

## **ORDER OF BUSINESS**

- 1 DECLARATION OF OPENING /ANNOUNCEMENT OF VISITORS**
- 2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
- 3 PUBLIC QUESTION TIME**
- 4 APPLICATIONS FOR LEAVE OF ABSENCE**
- 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
  - 5.1 Shire of Wandering Ordinary Meeting – 19 August 2010 [Attachment 1](#)
- 6 MATTERS REQUIRING DECISION**
  - 6.1 Bed & Breakfast Accommodation - 131 North Wandering Road [Attachment 2](#)
  - 6.2 Delegations to Committee's and Community Organisations
  - 6.3 Lot 47 & 49 Mill St – Proposed Subdivision Site [Attachment 3](#)
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- 7 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
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- 9 INFORMATION BULLETIN ITEMS**
- 10 DATE AND TIME OF NEXT MEETING**
- 11 CLOSURE OF MEETING**

**Minutes of the Ordinary Meeting held in the  
Council Chambers, Wandering  
on Thursday 16 September 2010**

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

11:00am - The President welcomed all present and declared the meeting open.

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

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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
G Mathewson	Works Supervisor (2:07pm – close)

**Apologies:**

Nil

**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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Nil

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

Shire of Wandering Ordinary Meeting held 19 August 2010

414:2010/11

Moved Cr Price, Seconded Cr McNeil that the minutes of the Shire of Wandering Ordinary Meeting held 19 August 2010 be confirmed as a true and correct record.

**CARRIED 7-0**

## 6. MATTERS REQUIRING COUNCIL DECISION

### 6.1 Bed & Breakfast/Farmstay Accommodation – 131 North Wandering Rd

**NAME OF APPLICANT:** C & J Ferguson  
**FILE REFERENCE:** 69  
**AUTHOR:** EHO/BS

**SUMMARY:**

An application has been received from C & J Ferguson from Millfarm to operate a Bed & Breakfast/Farmstay from their property.

They are "interested in hosting farmstay style accommodation where guests could expect a farm experience or if preferred just simply an overnight accommodation including breakfast whilst passing through the region". They would be mainly targeting tourists but would also cater for business people and/or contractors who require temporary accommodation in the area.

The applicants intend using a self contained unit that has been suitably decked out at the rear of their house. This building is fitted with an en-suite type bathroom and a small kitchen sink that can easily accommodate two persons and the unit is separated from the main house.

The applicants have also included with their application photographs of the building in question.

**COMMENT:**

Bed & Breakfast/Farmstay is a use not listed under Town Planning Scheme No 3 (TPS No 3). The closest definition that is listed under the Scheme is Holiday Accommodation.

*Holiday Accommodation means premises used for accommodation and recreation for holiday purposes but does not include a hotel or motel and is a 'D' use under the zoning table in a Rural Zone. "D" means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.*

Because the applicants intend accommodating business people and contractors, the Holiday Accommodation definition for the use of the premises cannot be used because these people are not on a holiday purpose. As a consequence the purpose of the applicants can be seen as a purpose that is not specifically mentioned in the zoning table and Clause 4.4.2 of TPS No. 3 comes into play, which is as follows;

*If a person proposes to carry out on any land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other use the local government may:*

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted*

The objectives of a Rural Zone contained under Clause 4.2 of TPS No. 3 and read as such:

**Rural Zone**

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

The application could be seen to fit with objective (d) for a Rural Zone and thus could be seen to have a use that is consistent with the objectives of a Rural zone and is therefore permitted as per Clause 4.4.2 (a) of TPS no. 3.

There are also Health, Building and Food Act requirements that need to be complied with in respect to the application. These are a potable water supply, the installation of a hard wired smoke alarm into the building and compliance with Food Act requirements with regards to notification of food for sale being prepared on site.

These items are requirements under the Health Act 1911, The Local Government (Miscellaneous Provisions) Act 1960 and the Food Act 2008 and I have discussed these issues with Mrs Ferguson.

#### **RECOMMENDATION**

That Council grants Planning Approval to C & J Ferguson for a Bed & Breakfast/Farmstay on Location No. 990 No. 131 North Wandering Road Wandering as it is seen to be consistent with Clause 4.4.2(a) of the Shire of Wandering Town Planning Scheme No. 3. subject to the following:

1. A potable water supply is made available to the development.
2. A hard wired smoke alarm is to be installed in the unit, and
3. Notification is given to the local government that food is for "sale" on site.

