

ORDER OF BUSINESS

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**Minutes of the Ordinary Meeting held in the
Council Chambers, Wandering
on Thursday 15 April 2010**

1. Declaration of Opening/Announcement of Visitors

2:12pm - The President welcomed all present and declared the meeting open.

2. Record of Attendance/Apologies/Leave of Absence

Attendance:

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

Apologies:

3. Public Question Time

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

4. Applications for Leave of Absence

348:2009/10

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

CARRIED 7-0

5. Confirmation of Minutes of Previous Meetings

Shire of Wandering Ordinary Meeting held 18 March 2010

349:2009/10

Moved Cr Price, Seconded Cr McNeil that minutes of the Shire of Wandering Ordinary Meeting held 18 March 2010 to be confirmed as a true and correct record.

CARRIED 7-0

6. MATTERS REQUIRING COUNCIL DECISION

6.1 Road Inspection

NAME OF APPLICANT: CEO
FILE REFERENCE: 33.1.21
AUTHOR: CEO

SUMMARY:

As Council would be aware we will be conducting the annual road inspection prior to the Ordinary Meeting. Copies of the road reports prepared by Keith Dickerson are also tabled for Council information.

COMMENT

Council to have discussions on the findings from the road inspection and identify the priority roads for the 2010/11 Draft Budget.

[Attachment 2](#)

There was general discussion on the findings from the road inspection and projects for the 2010/11 Roads to Recovery and Regional Road Group program were identified. It was AGREED that the Dwarda Crossman/Reid Rd intersection and the York Williams Rd would be earmarked as Roads to Recovery projects while funds from Regional Road Group funding be utilised on the North Bannister Wandering Rd and Wandering Pingelly Rd. Both road programs would be discussed in more detail before adopting the 2010/11 Budget.

6.2 Roads to Recovery - North Wandering Road

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

SUMMARY:

At the beginning of March the CEO contacted Bret Howson, from Howson Management and asked if he would be able to perform some compaction testing on the section of North Wandering Road which has been prepared to seal as part of the Roads to Recovery program. The testing was completed on 15 March 2010 and the results all achieved a score of greater than 97%, meaning that the section is good for immediate sealing.

COMMENT

Following the positive results the CEO made some enquiries to the availability of contractors to seal the section on North Wandering Road.

Since RNR Contracting were the only contractors available for mid April, no other quotations were requested. However, when requests for quotes were sought in September 2009 for proposed works on the North Wandering Road and North Bannister-Wandering Roads, of the 3 quotations received from RNR Contracting, Pioneer Services and Downer Edi Works, RNR Contracting were the lowest of the three contractors.

RNR Contracting have provided Council with a number of choices, however after discussing the works to be completed with Darren Redeckis from RNR Contracting his suggestion was to provide a one coat emulsion mix with 10mm blue metal, followed by a 14mm second coat within the following 12 months. Given that it is getting late in the season, Darren felt this was the most appropriate application and this course of action would reduce the risk of bleeding in the summer.

I am still waiting on pricing from RNR Contracting which will be distributed at the meeting.

I have tentatively booked RNR Contracting to complete the works on Wednesday 21 April 2010. Although this is later than preferred it will allow for Council discussion and for the works crew to tidy up the area to be sealed on the Tuesday since Monday will be their rostered day off.

RECOMMENDATION:

Subject to approval of the quotations from RNR Contracting, that Council proceed with bituminising the North Wandering Road.

[Attachment 3](#)

350:2009/10

Moved Cr Barge, Seconded Cr White that subject to confirmation of pricing from RNR Contracting, Council proceed with bituminising the North Wandering Road.

CARRIED 7-0

6.3 Regional Road Group - North Bannister Wandering Road

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

SUMMARY:

On 22 February 2010 Stabilisation Technologies conducted some testing on the North Bannister-Wandering Road from SLK 0.00 – SLK 8.00 with the view to cement stabilise the worst affected areas on that portion of the road. Siva Thillainath from Stabilisation Technologies is also preparing a detailed report for Council outlining the work required to be completed prior to cement stabilising (part of the report is included in Attachment 3) including shoulder widening, road realignment drainage and other issues as identified in the report.

