOMMENDATION:**

That Council endorse the monthly Financial Statements for the period ending 31 December 2009.

[Attachment 5](#)

334:2009/10

Moved Cr Price, Seconded Cr White that Council endorse the monthly Financial Statements for the period ending 31 December 2009.

CARRIED 6-0

## 6.4 Financial Reports – January 2010

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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 ending 31 January 2010.

**RECOMMENDATION:**

That Council endorse the monthly Financial Statements for the period ending 31 January 2010.

[Attachment 6](#)

334:2009/10

Moved Cr Price, Seconded Cr White that Council endorse the monthly Financial Statements for the period ending 31 January 2010.

CARRIED 6-0

## 6.5 Local Government Structural Reform

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 1.1.21  
**AUTHOR:** CEO

**SUMMARY:**

As part of the Local Government Reform process the Minister has notified individual Shires of his intention to form Regional Transition Groups (RTG's) with the view of these RTG's transitioning into a single entity by 2013. The Regional Transitional Grouping for Wandering includes the areas of Wandering, Boddington, Pingelly and Brookton.

The RTG meeting will be held at 11am on 16 February 2010 at the Shire of Boddington in the Council Chambers and all Councillors are welcome to attend.

**COMMENT:**

A summary on the outcomes of the meeting will be discussed at the Council meeting.

**RECOMMENDATION:**

For Council information.

[Attachment 7](#)

## 6.6 Relocation of Building Envelope – Lot 94 O'Connell Rd, Blackboy Springs

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**NAME OF APPLICANT:** Mr Darryl & Mrs Julie Hassett  
**FILE REFERENCE:** 28.1.1.2  
**AUTHOR:** CEO

**SUMMARY:**

Darryl & Julie Hassett wrote to the Shire on 15 September 2009 requesting to relocate the existing building envelope at their property located at Lot 94 O'Connell Rd in Blackboy Springs.

For properties zoned Rural Residential a 1,600m<sup>2</sup> building envelope (to separate neighbours, contain buildings, retain remnant vegetation etc.) has been adopted. This envelope may be relocated if all parties

(owner, Shire, adjoining owners) agree and a fee of \$127 to process applications is required to be paid. All development, including water tanks, is to be contained within the building envelope. However, it is acknowledged that due to the reliance on on-site water supplies (dam and roof catchment), some property owners may desire to locate water storage tanks outside the building envelope. As such, Council has developed a procedure for this:

- Applications for location of a water storage tank outside the building envelope are to be considered as a relocation of the building envelope and processed in the same manner as the relocation of a building envelope.
- As a general rule, water tanks subject to an application under the Policy are to be no larger than 100,000 Litres unless otherwise specifically approved by Council.
- All water tanks and structures that are approved under this Policy are to be painted or finished externally in a colour that is in harmony with the setting. Shades of brown or green are preferred. Reflective materials will not be approved.
- As far as is practical, existing vegetation is not to be removed for the construction of the water tank or structure.
- In areas where the tank or structure will be highly visible, screening with tree planting may be imposed as a condition.
- Setbacks (50m from Moramocking Road, 30m from the front boundary to other roads or the common boundary with the State Forest and any watercourse or drainage line and 10m for all other boundaries) is still required to be maintained. Septics and leach drains to be a minimum of 50m from any watercourse.

**COMMENT:**

The applicant has complied with the conditions by contacting the surrounding landowners, with copies of the landowner's responses and the location of Lot 94 O'Connell Rd shown at attachment 8. While there has been no mention of water storage tanks to be located outside of the building envelope, these conditions will still form part of the condition in relocating the building envelope.

The Delegations Register states that "the Chief Executive Officer be delegated indefinite authority to alter the location of building envelopes on request from the owner and in liaison with the adjoining landowners". Since the correct steps have been taken by Mr & Mrs Hassett there appears no reason not to approve their request.

**RECOMMENDATION:**

That Council approve the request to relocate the building envelope for Lot 94 O'Connell Rd, Blackboy Springs as per the plans submitted with the following conditions;

- Setbacks (50m from Moramocking Road, 30m from the front boundary to other roads or the common boundary with the State Forest and any watercourse or drainage line and 10m for all other boundaries) is still required to be maintained.
- Septics and leach drains to be a minimum of 50m from any watercourse.
- Applications for location of a water storage tank or other structures outside the building envelope are to be considered as a relocation of the building envelope and processed in the same manner as the relocation of a building envelope.
- As far as is practical, existing vegetation is not to be removed for the construction of the water tank or structure.
- All other building requirements are adhered to.

