



SHIRE OF WILLIAMS

MINUTES

ORDINARY COUNCIL MEETING
WEDNESDAY 18TH DECEMBER 2024

SHIRE COUNCIL CHAMBERS
9 BROOKING STREET
WILLIAMS WA 6391



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SHIRE OF WILLIAMS STRATEGIC COMMUNITY PLAN 2022-32

VALUES / VISION

Williams is an independent, growing and vibrant community, achieved by maintaining a balanced and caring approach to its people and environment.

- Community connectedness and great lifestyle.
- Support the young and care for the elderly.
- Ideal Location (proximity to regional centres and metropolitan areas)
- Relevant and well maintained facilities.
- Recognition of the need to care for the environment in a balanced approach.
- Effective communication and cooperation.

ECONOMIC

To support industry and business development of sustainable infrastructure and investment opportunities.

E1. Develop infrastructure and investment that is sustainable and an ongoing legacy to the Shire.

E2. To have appropriate levels of housing to cater for population retention and growth.

SOCIAL & CULTURAL

To be a safe and welcoming community where everyone is valued and has the opportunity to contribute and belong.

SC1. To provide community infrastructure and facilities that meet the needs of the population.

SC2. To support a safe and healthy community with a strong sense of community pride.

SC3. To recognise the vibrant history of the Shire and its rich, varied cultural heritage and natural environment is valued, respected, promoted and celebrated.

LAND USE AND ENVIRONMENT

To have a balanced respect for our natural assets and built environment, retaining our lifestyle values and community spirit

LUE1. To enhance, promote, rehabilitate and leverage the natural environment so it continues to be an asset to the community

LUE2. Natural assets and public open spaces are accessible, well utilised and managed.

LUE3. To have safe and well maintained transport network that supports local economy.

LUE4. Recognising and implementing sustainability measures.



INNOVATION, LEADERSHIP & GOVERNANCE

To have a shire council that is an innovative, responsive partner to the community with strong civic leadership engaging in effective partnerships which reflect the aspirations of the community as a whole.

ILG1. The Shire is efficient in its operations; actively listens to the community and anticipates and responds to the community needs

ILG2. The revenue needs of the Shire are managed in an equitable, proactive and sustainable manner.

ILG3. Effective collaboration and shared services with other relevant Local, State and Federal Government agencies, industry and community organisations

ILG4. A strategically focused, unified Council functioning effectively ensuring compliance within the regulatory framework

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Presiding Member, President Logie, will declare the Meeting open at 3:51 pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Elected Members

Cr Jarrad Logie - President
Cr Natalie Major - Deputy President
Cr Simon Harding
Cr Tracey Price
Cr Bernie Panizza
Cr Christine Cowcher
Cr John Macnamara

Staff

Peter Stubbs - Chief Executive Officer
Britt Logie – Community Development Officer / Minute Taker
Gemma Boyce – Executive Manager of Corporate Services

Visitors - Nil
Apologies - Nil
Leave of Absence – Nil

3. PUBLIC QUESTION TIME

4. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

5. DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Cr Bernie Panizza
Item No. / Subject	8.2.8 USE OF COMMON SEAL AND DECISIONS UNDER DELEGATED AUTHORITY
Type of Interest	Financial interest- party to the tender.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 20 NOVEMBER 2024

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Cowcher

Seconded: Cr Price

That the Minutes of the Ordinary Council Meeting held 20th November 2024 as previously circulated, be confirmed as a true and accurate record.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: 53/25

7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

I note and record that the Shire of Williams sold its old Water Truck at auction in November 2024, and received \$37,000 from the sale, \$7,000 more than our budget expectation. The replacement second hand Water Truck was purchased at auction for \$176,500 plus buyer fee 9.9% (total costs \$194,072.39), after discussion with the Plant Committee Councillor members. Water Truck Tank capacity is 12,000L. The truck purchase was below the budget forecast.

I note the CEO attended the Western Australian Local Government Association meeting and workshop on renewable energy transition held in Perth on the 27 November 2024 where consideration around wind farm proposed projects were considered, with a focus on community benefits.

I thank our district bush fire volunteers who have already responded and extinguished four fires this summer.

This month the Shire received the very good news that grant funding of \$1.6million was approved from the Australian Government for the creation of an indoor sports court and female changeroom. This reflects the community feedback on priorities need in the community. Work to plan that will commence early in 2025 with the aim of completing the project in the 2026-27 year. Council will need to contribute \$250,000.