COMMENT

The cost to cement stabilise is not cheap and equates to approximately \$100,000 per km once bituminising is taken in account. The advantage of getting Stabilisation Technologies to assist with the work is that once all of the preliminary works are completed then they will be able to prepare each 1km section of road in just a few days.

My suggested course of action is to undertake all of the preliminary works then carry out as much cement stabilisation and seal work as the budget allows. I would also appoint Siva Thillainath as the Project Manager to oversee the project at a cost of \$85 per hour.

Careful consideration must also be given to ensure that each component of the project is less than \$100,000 otherwise Council will need to follow the tender procedures. The CEO has also been in contact with the Shire's of Williams and Cuballing to see if they will be able to assist and the Shire of Cuballing will be able to do so, however the Shire of Williams are still in the process of completing their own 2009/10 road program and will be unable to assist on this occasion.

Under the Local Government Act there is also provision for Council to close the North Banister-Wandering Road to all traffic to allow the works crew to work uninterrupted. Below are the relevant extracts relating to the closure of roads to vehicles;

3.50 Closing certain thoroughfares to vehicles

(1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*

(1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*

(2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*

(3) *[deleted]*

(4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —*

(a) give local public notice of the proposed order giving details of the proposal, including the

location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made.

(5) The local government is to send to the Commissioner of Main Roads appointed under the [Main Roads Act 1930](#) a copy of the contents of the notice required by subsection (4)(a).

(6) An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.

(7) [deleted]

(8) If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.

(9) The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.

3.51 Affected owners to be notified of certain proposals

(1) In this section —

person having an interest, in relation to doing anything, means a person who —

(a) is the owner of the land in respect of which that thing is done, or any land that is likely to be adversely affected by doing that thing;

(b) is shown on the title to any of the land mentioned in paragraph (a) as holding an interest in any of that land; or

(c) is prescribed for the purposes of this section.

(2) This section applies to —

(a) fixing or altering the level of, or the alignment of, a public thoroughfare; or

(b) draining water from a public thoroughfare or other public place onto adjoining land.

(3) Before doing anything to which this section applies, a local government is to —

(a) give notice of what is proposed to be done giving details of the proposal and inviting submissions from any person who wishes to make a submission; and

(b) allow a reasonable time for submissions to be made and consider any submissions made.

(4) The notice is to be given —

(a) in writing to each person having an interest; and

(b) if any land is likely to be adversely affected by the doing of the thing, by local public

In brief, if Council give public notice and notify affected landowners then closing the North Bannister-Wandering Road is an option that should be considered very seriously. Given that it is the middle of April and the funds need to be expended by the end of the financial year, an uninterrupted run at the roads works will assist greatly. Another factor for the road closure is that it will eliminate the need for traffic control operators which will free up 2-3 workers per day and saving as much as \$60,000 over the course of the project.

RECOMMENDATION:

That Council take the following course of action;

1. Engage Siva Thillainath as project officer
2. Shire of Wandering in conjunction with assistance the Shire of Cuballing complete the preliminary works
3. Give public notice of the intention to close the North Bannister-Wandering from the Albany Highway entrance and just north of Bannister Road
4. Inform all landowners, service providers (eg. Ambulance, fire brigade, etc) of the road closure
5. Commence works as soon as possible after public notice is given

[Attachment 4](#)

351:2009/10

Moved Cr McNeil, Seconded Cr White that Council take the following course of action;

- 1. Engage Siva Thillainath as project officer**
- 2. Shire of Wandering in conjunction with assistance the Shire of Cuballing complete the preliminary works**
- 3. Give public notice of the intention to close the North Bannister-Wandering from the Albany Highway entrance and just north of Bannister Road**
- 4. Inform all landowners, service providers (eg. Ambulance, fire brigade, etc) of the road closure**
- 5. Commence works as soon as possible after public notice is given**