[Attachment 8](#)

**323:2009/10**

**Moved Cr Schorer, Seconded Cr McNeil that Council approve the request to relocate the building envelope for Lot 94 O'Connell Rd, Blackboy Springs as per the plans submitted with the following conditions;**

- **Setbacks (50m from Moramocking Road, 30m from the front boundary to other roads or the common boundary with the State Forest and any watercourse or drainage line and 10m for all other boundaries) is still required to be maintained.**
- **Septics and leach drains to be a minimum of 50m from any watercourse.**
- **Applications for location of a water storage tank or other structures outside the building envelope are to be considered as a relocation of the building envelope and processed in the same manner as the relocation of a building envelope.**
- **As far as is practical, existing vegetation is not to be removed for the construction of the water tank or structure.**
- **All other building requirements are adhered to.**

**CARRIED 6-0**

## **6.7 Relocation of Building Envelope – Lot 16 O’Connell Rd, Blackboy Springs**

**NAME OF APPLICANT:** Mr Barri Lythe and Ms Caroline Badger  
**FILE REFERENCE:** 28.1.1.2  
**AUTHOR:** CEO

**SUMMARY:**

Barri Lythe and Caroline Badger wrote to the Shire in October 2009 requesting to relocate the existing building envelope at their property located at Lot 16 O’Connell Rd in Blackboy Springs.

For properties zoned Rural Residential building envelopes may be relocated if all parties (owner, Shire, adjoining owners) agree and a fee of \$127 to process applications is required to be paid.

**COMMENT:**

The applicant has written to the surrounding landowners, paid the application fee and copies of the landowner’s responses, property location and planning approval are shown at attachment 9.

**RECOMMENDATION:**

That Council approve the request to relocate the building envelope for Lot 16 O’Connell Rd, Blackboy Springs as per the plans submitted with the following conditions;

- Setbacks (50m from Moramocking Road, 30m from the front boundary to other roads or the common boundary with the State Forest and any watercourse or drainage line and 10m for all other boundaries) is still required to be maintained.
- Septics and leach drains to be a minimum of 50m from any watercourse.
- Applications for location of a water storage tank or other structures outside the building envelope are to be considered as a relocation of the building envelope and processed in the same manner as the relocation of a building envelope.
- As far as is practical, existing vegetation is not to be removed for the construction of the water tank or structure.
- All other building requirements are adhered to.

[Attachment 9](#)

**324:2009/10**

**Moved Cr Schorer, Seconded Cr Dowsett that Council approve the request to relocate the building envelope for Lot 16 O’Connell Rd, Blackboy Springs as per the plans submitted with the following conditions;**

- **Setbacks (50m from Moramocking Road, 30m from the front boundary to other roads or the common boundary with the State Forest and any watercourse or drainage line and 10m for all other boundaries) is still required to be maintained.**
- **Septics and leach drains to be a minimum of 50m from any watercourse.**
- **Applications for location of a water storage tank or other structures outside the building envelope are to be considered as a relocation of the building envelope and processed in the same manner as the relocation of a building envelope.**
- **As far as is practical, existing vegetation is not to be removed for the construction of the water tank or structure.**
- **All other building requirements are adhered to.**

**CARRIED 6-0**

## **6.8 Royalties for Regions Funding**

**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 12.1.5  
**AUTHOR:** CEO

**SUMMARY:**

At the recent Local Government Structural Reform meeting held at Ascot race course on 9 February 2010 the Hon Brendon Grylls MLA, Minister for Regional Development, Lands discussed in greater detail the

decision to “defer” payments for the 09/10 Royalties for Regions Program. Mr Grylls commented that the Royalties for Regions program, which is directly linked to mining royalties in our State, has been deferred due to a decline in mining royalties in the first half of the financial year and the need to extinguish a \$130m budget shortfall in the Regional Development & Lands portfolio following the budget review process at the end of 2009.

Mr Grylls expressed that while the Royalty payments were currently “deferred” for the 09/10 financial year, if there was a significant upturn in mining royalties in the second half of the financial year then a payment for the 09/10 financial could still be made. However, if the \$130m deficit could not be replenished in the next 6 months then the 09/10 Royalties for Regions funds would be cut and would not be carried forward to subsequent years.

**COMMENT:**

There must be grave concerns of receiving any entitlement in the 09/10 financial year under the Royalties for Regions program and this must be taken into consideration when undertaking the budget review process for the Shire of Wandering.