I am also pleased to advise that the Hon Simone McGurk MLA, Minister for Training and Workforce Development; Water; Industrial Relations has approved a grant of \$28,200 support for a proposed new strategic water storage tank for fire mitigation at Quindanning.

8. MATTERS WHICH REQUIRE DECISIONS

8.1.1 CHILDCARE REPORT

File Reference	8.50.40
Statutory Reference	Various
Author	Sharon Palumbo, Children's Service Manager
Date	12 December 2024
Disclosure of Interest	Nil
Attachments	Nil

Background and Comment

Summary -Family Day Care (FDC)

FDC has been steady this year. The numbers have increased from 15 to 17 FDC's. There are still 3 to commence however, we expect to lose one, and possibly two at Christmas time.

In total it is forecast to have 18 FDC's places filled, out of our capacity of 20 for the year ahead.

Communities of Service Operation:

Narrogin	2	Residence	In the process of a new Ed starting
Northam	5	4 Residence + 1 Venue	Possibility of losing 1 at Christmas
Kellerberrin	1	Residence	
Broome	2	Residence	Losing 1 at Christmas
Bencubbin	1	Venue	1 educator running both Bencubbin and Beacon
Beacon		Venue	
Dumbleyung	1	Venue	1 Potential new educator to start up
Williams	1	Venue	
Waikiki	1	Residence	
Mr Richon	1	Residence	
Wickepin	1	Venue	
Beverley	1	Venue	
Boddington		Residence	Still in progress of registering

The Sustainability grant that was in place for the past 3 years for a total of \$188,000 was successfully acquitted.

A new sustainability grant was gained an additional 2 years to the total of \$104,500.

A further grant to the value of \$13,907.41 was gained to purchase educational resources for the FDC educators and to provide them with some professional development. Providing service resources for educators to utilise is an improvement to our service delivery that will not only benefit our existing educators but may also attract new ones to come on board.

By continuing our vision for the service and recruiting the majority of new educators located in rural and remote communities, should continue to put the service in a positive position for future funding opportunities.

Our childcare administration support was lost during the year, but we managed to utilise an existing employee at the Centre to assist in this area for the interim. It is no proposed to employ another administrator as there are some new mandatory changes coming into effect next year. The Approved Provider (Shire) will be required to collect all fees, the Child Care Subsidy which we do now and the parent gap fees, which will be new for us, starting July 1, 2025. We aim to formally commence this process in March 2025 and we will begin to prepare educators and our families from January 2025.

Two educators won their Region for the Excellence in Family Day Care awards, one is from the Broome and Kimberley region, the other from the Wheatbelt. This is feather in our cap for the service being recognised for the quality of care our educators provide.

Throughout the year Sharon Palumbo has met with the state minister and her team through her position of Vice Chair for Family Day Care WA.

The issues we face in FDC and the impact of the new regulations that have been introduced were emphasised. The biggest impact for Childcare is that it can no longer recruit educators without a Certificate 3 qualification. In rural and remote communities, we don't often come across people with an existing qualification. This impacts the smaller communities that do not have any childcare facilities as well as communities that might already have childcare services but are at capacity with a waitlist of a year or longer.

However, we have been successful in gaining a waiver for a new educator we are currently registering in Narrogin with an incomplete Certificate. Whilst this is a positive, it increases the administration burden with the application process and mentoring required for the studies.

In the new year Sharon Palumbo will have the opportunity to meet with the Federal Minister to advocate for change to this new regulation.

Most of our educators have been consistently operating at capacity throughout the year but will begin to wind down over the Christmas/January break. This will see the service decrease in income which is normal practice. Overall FDC has been performing as expected for the first half of the financial year.

Summary (Willi Wagtails Centre)

It has been another consistent year at the Centre. An average minimum of 15 children to a maximum of 19 each day has occurred. The Centre capacity of 20 has been reached several times throughout the year, but this has not been as consistent compared to last year. Children attending are still made up of predominantly 0-2's and 2-3-year-olds.

Two new trainees have joined our team. One educator lives locally, and the other is a High School graduate from Narrogin. Both ladies are studying their Certificate 3 with a plan to go on and complete their Diplomas. Our existing trainees are still working towards their qualifications with one almost completed her Certificate 3 and planning to do her Diploma. The other has just met her halfway milestone in her Diploma.