CARRIED 7-0

6.4 Retaining Wall – Lot 108 Humes Way Wandering

NAME OF APPLICANT: Janet & Wade Gowland
FILE REFERENCE: A 419
AUTHOR: EHO/BS

SUMMARY

To gain Council's approval to erect a retaining wall along the front boundary of Lot 108 Humes Way Wandering. A Residence is currently being built on the site and the site conditions have necessitated the installation of an alternative waste water treatment unit (a Biolytix System) which requires a 300m² area for effluent disposal into sand. To do this the area at the front of the residence facing Humes Way is required to be built up and retained to contain the sand fill.

COMMENT

The retaining wall is to be constructed out of limestone blocks and will vary across the front of the Lot from 1 metre to 2 metres high dependent on the contours of the Lot as shown on the attached drawing. It should be noted that the finished floor level of the residence on the property is 12.70 which is approximately 1.8 metres above the lowest point of the Lot located on the south east corner of the Lot. The Town Planning Scheme defines a retaining wall as a building as well as the Building Code of Australia but the TPS does not mention any special requirements for retaining walls. The Residential Design Codes also mentions retaining walls on front boundaries more along the lines of the appearance and clear views between the road and the residence all of which in my opinion will be achieved.

RECOMMENDATION:

That approval is granted to the applicants Janet and Wade Gowland to construct a limestone block retaining wall along the front boundary of Lot 108 Humes Way Wandering.

[Attachment 5](#)

352:2009/10

Moved Cr Schorer, Seconded Cr Barge that approval is granted to the applicants Janet and Wade Gowland to construct a limestone block retaining wall along the front boundary of Lot 108 Humes Way Wandering.

CARRIED 7-0

6.5 Delegations Register

NAME OF APPLICANT: CEO
FILE REFERENCE: 4.1.1
AUTHOR: CEO

SUMMARY:

The Local Government Act 1995 (Section 5.46) requires a local authority to review all delegations made under the Act on an annual basis. Accordingly a list of current Delegations authorised by Council is hereby presented to Elected members for review and amendment where considered necessary.

COMMENT

Current delegations authorised by Council are as follows;

Orders

That the CEO, DCEO and Works Supervisor be delegated authority to sign orders for goods and services within the constraints of the budget and as prescribed for tenders.

Destruction of Accounting Records

That the Chief Executive Officer be delegated indefinite authority to destroy old accounting books and records in accordance with statutes.

Liquor Consumption & Sale

That the Chief Executive Officer be delegated indefinite authority to issue permits for the sale and consumption of liquor on Council property.

Payment Of Rates Arrangements

That the Chief Executive Officer be delegated indefinite authority to enter into payment of rates arrangements with ratepayers.

Debt Collection

That the Chief Executive Officer be delegated indefinite authority to collect outstanding debts against the Shire of Wandering within normal commercial parameters.

Building Permit Issue

That the Chief Executive Officer, in liaison with the E.H.O., be delegated indefinite authority to approve building license applications which comply with relevant legislation, providing such approvals issued are subsequently reported to Council.

Further, any irregularities in the permit application process or subsequent life of the permit be brought to Council's attention.

Building Notices

That the Chief Executive Officer have delegated authority to issue Notices as per the provisions of the Local Government (Miscellaneous Provisions) Act

Planning Consent For Development Applications

That the Chief Executive Officer, in liaison with the E.H.O. and Planning Consultant (if deemed necessary) be delegated indefinite authority to issue planning consent to development applications which comply with the Shire of Wandering's Town Planning Scheme, providing such approvals issued are subsequently reported to Council.

Building Envelope Relocation

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.

Funeral Leave

That the Chief Executive Officer be delegated indefinite authority to exercise the discretion to resolve on a case by case basis, whether funeral leave should be paid.