**RECOMMENDATION:**

For Council information.

[Attachment 10](#)

## **6.9 Clearing along a Fence Line – IJ & M Baker**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 30.1.1  
**AUTHOR:** CEO

**SUMMARY:**

On Tuesday 2 February 2010 I received a phone call to inform me of an area that had been cleared along the York Williams Rd, just after you turn off the Wandering Pingelly road heading towards Williams. The initial tone of the phone call was to ask if the Shire of Wandering had give approval to clear the land, and secondly to voice their grievance that the land that been cleared.

At the time I received the phone call I personally was not aware of the land being cleared, nor at any stage had the Shire been consulted, or given approval for that matter in relation to the clearing of the land.

Under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 the Regulations state that an area of up to 1 hectare or 10,000 m<sup>2</sup> can be cleared in any given financial year, of which no more than 1.5 m between the alienated land and crown land may be cleared.

**COMMENT:**

On inspection of the area, I calculated a maximum of 9,000 m<sup>2</sup> had been cleared based on a total length of 300m and a depth of 30m. As the area had been cleared it is difficult to ascertain what area of crown land has been cleared, but it would appear that this area may have exceeded the maximum width of 1.5m as per the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

The crown land in question is a road reserve which comes under the Shire of Wandering’s jurisdiction and there was no notification from IJ & M Baker of their intention to clear the area. I have taken some photos of the area which are included along with sections of the Regulations in the attachment.

[Attachment 11](#)

**RECOMMENDATION:**

That Council take the following course of action;

- (i) Write to IJ & M Baker stating that
  1. Council are disappointed they have not been consulted during the process,
  2. That under Item 11(a) of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, it is Council’s view that the clearing of fence line in relation to the crown land at their York-Williams Rd property may have exceeded the 1.5m provision, and
  3. That any future occurrence of a similar nature will result in appropriate action being taken

- (ii) Put a notice in the Wandering Echo clearing outlining the ruling for clearing of a fence line under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 with a statement from Council that breaches under these Regulations will not be tolerated.

**325:2009/10**

**Moved Cr Schorer, Seconded Cr Barge that the CEO seek further advise from the Department of Environment and Conservation to clarify Council's responsibilities in relation to the clearing of roadside vegetation.**

**CARRIED 6-0**

## **6.10 Relocation of Wandering Public Library**

**NAME OF APPLICANT:** Wandering Telecentre  
**FILE REFERENCE:** 10.1.16  
**AUTHOR:** CEO

### **SUMMARY:**

The Wandering Telecentre submitted a proposal to the Shire of Wandering on 10 February 2010 for the relocation of the Wandering Public Library from the Shire Offices to the Telecentre.

The proposal put forward is for the Shire to provide an annual payment of \$12,168, which is based on 13 hours a week at an hourly rate of \$18. In addition to the annual payment the proposal also asks for the Shire to pay for the following costs;

- Any damage, loss, repair or replacement costs associated with the Library equipment or resources
- IT infrastructure, support, maintenance and replacement
- All stationary and freight costs associated with the library
- Insurance covering stock

### **RECOMMENDATION:**

For Council discussion.

[Attachment 12](#)

***Cr Barge declared an interest in Agenda 6.10 and left the meeting at 2.56pm***

**326:2009/10**

**Moved Cr Schorer, Seconded Cr Barge that Council support the proposed relocation of the Public Library under the following conditions;**

- **The Shire of Wandering make an annual contribution of \$10,000 per annum to the Wandering Telecentre**
- **The Wandering Telecentre will be responsible for any damage, loss, repair or replacement costs associated with library equipment or resources**
- **The Wandering Telecentre will be responsible for all IT infrastructure, support, maintenance and replacement costs**
- **The Wandering Telecentre will be responsible for all stationary and freight costs associated with the library**
- **The Wandering Telecentre will be responsible for insuring all library stock**

**CARRIED 4-1**

***Cr Barge returned to the meeting at 3.18pm***

## 6.11 Accident Report – Barbara Roberts

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**NAME OF APPLICANT:** Ms Barbara Roberts  
**FILE REFERENCE:** 14.1.5  
**AUTHOR:** CEO

**SUMMARY:**

I received a letter from Barbara Roberts stating that she was involved in a single vehicle accident on the Bannister Road on 27 December 2009.

Ms Roberts has indicated that she sustained a fractured sternum from the accident and is seeking some form of compensation for loss of wages, medical expenses, vehicle repairs, etc.