There are 4 part time trainees employed, 7 staff in total with another to join us in the new year. With strict regulation requirements for staffing, their qualifications and the children in care, we are needing to ensure we have enough staff to cover sick leave and planned leave. A 'Qualification' waiver has been applied for four of our staff to be recognised as a Diploma level. This waiver has applied this year. At least half of our staff working on any day must have with a Diploma or recognised qualification. By the end of 2025 we hope to have an additional 3 staff working towards their Diplomas which will put the service in a better position with meeting regulations and not needing waivers.

The Sustainability Grant the centre had for the past 3 years was successfully acquitted. But we were unsuccessful in obtaining another one through the recent round of funding that was released. The centre was successful in gaining a grant for \$4,303 for staff to complete professional development in the next 12 months. Staff will complete Child Protection, Safe Sleep Training, First Aid and Mandatory Reporting training.

Overall, the Centre is still being well utilised. A drop in child numbers did occur over the winter season due to children being unwell, having surgeries and leaving town. Next year we anticipate welcoming lots of existing families back to the service, old families with new babies, brand-new local families and new families from surrounding communities; Cuballing, Wagin, Darkan. The service will increase our days for the After School Care due to more school aged children now needing care. It will be another busy year ahead for the Centre.

The service will close on December 20 for 2 weeks and reopen on January 8, 2025, part time with reduced hours to support families still working.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- SCD 2.5 Investigate opportunities to engage with youth, through improved access to services, facilities, and programs.
- CL 2.3 Monitor revenue streams and implement opportunities where appropriate. Consistently review rate income.

Financial Implications

The 2024/25 Annual Budget includes funds for the provision of the Family Dare Care Service and the Child Care Service.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Cowcher

Seconded: Cr Harding

That Council note and receive the report summarising the childcare services coordinated and provided by the Shire of Williams for 2024.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: 54/25

8.1.2 PAYMENT LISTING

File Reference	4.23.15
Statutory Reference	Local Government (Financial Management) Regulations 1996
Author	Cassie Barker, Deborah Martin
Date	12 December 2024
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that require disclosure
Attachments	Payment listing for month ending 30 November 2024

Background

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from the Shire's municipal or trust account. In exercising their authority, and in accordance with the Local Government (Financial Management) Regulation, it is a requirement to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to Council in the following month.

Statutory Implications

Regulation 13 of the *Local Government (Financial Management) Regulations 1995* states:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

Comment

The list of accounts for payment is a separate attachment to this agenda.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2022 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Harding

Seconded: Cr Panizza

That Municipal Fund EFT, Bpay, Direct Debits and Cheques totalling \$534,523.63 approved by the Chief Executive Officer during the month of November be endorsed.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: 55/25