#### [Attachment 2](#)

415:2010/11

**Moved Cr McNeil, Seconded Cr Kerr that Council grants Planning Approval to C & J Ferguson for a Bed & Breakfast/Farmstay on Location No. 990 No. 131 North Wandering Road Wandering as it is seen to be consistent with Clause 4.4.2(a) of the Shire of Wandering Town Planning Scheme No. 3. subject to the following:**

1. A potable water supply is made available to the development
2. A hard wired smoke alarm is to be installed in the unit, and
3. Notification is given to the local government that food is for "sale" on site.

**CARRIED 7-0**

## **6.2 Delegations to Committee's and Community Organisations**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** 1.4.6  
**AUTHOR:** CEO

#### **SUMMARY:**

It is common practice for many local authorities to review appointments of Elected Members and Staff to serve on various committee's and community organisations. It should be noted that this is a separate exercise to appointing members of a Council Committee.

#### **COMMENT**

There is a need to conduct a review of the delegates appointed to each of the committees since there has been a newly elected member since the last review was conducted at the April 2008 Ordinary Meeting. At that meeting the following appointments to various committee's and community organisations were made;

#### **Dryandra Voluntary Regional Organisation of Councils (DVROC)**

Delegate: Cr Dowsett  
Proxy: Cr Price

#### **Hotham Sub Group, Regional Road Group**

Delegate: Cr Dowsett  
Proxy: Cr Price

**Hotham Catchment Landcare Committee**

Delegate: Cr McNeil

Proxy: Cr White

**Pingelly Wandering Local Emergency Plan Committee**

Delegate: Cr Dowsett

Proxy: Nil

**Local Emergency Plan Committee**

Delegate: Cr Dowsett

Proxy: Nil

**Wandering Primary School Community Liaison Committee**

Delegate: Cr Barge

Proxy: Nil

**Hotham Way Committee**

Delegate: Cr Hardie

Proxy: Nil

**Worsley Community Consultative Committee**

Delegate: Cr White

Proxy: Nil

**Boddington Gold Mine Expansion Steering Committee**

Delegate: Cr White

Proxy: Nil

**Dryandra Country Visitor Centre**

Delegate: Cr Hardie

Proxy: Nil

**Brookton Land Conservation District Committee**

Delegate: Cr Kerr

Proxy: Nil

**Wagin Regional Waste Group**

Delegate: Cr Hardie

Proxy: Cr Barge

**Wandering Primary School Bus Committee**

Delegate: Cr Barge

Proxy: Nil

**RECOMMENDATION:**

That Council review the various committees and community group delegates.

416:2010/11

Moved Cr Schorer, Seconded Cr McNeil that Council make the following appointments to various committee's and community organisations were made;

**Dryandra Voluntary Regional Organisation of Councils (DVROC)**

Delegate: Cr Dowsett

Proxy: Cr Kerr

**Hotham Sub Group, Regional Road Group**

Delegate: Cr Dowsett

Proxy: Cr Kerr

**Hotham Catchment Landcare Committee**

Delegate: Cr McNeil

Proxy: Cr Barge

**Pingelly Wandering Local Emergency Plan Committee**

Delegate: Chief Bush Fire Control Officer Peter Monk

Proxy: Cr Dowsett

**Local Emergency Plan Committee**

Delegate: Chief Bush Fire Control Officer Peter Monk

Proxy: Cr Dowsett

**Wandering Primary School Community Liaison Committee**

Delegate: Cr Barge

Proxy: Cr White

**Hotham Way Committee**

Delegate: CEO

Proxy: Nil

**Worsley Community Consultative Committee**

Delegate: Cr Schorer

Proxy: Cr White

**Boddington Gold Mine Expansion Steering Committee**

Delegate: Cr Schorer

Proxy: Cr White

**Dryandra Country Visitor Centre**

Delegate: Cr Schorer

Proxy: Cr Price

**Brookton Land Conservation District Committee**

Delegate: Cr Kerr

Proxy: Nil

**Wagin Regional Waste Group**

Delegate: Cr Barge

Proxy: Cr Kerr

**Wandering Primary School Bus Committee**

Delegate: Cr Barge

Proxy: Nil

**CARRIED 7-0**

### **6.3 Lot 47 & 49 Mill Street – Proposed Subdivision Site**

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**NAME OF APPLICANT:** CEO  
**FILE REFERENCE:** A22  
**AUTHOR:** CEO

**SUMMARY:**

A letter was received from the Department of Regional Development and Lands responding to a letter previously sent to the department back in December 2008 raising concerns over the potential levels of contamination at the old mill site.