The accident was reported to the police on the day of the accident and a police report number has been quoted in her letter.

**COMMENT:**

I have not spoken or contacted Barbara Roberts since receiving her letter on 27 January 2010 and have forwarded the details of her letter to our Insurers, who will deal Ms Roberts directly.

**RECOMMENDATION:**

For Council information.

[Attachment 13](#)

## 6.12 Wandering Town Dams

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 32.1.1  
**AUTHOR:** CEO

**SUMMARY:**

I have had initial discussions with David Juers, Manager Business Services in the Great Southern Region for the Water Corporation about the possibility of utilising the existing town dams in Wandering and expressed my interest in accessing one or both of the town dams.

Following a further discussion I had with Mr Juers on Thursday 11 February 2010, he has indicated that the Water Corporation are keen to form a relationship with the Shire of Wandering and for the Water Corporation to provide the Shire access to the top dam.

While discussions are still in their infancy, there is no doubt the Water Corporation will request some form of financial commitment for the Shire to access the town dam/s. The likely outcome of the arrangement being that in return for the Shire having access to the water, the Shire would be asked to provide and/or maintain certain areas such as;

- Install a standpipe at the town dam site for public use
- Maintain the existing catchment area
- Maintain water levels at the second town dam
- Pay a nominal fee for the usage of the water

I have indicated that while the Shire is keen to formalise some form of agreement with the Water Corporation to access the town dams, the Shire is not interested in entering into an arrangement that would make the arrangement prohibitive as a result of costs associated with establishing, maintaining and utilising the water services.

**RECOMMENDATION:**

For Council information.

## 6.13 Roads to Recovery

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 12.1.7  
**AUTHOR:** CEO

**SUMMARY:**

At the Special Meeting held on Thursday 21 January 2010 there was much discussion on the 2009/10 road program and in particular the road funding in relation to the Roads to Recovery program. At this meeting Council agreed that there had been a budgeting error with the Wandering North Road which should have formed part of the Roads to Recovery program.

I have been able to access the Roads to Recovery website for the 2009/10 financial year and as it turned out there where no road programs entered into the system for this financial year, so I have simply been able to add the Wandering North Road to the 2009/10 Roads to Recovery program.

**RECOMMENDATION:**

For Council information.

**327:2009/10**

**Moved Cr Price, Seconded Cr McNeil that the CEO arrange for compaction testing on the Wandering North Road with the view to seal the 1km section in the 2009/10 financial year.**

**CARRIED 6-0**

## 6.14 Regional Road Group

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 12.1.6  
**AUTHOR:** CEO

**SUMMARY:**

At the same Special Meeting held on Thursday 21 January 2010 there was also much discussion on the 2009/10 road program for the Regional Road Group.

Council resolved the need to extinguish the 2009/10 funds and the balance of the 2008/09 funds carried forward in a timely manner and identified the section of road on the North Bannister Wandering Road from Avon Downs to the Albany Highway turnoff (SLK 0.00 – SLK 6.63) as a priority section.

There was also mention due to the timing constraints left to complete the Regional Road Group program that Council look at utilising the services of various contractors to complete the road works.

**COMMENT:**

Since the special meeting I have been in touch with Megan Holding from Main Roads WA requesting that the Shire be able to alter some of the scheduled road programs funded in the 2008/09 and 2009/10 years due to the urgency of the maintenance required on the North Bannister Wandering Road as mentioned above (SLK 0.00 – 6.63)

Keith Dickerson is also preparing a report for Council on Monday 15 February 2010 as to the condition of the North Bannister Wandering Road and the suggested works required. I hope to have this report for the Council meeting.

I have also been in contact with Williams and Cuballing Shires, as well as various contractors as to the level of interest and availability to help with the road program and I will provide Council with an update at the Meeting.

**RECOMMENDATION:**

For Council discussion.

**328:2009/10**

**Moved Cr Price, Seconded Cr McNeil that the CEO speak with Main Roads seeking permission to alter the 2009/10 Regional Road Group program and further, on the assumption that permission will be given to alter the project, that the CEO start negotiations with contractors with the view to commencing the road program as soon as possible.**

**CARRIED 6-0**

## **6.15 Works Supervisor**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 1.2.2  
**AUTHOR:** CEO

**SUMMARY:**

Since Alan Dunn's resignation in October 2009 the position of Works Supervisor has remained vacant. It is clearly apparent that the Works Supervisor position is an integral part of the Shire's road maintenance and construction program.