SHIRE OF WILLIAMS
PAYMENT LISTING FOR THE MONTH ENDING 30 NOVEMBER 2024

DATE	NAME	DESCRIPTION	AMOUNT
MUNICIPAL - EFT, BPAY, DIRECT DEBIT & CHEQUES			
01/11/2024	WA SUPER	Superannuation October 2024	\$39,974.92
05/11/2024	BOC Ltd	13299 - October 2024 Container Service Fee	\$45.70
05/11/2024	SCAVENGER SUPPLIES	13944 -13 First Aid Kits for Vehicles & Depot, 3 Fire Ext for Veh.	\$945.73
05/11/2024	TOTAL UNDERCAR	13799 - 4 New Tyres & Disposal (WL 036)	\$1,066.00
05/11/2024	WILLIAMS GENERAL STORE	Monthly Refreshments & Consumables October 2024	\$81.59
05/11/2024	WILLIAMS RURAL SUPPLIES	13979 - Monthly Hardware Account - October 2024	\$8,042.64
13/11/2024	FDC EDUCATORS	FDC Educators PE 10/11/2024	\$26,131.76
14/11/2024	PALFRAMAN, TREVOR.	Private Swimming Pool Inspections	\$270.97
14/11/2024	SHIRE OF WILLIAMS	Salaries & Wages PE 13/11/2024	\$59,559.71
18/11/2024	AMD	13794 - 2024 Roads to Recovery Acquittal Audit	\$2,178.00
18/11/2024	CONTRACT AQUATIC	202424, 202401 - Pool Chemicals & Wages	\$3,467.95
18/11/2024	PALUMBO, SHARON	Reimbursement for Resources for Art Project and Obs Course	\$422.83
18/11/2024	PRIME AG SERVICES - WILLIAMS	202408 - 5kg Uragan Adama for Townsite Weed Control	\$770.00
18/11/2024	SCAVENGER SUPPLIES	202407 - 32 Pails of 20L Class A Foam for Fire Control	\$4,125.00
18/11/2024	UNIFORMS AT WORK	13921 - Uniform (Cassie Barker)	\$79.95
18/11/2024	WA CONTRACT RANGER SERVICES	13913 - Ranger Services - 14/10/2024, 28/10/2024	\$693.00
26/11/2024	FDC EDUCATORS	FDC Educators PE 24/11/2024	\$30,399.44
26/11/2024	GREAT SOUTHERN FUELS	Monthly Fuel Account October 2024	\$825.18
26/11/2024	LGIS	13875 - Insurances - 2nd Instalment	\$147,646.55
26/11/2024	TOTAL QUALITY CLEAN	Carpet Cleaning U2 Sandlewood Court (Recouped)	\$407.00
27/11/2024	ANIMAL ARK PTY LTD	202416 - Snake Handling Training Course (Neal Brown)	\$451.00
27/11/2024	ASHLEY BLYTH TREE LOPPING	13980 - Pruning of Street Trees to Western Power Requirements	\$2,750.00
27/11/2024	AVON WASTE	202432 - Monthly Refuse Charges October 2024	\$12,841.72
27/11/2024	BODDINGTON TYRE SERVICE (EFT)	202431 - New Tyre for Gemma's Car WL49	\$153.00
27/11/2024	COMPU-STOR	202409 - Professional Destruction of Archive Boxes	\$1,001.00
27/11/2024	CONTRACT AQUATIC	202423 - Monthly Swimming Pool Management December 2024	\$14,300.00
27/11/2024	CORSIGN WA PTY LTD	13956 - 8 Keep Left Signs, New Sign Innovative AG	\$423.50
27/11/2024	COUNTRY PAINT SUPPLIES	202429 - Timber Protectant for Lions Park	\$135.95
27/11/2024	DAVID GRAY & CO	13978 - 2x 20L Carmel Carrier (Mosquito Control)	\$594.00
27/11/2024	DFES.	ESLB 2nd Qtr Contribution 2024/25	\$21,947.29
27/11/2024	FARMERS CENTRE (1978) PTY LTD	13983 - 2x20L Drums Case Hydraulic Transmission Oil	\$432.70
27/11/2024	GREENWAY TURF SOLUTIONS PTY LTD	202417 - 200L Greenmaxx K Liquid Fertiliser	\$1,738.00
27/11/2024	HARMONY SOFTWARE	Educators' Software Fees, Month of October 2024	\$396.00
27/11/2024	HERSEY'S SAFETY PTY LTD	Depot Consumables, PPE, Marker Spray, Flagging Tape, Tool	\$1,034.59
27/11/2024	LANDGATE.	Certificates of Title Search x 2	\$63.20
27/11/2024	MELCHIORRE PLUMBING & GAS	202415 - Supply & Inst New Hot Water System (U4/11 New Street)	\$2,007.50
27/11/2024	NARROGIN PACKAGING	202430 - 2x Outdoor Retic Controllers (Pool & Childcare Ctre)	\$540.00
27/11/2024	NARROGIN PUMPS SOLAR AND SPRAYING	13975 - PVC Telescopic Coupling & Other Couplings	\$65.34
27/11/2024	NARROGIN VALLEY STOCKFEED	202428 - 6 Limestone Blocks for Lions Park	\$96.00
27/11/2024	R MUNNS ENGINEERING CONSULTING SERVICES	202410 - Consulting Work on 2024 Harvest Road Counts	\$372.19
27/11/2024	STEWART & HEATON CLOTHING CO P/L	202412 - Fire Fighting Uniforms	\$5,581.41
27/11/2024	SUNNY INDUSTRIAL BRUSHWARE PTY LTD	13981 - Brushes for Skid Steer	\$935.00
27/11/2024	TEAM GLOBAL EXPRESS	Freight Ex Sunny Industrial Brushware Malaga	\$148.48
27/11/2024	THE GOODS	202420 - Cleaning Products & Consumables (Various)	\$581.57
27/11/2024	THE WILLIAMS COMMUNITY NEWSPAPER.	13890 - Printing charges for The Williams Paper	\$140.00
27/11/2024	TOWN PLANNING INNOVATIONS	13881 - General Planning Advice for October 2024	\$1,155.00
27/11/2024	WA CONTRACT RANGER SERVICES	13913 - Ranger Services - 04/11/2024, 21/11/2024	\$693.00
27/11/2024	WA LOCAL GOVERNMENT ASSOCIATION	202406 - WALGA Council Member Ess Ann eLearning Subs24/25	\$5,544.00
27/11/2024	WESFARMERS KLEENHEAT GAS PTY LTD	10 October - Bulk Gas (Pavilion)	\$259.92
27/11/2024	WILLIAMS NEWSAGENCY	Monthly Account October 2024	\$149.70
28/11/2024	SHIRE OF WILLIAMS	Salaries & Wages PE 27/11/2024	\$62,683.84
1-30 Nov24	DEPARTMENT OF PLANNING & INFRASTRUCTURE	Licensing Payments Forwarded to Department of Transport	\$29,555.80
04/11/2024	CBA	CBA - Merchant Fees October 2024	\$448.41
04/11/2024	BUILDING AND ENERGY	BSL collection - October 2024	\$145.70
11/11/2024	TELSTRA	Telephone Charges Shire Office & Childcare Centre	\$366.18
18/11/2024	ANZ CARDS	Monthly Credit Card Expenses x 2 (See Details Below)	\$2,399.62
18/11/2024	TELSTRA	Mobile Phone Charges	\$313.37
21/11/2024	AUSTRALIAN TAXATION OFFICE	BAS October 2024	\$24,903.00
22/11/2024	SYNERGY	Electricity Charges (Various)	\$7,750.92
26/11/2024	SYNERGY	Electricity Charges for Glenfield Fire Shed and Swimming Pool	\$2,256.98
26/11/2024	TELSTRA	Pool Telephone to 19/11/2024	\$34.82
			\$534,523.62
18/11/2024	ANZ CARDS	Monthly Credit Card Expenses x 2	\$2,399.62
		Airport Parking	70.92
		Accommodation -Fairway Manor Northam	209.09
	PLANT:P084 CX-5 2022 WL036 (FDC)	40.93L ULP	65.45
	PLANT:P084 CX-5 2022 WL036 (FDC)	45.97L ULP	69.25
		Meals	40.33
	PLANT:P084 CX-5 2022 WL036 (FDC)	48.25L ULP	73.65
		Car Hire Budget Rent a Car	108.17
		Babywipes	30.00
		Chidrens's Week Grant, Equipment for Centre	218.18
		Chidrens's Week Grant, Equipment for Centre	121.82
	PLANT:P074 Case 721G Loader WL917	Plate Remake of WL917	43.55
		VROC Monthly Website Support	58.00
	MISC:M018 Town Hall Toilets	Urinal Cleaners	185.10
	PLANT:P083 Isuzu MU-X 2022 16WL	62.22L Diesel	93.27
		Staff Training Cassie Barker	93.18
		Demerter Grains Meeting	33.17