Payment of Wages & Creditors

That the Chief Executive Officer be delegated indefinite authority for the payment of wages and creditors under the existing methods of disbursement – ie. wages be paid by cheque or direct debit under the delegated authority of the Chief Executive Officer or his delegate; all cheques to be signed by the President or Deputy President, any Councillor and the Chief Executive Officer or his delegate; there is to be a minimum of two signatures on all cheques; all cheques issued may be approved for payment, without prior resolution of Council, by those Councillors and Officers authorised, provided that:

- the authority only extends to payments for items previously authorised by Council either by inclusion in the Budget or by virtue of section 6.8 (relating to the period in the financial year prior to the Budget's adoption, authorisations outside the Budget and emergency matters authorised by the President);
- a list of accounts paid is presented to the next Ordinary meeting of Council and included in the minutes of that meeting; and
- vouchers, supporting invoices and other relevant documentation be made available for inspection by Councillors at any time following the date of the payment and at the next Ordinary meeting of Council.

Subdivision Clearances

That the Chief Executive Officer be delegated indefinite authority to provide the necessary clearance of subdivision conditions when satisfied that suitable arrangements have been made.

Fire Hazards

That the Chief Executive Officer, in liaison with the President of the Shire and the Chief Bush Fire Control Officer and/or Brigade Captain, be delegated indefinite authority to resolve fire hazard problems, including where considered necessary, to forward letters demanding the construction of fire breaks and where not complied with, the issuing of a contract for the construction of the break at the land owner's expense.

Staff Use Of Plant & Equipment

That the private use of Shire plant and equipment by Staff be at the CEO's discretion.

Bush Fires Act Functions

That the functions of the local government under the Bush Fires Act be delegated to the Chief Executive Officer for exercise only in an emergency situation and only in conjunction with the Chief Bush Fire Control Officer.

Common Seal

That the CEO and Shire President be authorised to use the Common Seal of the Shire of Wandering to engross legal documents.

The Chief Executive Officer has reviewed the register and offers the following comments;

1. **Orders** – The DCEO position no longer exists and this be changed to Finance Officer
2. **Building Notices** – At the March meeting Council endorsed the CEO to have delegated authority to issue Building Notices, this delegated authority be added to the register, and
3. **Payment of Wages & Creditors** – Currently only cheque payments are countersigned by the President/Deputy President/Councillor and the Chief Executive Officer as EFT payments for creditors and wages are authorised by the CEO and Finance Officer. It is proposed that the register is amended to allow the Finance Officer authority to authorise EFT payments that are countersigned by the CEO.

RECOMMENDATION:

That Council endorse the existing Register of Delegations with the suggested amendments for Orders, Building Notices and Payment of Wages & Creditors.

353:2009/10

Moved Cr Kerr, Seconded Cr Barge that Council endorse the existing Register of Delegations with the suggested amendments for Orders, Building Notices and Payment of Wages & Creditors.

CARRIED 7-0

6.6 Wandering Community Centre Playground Equipment

NAME OF APPLICANT: Nicola Kelliher
FILE REFERENCE: 13.1.10
AUTHOR: CEO

SUMMARY:

A letter was received from Nicola Kelliher on 16 March 2010 raising concerns as to the condition of the playground equipment at the Wandering Community Centre. This is not the first time that Nicola Kelliher has written to Council as a letter was also received in November 2009 where she raised concerns as to the condition of playground equipment at both the Community Centre and the playground adjacent the Shire.

COMMENT

The CEO met with Nicola Kelliher on 24 February 2010 and discussed with her the issues she has raised in her letter to Council. There is certainly some merit in her letter and indeed the need for Council to look at upgrading and/or maintaining the existing playground equipment. However, at the meeting the CEO explained to Nicola Kelliher the processes that needed to be followed including community consultation, funding opportunities, budgetary considerations, etc and the CEO is disappointed in the manner in which the proponent has approached Council.