**COMMENT:**

Although there have been difficulties in filling the Works Supervisor position in the past, it is noticeable that the absence of a Works Supervisor has caused difficulties within the organisation and making an attempt to fill the position with a suitable person is imperative if the Shire is to embark on an improved road maintenance schedule.

**RECOMMENDATION:**

That Council advertise the position of Work Supervisor immediately.

**329:2009/10**

**Moved Cr Schorer, Seconded Cr Barge that Council advertise the position of Works Supervisor immediately.**

**CARRIED 5-1**

## **6.16 Haines Norton Contract**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 10.1.16  
**AUTHOR:** CEO

**SUMMARY:**

Council entered into an agreement with Haines Norton for the provision of Local Government Accounting Services for a six month period which expires 28 February 2010.

Under the current agreement the Shire pays Haines Norton a monthly fee of \$4,800 + GST and any further requirements such as preparation of the Annual Statements, Budget and Budget Review incur an additional charge.

I have asked for some indicative prices if the Shire were to utilise Haines Norton to complete all of the financial requirements and under the existing arrangement the cost over a 12 month period would be as follows;

Preparation of Monthly Financials @ \$4,800 per month	\$57,600
Preparation of Budget	\$6,000
Completion of Annual Statements	\$8,000
Budget Review Template	<u>\$2,500</u>
<b>Total Cost</b>	<b>\$74,100</b>

The total the cost of the accounting services under the current arrangement then comes to **\$74,100 + GST** and any supplementary works required for the budget, budget review, annual statements and monthly reports would be charged as additional to the above at a set hourly rate.

**COMMENT:**

While I acknowledge the work completed by Haines Norton is of a high standard, I have concerns in regards to the costs involved for what is essentially only the provision of an accounting service.

I believe Council would be much better off both financially and resource wise within the office if an additional staff member were appointed and the financials were completed in house by the Shire.

**RECOMMENDATION:**

For Council discussion.

**330:2009/10**

**Moved Cr Barge, Seconded Cr McNeil that Council advertise the position of Finance Officer/Senior Finance Officer immediately.**

**CARRIED 5-1**

## **6.17 Town Maintenance**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 1.2.2  
**AUTHOR:** CEO

**SUMMARY:**

Since October 2009 the outside crew have effectively been a worker down when Chris Little left the Shire and was not subsequently replaced.

Currently Peter Borg is being used in a variety of roles from road maintenance, town maintenance, gardening and anything in between and John Horan (10 hours a week) has been assisting him around town. Peter has been doing a commendable job, but in the absence of an additional member on the gang, and the unreliability of John Horan, Peter simply does not have the time by himself to complete all the work that is required and as a consequence both road and town maintenance are suffering.

**COMMENT:**

There is a need for an additional worker to be employed who can be used in multiple roles from removing trees, roadside spraying/slashing, roller driver, town maintenance, gardening, etc. Depending on the suitability of applicants, the position can be moulded to suit a variety of roles.

**RECOMMENDATION:**

That Council advertise for a Road/Town Maintenance position.

**331:2009/10**

**Moved Cr Price, Seconded Cr Barge that the proposed Road/Maintenance position be reviewed after the appointment of a Works Supervisor.**

**CARRIED 6-0**

## **6.18 Subdivision - Avon Location 1584**

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**NAME OF APPLICANT:** Mr John Mellows  
**FILE REFERENCE:** 11.1.2  
**AUTHOR:** CEO

**SUMMARY:**

A letter has been received from Mr John Mellows seeking permission to divide Avon Location 1584 into two separate locations. The application from Mr John Mellows has suggested that the division run west to east with both frontages facing the North Bannister Wandering Road.

The applicant proposes to leave the current residence as it is and erect a transportable building on the adjoining block.

**COMMENT:**

Under the existing Town Planning Scheme, Avon Location 1584 is zoned Rural and at first glance the property would not be considered for any form of subdivision. However, due to the unique location of the property with the Wandering Brook running almost directly through the middle there is certainly an argument for the applicant to be able to divide the location on the basis that there is a significant differentiating factor (being Wandering Brook) which would give Council the opportunity to consider the proposal.

I have spoken with Mr Joe Douglas from Urban and Rural Planning and he is going to provide me with some additional information that I will be able to present to Council at the meeting so that we can be a little more informed before making a decision.

**RECOMMENDATION:**

For Council discussion.

[Attachment 14](#)

*Cr Dowsett declared an interest in Agenda Item 6.18 and left the meeting at 5:07pm*

332:2009/10

Moved Cr Price, Seconded Cr Barge that Council support the proposed subdivision on the basis of creating a homestead lot as per the conditions stated in Clause 4.9 of the Development Control Policy 3.4 ruling.