SHIRE OF WILLIAMS
PAYMENT LISTING FOR THE MONTH ENDING 30 NOVEMBER 2024

DATE	NAME	DESCRIPTION	AMOUNT
	PLANT:P083 Isuzu MU-X 2022 16WL	64.19L Diesel	94.47
		Public Libraries WA Inc	305.10
	PLANT:P083 Isuzu MU-X 2022 16WL	65.91L Diesel	95.81
		Lunches VROC Members	50.20
		Convention Centre Parking Fees WALGA meetings	19.27
	PLANT:P083 Isuzu MU-X 2022 16WL	62.25L Diesel	93.88
		VROC Monthly Website Support	58.00
	AUSTRALIAN TAXATION OFFICE	Non-Cap. Acq. - Inc GST	169.76
			2,399.62

8.1.3 FINANCIAL STATEMENTS

File Reference	4.23.15
Statutory Reference	Local Government (Financial Management) Regulations 1996
Author	Gemma Boyce
Date	12 December 2024
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that require disclosure
Attachments	Financial Statements ending 30 November 2024

Background

In accordance with the *Local Government Act 1995*, a statement of financial activity must be presented at an Ordinary Meeting of Council. This is required to be presented within two months, after the end of the month, to which the statement relates.

The statement of financial activity is to report on the revenue and expenditure as set out in the annual budget for the month, including explanations of any variances. *Regulation 34*, from the *Local Government (Financial Management) Regulations 1996* sets out the detail that is required to be included in the reports.