RECOMMENDATION:

That Council acknowledge the letter from Nicola Kelliher and inform the proponent that provision for upgrading and/or maintaining playground equipment will be considered in the 2010/11 Budget.

[Attachment 6](#)

354:2009/10

Moved Cr Price, Seconded Cr McNeil that Council acknowledge the letter from Nicola Kelliher and inform the proponent that provision for upgrading and/or maintaining playground equipment will be considered in the 2010/11 Budget.

CARRIED 7-0

6.7 Wandering Town Dam

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

SUMMARY:

The CEO has been in negotiations 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. The Water Corporation has now agreed to allow the Shire of Wandering access to Dam 1, which is the larger of the two town dams at the top of the hill. The proposed water supply agreement is for 5 years and is tabled as an attachment.

COMMENT:

From reading the agreement I have summarised some of the important factors;

- Water supplied is non-potable
- 10,000 kilolitres will be made available every 12 months
- Water supply from Dam 1 is not guaranteed by the Water Corporation
- Water usage is measured and invoiced monthly
- There is a metering charge of \$1,982 to install the meter
- There is also a \$182 disconnection charge to be paid up front
- Contract establishment charge of \$374
- Water supply is charged at 27.90 cents per kL
- Water supply rate is increased by CPI each year
- A bank guarantee of \$5,000 may be requested

Although not mentioned in the contract the Water Corporation would like to see the installation of a standpipe and the maintenance of the catchment area which would both be the responsibility of the Shire to meet the costs.

The agreement agrees to make available 10,000 kilolitres. From my calculations the water requirements to maintain the oval would be approximately 8,400 kilolitres. This is based on watering an area of 14,000 m² twice a week for 20 weeks at an application rate of 15mm.

There are also other areas where the dam water could be used including any road maintenance where the water from the dam would be charged out at a rate of 75% less than what we are currently paying for water sourced from standpipes off scheme water.

A breakdown of the costs over the 5 year period of the contract based on using the full quota of 10,000 kilolitres and allowing for an increase in CPI of 5% are as follows;

	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	TOTAL
Metering Charge	1,982					\$1,982
Disconnection Charge	182					\$182
Contract Establishment Fee	374					\$374
Standpipe		2,500				\$2,500
Catchment Maintenance	1,000	1,000	1,000	1,000	1,000	\$5,000
Water Supply	2,790	2,930	3,076	3,230	3,391	\$15,417
TOTAL WATER COSTS	\$6,328	\$6,430	\$4,076	\$4,230	\$4,391	\$25,455

The above costs exclude any of the costs involved with running the water from the dam to the Community Centre as these costs have been included in the costings for the refurbishment of the town oval.

RECOMMENDATION:

That Council enter into an agreement with the Water Corporation for use of Dam 1 as per the terms and conditions outlined in the 5 year water supply agreement.

[Attachment 7](#)

355:2009/10

Moved Cr McNeil, Seconded Cr Kerr that CEO liaise further with the Water Corporation to establish if the Shire of Wandering will be able to use the existing infrastructure.

CARRIED 7-0

6.8 Schorer Road Industrial Subdivision

NAME OF APPLICANT: CEO
FILE REFERENCE: 2.1.10
AUTHOR: CEO

SUMMARY:

As the above matter stands, currently the Shire of Wandering has approval from the Western Australian Planning Commission (Application No. 136653) to develop industrial land on Lot 51 Wandering-Pingelly Road provided the conditions imposed are met, which include;

- Construction of roads
- Vehicle crossovers
- Landfill and drainage complying with Local Government Regulations
- Underground electricity supply, and
- Suitable water supply

The Proposed Subdivision submitted and approved by the Western Australian Planning Commission is for the development of 10 Industrial Lots. Unfortunately, due to excessive headwork costs, the development of these 10 Industrial Lots has not been completed, meaning that the conditions forming Application No. 136653 have not been met and therefore title for the lots will not be released. In hindsight, the correct course of action would have been to stage the subdivision as two separate applications. Stage 1, where the industrial site land is excised from Lot 51 Wandering-Pingelly Road to form two separate titles and Stage 2 would have been submitted when Council decided they wanted to develop the land.