**COMMENT**

There have been previous discussions as to whether Council should look to acquire the old mill site for future developments. The opportunity to offset any costs associated with assessing the site against the future purchase price is a good initiative. However the only problem with this is that the Shire cannot acquire the land from the Department of Regional Development and Lands until the subdivision is completed, at which time the price for land is determined. The other concern to Council is that if the assessment of the site finds contamination and the Shire no longer wishes to proceed with the purchase of the land due to prohibitive costs associated with eradicating the contamination, there is no guarantee that the assessment costs incurred will be reimbursed.

**RECOMMENDATION:**

For Council discussion.

[Attachment 3](#)

***Council RESOLVED that the CEO further investigate any options available to acquire the land located at Lot 47 & 49 Mill Street.***

### **6.4 Town Planning Scheme No.3 – Amendment 3**

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**NAME OF APPLICANT:** Western Australian Planning Commission  
**FILE REFERENCE:** 28.1.3.5  
**AUTHOR:** CEO

**SUMMARY:**

A letter was received from the Western Australian Planning Commission (WAPC) on 30 August 2010 informing the Shire of Wandering that the Minister for Planning had refused to grant approval for Amendment 3 of the Town Planning Scheme. The reasons for the amendment not being approved are noted in the letter in the attachment.

**COMMENT:**

As a result of the amendment not being passed, this now means that the proposed subdivision for Lot 16 Pennington Road cannot be progressed any further. The bottom line here is that the Minister has refused to grant approval to the proposed rezoning of the land. Given that there are no appeal rights on the Minister's decision in relation to any rezoning proposal, there is no choice but to either abandon it altogether or go back to the drawing board to formulate a new proposal in consultation with the relevant authorities.

The way I see it the Shire has done everything it possibly can to support the rezoning and further subdivision of this property for the intended purpose. Notwithstanding Council's support, it is pretty clear the DoP, WAPC and Minister for Planning don't like and therefore will not support the proposal for a variety of reasons.

To this end may I suggest that we make arrangements for a meeting at the Shire's offices at some point in the near future with Dykstra, the landowner, Shire representatives and senior planning officer/s from the Department of Planning. It would be good, as part of this meeting, to actually get out

and visit the site and have a close look at what opportunities there are for future development. Hopefully this meeting will help to establish a path forward from here that is of benefit to all parties concerned.

**RECOMMENDATION:**  
For Council discussion.

[Attachment 4](#)

***Council had discussions in relation to various town planning matters and it was AGREED that the CEO circulate copies of the Local Planning Strategy and Townsite Expansion Strategy to all Councillors.***

## **6.5 Rural Water Council of WA Inc**

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**NAME OF APPLICANT:** Rural Water Council of WA Inc  
**FILE REFERENCE:** 32.1.1  
**AUTHOR:** CEO

**SUMMARY:**

The Rural Water Council of WA has written to Council inviting the Shire to join the Rural Water Council and support the group by way of a \$50 membership fee for the 2010/11 financial year.

**COMMENT**

Water supply is an obvious concern for communities in the Wheatbelt area and the Rural Water Council does much of the legwork in dealing with water related issues and bringing these issues to the attention of key stakeholders such as the Department of Water, Water Corporation and the Wheatbelt Development Commission. Membership entitles the Shire to have 2 delegates at Rural Water Council meetings. Further, that any interested Councillors wanting to attend future meetings be named as the Shire delegates.

**RECOMMENDATION:**

That Council support the Rural Water Council of WA Inc by way of a \$50 membership fee for the 2010/11 financial year.