CARRIED 5-0

*Cr Dowsett returned to the meeting at 5.22pm*

## 6.19 Schorer Road Industrial Subdivision

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**NAME OF APPLICANT:** Combined Property Settlement Agency Pty Ltd  
**FILE REFERENCE:** 2.1.10  
**AUTHOR:** CEO

**SUMMARY:**

I have received two separate forms of correspondence, an email dated 18 January 2010 and a letter dated 25 January 2010, from a Diane Brady of Combined Property Settlement Agency Pty Ltd in relation to Lot 51 Wandering Pingelly Road.

Ms Brady writes that she received instruction to settle the above property in December 2007 and the contract was stamped in January 2008. In February 2008 when she followed up to find out when the deposited plan or diagram would be available it was advised it was still some time away. Since February 2008 she has not heard anymore and was wondering when there would be any information regards to the issue of a deposited plan or diagram number.

There has been no payment made to Nidanjabi Pty Ltd since the resolution to purchase the land was made at the Ordinary Council Meeting held 16 August 2007.

**COMMENT:**

If not already finished, then the deposited plan or diagram number details need to be completed in order for the payment of the land to Nidanjabi Pty Ltd to be finalised.

**RECOMMENDATION:**

For Council discussion.

[Attachment 15](#)

***Cr Schorer declared an interest in Agenda Item 6.19 and left the room at 5.27pm***

Council agreed the CEO liaise with Nidanjabi Pty Ltd and the surveyors Brooke & Marsh with the view to excise the proposed industrial subdivision land from the existing title and completing the sale of land transaction as the original agreement in August 2007 if Nidanjabi Pty Ltd are still content to proceed under the original terms and conditions.

***Cr Schorer returned to the meeting at 6.04pm***

**6.20 Fuel Facility Outlet**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 11.1.2  
**AUTHOR:** CEO

**SUMMARY:**

At the December Ordinary Council Meeting a resolution was passed to instruct the consultant for the fuel facility outlet to proceed with the next stages of the terms of reference.

Since the December there has been no further consultation and direction is sought in regards to progressing the fuel facility outlet.

**RECOMMENDATION:**

For Council discussion.

***Full Council left the meeting at 6.43pm to look at the proposed fuel facility site***

***Full Council returned to the meeting at 7:05pm***

**333:2009/10**

Moved Cr Price, Seconded Cr Schorer that the CEO consult with Cooper Engineering Services Pty Ltd regarding the boundary setback requirements, the positioning of the tanks and fuel dispensers on the site, and works commence to start levelling the proposed site.

**CARRIED 6-0**

**7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**9. COUNCIL INFORMATION BULLETIN**

**President Dowsett**

Meetings Attended

Australia Day Breakfast

Annual Electors Meeting

Regional Transitional Group

Questions Without Notice

Raised concerns over the dumping of foreign material in the green waste and requested that another notice be included in the Wandering Echo regarding the usage of the Refuse Site.

**Councillor White**

Meetings Attended

Australia Day Breakfast  
Annual Electors Meeting

**Councillor McNeil**

Meetings Attended

Australia Day Breakfast  
Annual Electors Meeting

Questions Without Notice

Tree on the Wandering Pingelly Road needs to be lopped

**Councillor Barge**

Meetings Attended

Australia Day Breakfast  
Annual Electors Meeting  
Local Government Reform Forum  
Regional Transitional Group

**Councillor Price**

Meetings Attended

Australia Day Breakfast  
Annual Electors Meeting  
Regional Transitional Group

Questions Without Notice

With the recent media coverage of the FESA Catastrophic Fire Warnings, requested that the agenda item for this matter be withdrawn from the upcoming Central Country Zone meeting.  
Len Zuk to be invited to the March meeting

***Cr White left the meeting at 7:48pm***

**Councillor Schorer**

Meetings Attended

Regional Transitional Group

Questions Without Notice

Requested an update on the Industrial Subdivision

## **10. NEXT MEETING**

Next Ordinary Council meeting to be held on Thursday 18 March 2010 commencing at 11:00am.

## **11. CLOSURE OF MEETING**

As there was no further business the meeting was closed at 8:26pm.

**These Minutes were confirmed by Council at the Ordinary Council Meeting  
on Thursday, 18<sup>th</sup> March 2010.**

**CR B E DOWSETT, Chairman**