Further, a contract for sale of land has been signed by both parties for the purchase of the land for Stage 1 (highlighted in yellow on Attachment 7) for \$202,500 with a further option for Council to purchase the land forming Stage 2 (highlighted in green on Attachment 7) for \$157,500. This contract for sale document was officially stamped as approved on 18 January 2008 and no payment has been made to Nidanjabi Pty Ltd.

COMMENT:

What all of this means is as follows;

1. There is a signed contract for sale for Stage 1 (highlighted in yellow)
2. No payment has been forwarded by Council for the land allocated for Stage 1
3. Application 136653 cannot be progressed due to excessive development costs
4. Application 136653 incorporates both Stages 1 & 2 within the proposed subdivision
5. Council have not yet resolved to purchase the land off Nidanjabi Pty Ltd for Stage 2
6. There is still only one title for the proposed subdivision and remaining land

The CEO has had numerous conversations with both the surveyors (Brook & Marsh) and the Western Australian Planning Commission and it has now been resolved that a new subdivision application needs to be submitted to separate Lot 51 Wandering-Pingelly Road into two separate titles. The first title being the 27,708m² parcel of land for the Shire of Wandering and the second title being the balance of land belonging to Nidanjabi Pty Ltd. The application process through the Western Australian Planning Commission (WAPC) will take up to 90 days, then depending on the conditions imposed in the approved WAPC approval, titles will be available on completion of each of these conditions.

The CEO has had discussions with Mr Joe Schorer, who is acting on behalf of Nidanjabi Pty Ltd, as to whether he is still interested in offering the additional land (Stage 2 – 21,372m²). Mr Schorer has indicated that he is still prepared to honour the original offer to purchase the additional land.

There is still the significant issue that Nidanjabi Pty Ltd has not been paid for the original contract for sale of \$202,500 for the purchase of 27,708m² on Lot 51 Wandering-Pingelly Road. The CEO believes this is a matter of urgency to eradicate and has looked at various options to which the Shire of Wandering can make payment to Nidanjabi Pty Ltd without jeopardising their position in the land sale.

There is an option available where Council could pay Nidanjabi Pty Ltd \$202,500 as per the conditions in the contract for sale, then place a caveat on Lot 51 Wandering-Pingelly Road to ensure that Nidanjabi Pty Ltd could not sell the land, therefore protecting the interest of Council. Once titles are released and the land transaction is in the Shire of Wandering's name then the caveat would be removed. The cost to place and remove a caveat on the property would be around the \$500-\$1,000 mark. The CEO has discussed this option with Mr Joe Schorer and he is comfortable with this proposal.

Finally, there is the option to purchase the additional land for \$157,500. If the land was purchased then payment for the land would be made after titles are released and the caveat removed. Again the CEO has discussed this with Mr Schorer and he is agreeable to the suggestion.

In the budget there is provision for \$316,700 for the Schorer Industrial Subdivision and \$95,000 for the Mill St Residential Development. No costs have been incurred for either project year to date so there is provision in the budget to purchase both lots of industrial land for \$360,000 and carry forward the remaining funds for the Mill St Residential Development in the 2010/11 Budget.