[Attachment 5](#)

<p><b>417:2010/11</b> <b>Moved Cr Barge, Seconded Cr Kerr that Council support the Rural Water Council of WA Inc by way of a \$50 membership fee for the 2010/11 financial year.</b></p>	<p><b>CARRIED 7-0</b></p>
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<p><b>418:2010/11</b> <b>Moved Cr Kerr, Seconded Cr White that Council break for lunch at 12:25pm.</b></p>	<p><b>CARRIED 7-0</b></p>
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<p><b>The meeting recommenced after the lunch break at 2:07pm and the Works Supervisor was now in attendance.</b></p>
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***Agenda Item 6.7 was held with prior to Agenda Item 6.6***



## **6.6 Regional Road Group – 5 Year Road Program**

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

**SUMMARY:**

As part of the 2011/12 road project applications for the Regional Road Group the Main Roads requested that all Shires submit a copy of their 5 year road program with these applications.

**COMMENT**

The road project applications were due 1 September 2010 meaning that the 5 year road program prepared by the CEO has not been discussed with Council. The 5 year road program is not set in stone and can be modified as Council see appropriate and the attached program should be looked upon as a good starting point, with the reality being that many of the priorities identified will change over the life of the 5 year program.

Council are also limited to the road project applications that can be submitted for the 2011/12 financial year as only the North Banister Wandering Road and Wandering Pingelly Road qualified for funding under the Multi Criteria Assessment (MCA) model since the required number of road counts had not been carried out on any of the other eligible roads.

Roads eligible under the Regional Road Group program are;  
North Banister Wandering Road  
Wandering Pingelly Road  
Wandering Narrogin Road  
Crossman Dwarda Road  
Fourteen Mile Brook Road  
Dwarda East Road  
North Wandering Road (from Wandering School to Kubbine Rd)  
Kubbine Road

**RECOMMENDATION:**

For Council information and discussion.

[Attachment 6](#)

***Council had general discussions in relation to the draft 5 year road plan submitted to Main Roads and it was AGREED the proposed works for the 2011/12 Regional Road Group program be maintained and Council will review road projects for future years on a case by case basis.***

## **6.7 Plant Tenders**

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

**SUMMARY:**

Tenders have been called for the following plant and close 4pm Tuesday 14 September 2010;

- Supply & delivery of 1 x prime mover 260kw to 350kw range
- Outright purchase of 2006 Isuzu FVZ F3 Tandem Axle truck @ 40,000km (WD 458)
- Supply and delivery of Tri Axle Side Tipper

Details of the tenders will be provided at the meeting.

**RECOMMENDATION:**

To be formulated on receipt of tenders.

(Attachment was distributed at the meeting)

**419:2010/11**  
**Moved Cr Barge, Seconded Cr McNeil that Council purchase the Isuzu Giga CXZ 455 Prime mover with the Howard Porter side tipper.**  
**CARRIED 7-0**

## **6.8 List of Accounts**

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

**SUMMARY:**  
Attached is a list of accounts for Council consideration.

**RECOMMENDATION:**  
That all Cheque, EFT, wages, transport payments, transfers to investments, credit card payments, creditor payments and other vouchers from the Municipal and Trust Fund totalling \$205,677.78 be passed for payment.

[Attachment 7](#)

**420:2010/11**  
**Moved Cr Schorer, 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 \$205,677.78 be passed for payment.**  
**CARRIED 7-0**

## **6.9 Financial Reports**

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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 August 2010.

**RECOMMENDATION:**  
That Council endorse the monthly Financial Statements for the period ending 31 August 2010.

[Attachment 8](#)

**421:2010/11**  
**Moved Cr White, Seconded Cr McNeil that Council endorse the monthly Financial Statements for the period ending 31 August 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**

### **Councillor White**

Questions Without Notice  
Office Refurbishment

### **Councillor McNeil**

Questions Without Notice  
Potts Rd

### **Councillor Schorer**

Questions Without Notice  
Asked how John Mellows was getting on with his new house  
Firebreak Notices

*Council left the meeting at 5:30pm to look at the landscaping options at the new public amenities. After returning to the meeting at 5:50pm it was AGREED by Council that the perimeter wall on Watts Street be continued at the existing angle with the preference being to maintain the coffee rock appearance. If the rock face was not possible, then the wall be completed in a brown limestone finish, continued along the front of the toilet block and with brick paving at the front of the amenities to allow for disabled access.*

## **10. NEXT MEETING**

Next Ordinary Council meeting to be held on Thursday 21 October commencing at 11:00am

## **11. CLOSURE OF MEETING**

There being no further business the meeting closed at 6:00pm

**These Minutes were confirmed by Council at the Ordinary Council Meeting  
on Thursday 21 October 2010.**

**CR B E DOWSETT, Chairman**