RECOMMENDATION:

That Council take the following steps;

1. Make an offer to Nidanjabi Pty Ltd to purchase both parcels of land on Lot 51 Wandering-Pingelly Road for \$360,000.
2. Submit a new application to subdivide Lot 51 Wandering-Pingelly Road into two separate parcels of 49,080m² for the Shire of Wandering and the balance in the name of Nidanjabi Pty Ltd.
3. Place a caveat on Lot 51 Wandering-Pingelly Road to the effect that Council have a vested interest in the property as per the contract for sale of land
4. Pay immediately once the caveat is secured on the land the amount of \$202,500 to Nidanjabi Pty Ltd, being consideration for the 27,708m² parcel of land as per the original contract for sale of land
5. Pay the balance of \$157,500 once titles are transferred on completion of the subdivision

[Attachment 8 – Western Australian Planning Commission](#)

[Attachment 9 – Proposed Subdivision & Contract for Sale](#)

Cr Schorer declared an interest in Agenda Item 6.8 and left the meeting at 4:00pm

Council called upon Cr Schorer for comment and Cr Schorer returned to the meeting at 4:43pm

Further discussions were held in regards to the conditions tabled in the original contract for sale before Cr Schorer was asked to leave the meeting at 5:08pm

Cr Schorer returned to the meeting at 5:16pm

356:2009/10

Moved Cr McNeil, Seconded Cr Dowsett that Council agree to make payment of \$202,500 for the 27,708m² parcel of land located on Lot 51 Wandering Pingelly Rd to Nidanjabi Pty Ltd as per the original contract for sale with the option to purchase the additional land within 12 months as of 15 April 2010.

CARRIED 7-0

6.9 Fuel Facility Site

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

SUMMARY:

Work commenced during March to fill the fuel facility site and the site works are now almost complete. The CEO has been liaising with Cooper Engineering Services to alter the site plans as discussed at the March

Ordinary Meeting. Attached are the most recent plans, however additional plans with the fuel tanks at the rear of the block being moved further north are currently being revised.

RECOMMENDATION:
For Council information.

[Attachment 10](#)

Council left the meeting at 5:18pm to view the fuel facility site

Council returned to the meeting at 5:47pm

AGREED that the CEO continue to progress the fuel facility site.

6.10 Proposal for Business Centre

NAME OF APPLICANT: Ron & Evelyn Houghton
FILE REFERENCE: 11.1.2
AUTHOR: CEO

SUMMARY:

Ron and Evelyn Houghton have expressed interest in opening a store of some description in Wandering since having previous discussions with the previous CEO, Greg Powell in the latter stages of 2009.

COMMENT:

The proponents are interested in acquiring land within the town site to progress their ideas and the CEO has indicated that Lot 801 Watts St may be a possible location for their business venture. The total area of Lot is 2514m² and the Lot is very much a square block with a frontage of 50m. Lot 801 is located next to the fuel facility which is located on Lot 800 Watts St.

The plans attached propose a 24m x 24m shed, with a further 7m x 6m storage shed located at the rear of the building for storage. This will make the length of the proposed site approximately 35m (allowing for some distance between the shed and the storage area) which will allow another 15m to the street frontage.

Ron and Evelyn Houghton are interested to purchase Lot 801 and would be keen to get some pricing on the land so that finance can be arranged.

RECOMMENDATION:
For Council discussion.

[Attachment 11](#)

357:2009/10

Moved Cr McNeil, Seconded Cr Barge that the greater portion of Lot 801 Watts St be offered to Ron and Evelyn Houghton on the following conditions;

- 1. That the purchase price is determined on a sliding scale dependant on the value of the proposed building;**

(i) Greater than \$300,000	Sale Price \$1,000
(ii) \$250,000 - \$299,999	Sale Price \$20,000
(iii) \$200,000 - \$249,999	Sale Price \$40,000
(iv) \$150,000 - \$199,999	Sale Price \$60,000
(v) Less than \$150,000	Sale Price \$80,000
- 2. Subject to the building plans being approved by Council.**
- 3. Title of the land not transferred to Ron & Evelyn Houghton until the completion of the building.**
- 4. Completion of the building must be 2 years from the start of the contract date.**
- 5. Deposit, being the sale price, is payable on commencement of the contract.**
- 6. Failure to complete the building within 2 years will result in the deposit being forfeited.**

CARRIED 7-0

6.11 Budget Review

NAME OF APPLICANT: CEO
FILE REFERENCE: 10.1.4
AUTHOR: CEO

SUMMARY:

Part 33A of the Local Government (Financial Management) Regulations 1996A requires a review of each Local Government's 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 financials for March were not finalised until Thursday 8 April, meaning that the review will be conducted next week for the 9 month period up until 31 March 2010 and distributed to Council along with a list of budget variances for Council consideration.

Local Government (Financial Management) Regulations 1996 require Council to either adopt the Budget Review, or alternatively make further recommendations on the Budget Review process.

RECOMMENDATION:

To be tabled at the meeting on completion of the budget review.

[Attachment 12 – to be distributed at the meeting](#)

The Budget Review was distributed at the meeting and the CEO provided an overview of the all variances that were more than \$500 and 10% greater than budget. A detailed variance analysis was also distributed at the meeting and variances highlighted in the analysis were discussed by Council. While there were some significant variances, the findings were that these variances were predominately either a result of the budget phasing, errors in allocation or timing differences. It was considered there are no material items that would substantially impact on the budget and it is the opinion of Council that the decision not to amend the original budget is one of conservatism.

358:2009/10

Moved Cr White, Seconded Cr Kerr that Council accept the recommendations from budget review for the period 1 July 2009 to 31 March 2010, continuing to adopt the original 2009/10 Budget without change for the remainder of the 2009/10 financial year.

CARRIED 7-0

6.12 Shire Office Refurbishment

NAME OF APPLICANT: CEO
FILE REFERENCE: 2.1.7
AUTHOR: CEO

SUMMARY:

Council have allocated an amount of \$800,000 in the 2009/10 Budget for the refurbishment of the Shire Offices. From the last correspondence on file, tenders were called in April 2009 and tenders were received from three parties with pricing ranging from \$1.1m - \$1.3m. Comment was also made that if the lowest quotation was taken from each of the three tenders for each of the different components then the price for the office refurbishment would have come to \$816,000.

COMMENT:

After meeting with Jennifer Shelton from the Peel Development Commission back in March, she informed me that the Peel Development Commission have allocated \$100,000 towards the refurbishment of the office building. Jennifer is keen to know if the refurbishment is still going ahead and if so, when is the likely completion date. If the refurbishment is not going ahead Jennifer would like to know if there any other suitable projects that the Shire could look to apply for, rather than returning the funds.

Details of the tender pricing attached.

RECOMMENDATION:

For Council discussion.

[Attachment 13](#)

RESOLVED that the CEO be authorised to look at various alternatives to refurbish the Shire Offices.

6.13 List of Accounts

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 \$109,588.22 be passed for payment.

[Attachment 14](#)

359:2009/10

Moved Cr Price, Seconded Cr Schorer 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 \$109,588.22 be passed for payment.

CARRIED 7-0

6.14 Financial Reports

NAME OF APPLICANT: Haines Norton
FILE REFERENCE: N/A
AUTHOR: CEO

SUMMARY:

Separately attached are the monthly Financial Statements for the period ending 31 March 2010.

RECOMMENDATION:

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

[Attachment 15](#)

360:2009/10

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

CARRIED 7-0

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

Boddington Tour with the Hon Brendon Grylls

Questions Without Notice

Requested that Watts Rd be graded

Councillor Barge

Questions Without Notice

In view of the recent works carried out for the fuel facility site, suggested Council purchase a Laser level
Informed Council he had been approached by several interested persons who were looking at establishing a Pistol Club

10. NEXT MEETING

Next Ordinary Council meeting to be held on Thursday 20 May 2010 commencing at 11:00am.

11. CLOSURE OF MEETING

As there was no further business for discussion the meeting was closed at 7:53pm

**These Minutes were confirmed by Council at the Ordinary Council Meeting
on Thursday, 20th May 2010.**

CR B E DOWSETT, Chairman