Statutory Implications

Local Government (Financial Management) Regulations 1996 – Regulation 34.

Comment

The attached monthly financial statements and supporting information have been compiled to meet compliance with the *Local Government Act 1995* and associated Regulations.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility

Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Price

Seconded: Cr Major

That financial statements presented for the period ending 30 November 2024 be received.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: .56/25



MONTHLY FINANCIAL REPORT
(Containing the required statement of financial activity and statement of financial position)
For the period ended 30 November 2024

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF WILLIAMS
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2024

	Supplementary Information	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Var.
OPERATING ACTIVITIES							
Revenue from operating activities							
Rates	9	2,368,869	2,366,669	2,370,874	4,205	0.18%	
Grants, subsidies and contributions	12	601,094	213,370	277,696	64,326	30.15%	▲
Fees and charges		1,230,062	551,625	543,668	(7,957)	(1.44%)	▼
Interest revenue		136,000	58,280	49,741	(8,539)	(14.65%)	▼
Other revenue		45,175	17,700	40,443	22,743	128.49%	▲
Profit on asset disposals	5	5,000	0	0	0	0.00%	
		4,386,200	3,207,644	3,282,422	74,778	2.33%	
Expenditure from operating activities							
Employee costs		(2,031,747)	(872,431)	(953,899)	(81,468)	(9.34%)	▼
Materials and contracts		(1,212,566)	(562,891)	(379,339)	183,552	32.61%	▲
Utility charges		(262,119)	(89,762)	(83,501)	6,261	6.98%	▲
Depreciation		(2,193,426)	(913,943)	(1,009,286)	(95,343)	(10.43%)	▼
Finance costs		(18,435)	(7,945)	(8,876)	(931)	(11.72%)	▼
Insurance		(195,191)	(195,191)	(178,419)	16,772	8.59%	▲
Other expenditure		(25,000)	(2,500)	(1,777)	723	28.92%	▲
		(5,938,484)	(2,644,663)	(2,615,097)	29,566	1.12%	
Non-cash amounts excluded from operating activities	Note 2(b)	2,189,926	913,943	1,009,286	95,343	10.43%	▲
Amount attributable to operating activities		637,642	1,476,924	1,676,611	199,687	13.52%	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	13	3,374,570	45,855	225,633	179,778	392.06%	▲
Proceeds from disposal of assets	5	60,000	0	0	0	0.00%	
Proceeds from financial assets at amortised cost - self supporting loans		23,299	11,572	11,572	0	0.00%	
		3,457,869	57,427	237,205	179,778	313.05%	
Outflows from investing activities							
Payments for property, plant and equipment	4	(3,350,897)	(45,855)	(582,978)	(537,123)	(1171.35%)	▼
Payments for construction of infrastructure	4	(1,985,920)	0	(354,822)	(354,822)	0.00%	▼
		(5,336,817)	(45,855)	(937,800)	(891,945)	(1945.14%)	
Non-cash amounts excluded from investing activities	Note 2(c)	0	18,299	0	(18,299)	(100.00%)	▼
Amount attributable to investing activities		(1,878,948)	29,871	(700,595)	(730,466)	(2445.40%)	
FINANCING ACTIVITIES							
Inflows from financing activities							
Transfer from reserves	3	305,000	96,500	96,500	0	0.00%	
		305,000	96,500	96,500	0	0.00%	
Outflows from financing activities							
Repayment of borrowings	10	(90,375)	(38,712)	(38,712)	0	0.00%	
Transfer to reserves	3	(129,270)	0	0	0	0.00%	
		(219,645)	(38,712)	(38,712)	0	0.00%	
Amount attributable to financing activities		85,355	57,788	57,788	0	0.00%	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year							
Amount attributable to operating activities		1,155,950	1,155,950	1,244,001	88,051	7.62%	▲
Amount attributable to investing activities		637,642	1,476,924	1,676,611	199,687	13.52%	▲
Amount attributable to investing activities		(1,878,948)	29,871	(700,595)	(730,466)	(2445.40%)	▼
Amount attributable to financing activities		85,355	57,788	57,788	0	0.00%	
Surplus or deficit after imposition of general rates		0	2,720,533	2,277,805	(442,728)	(16.27%)	▼

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF WILLIAMS
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 30 NOVEMBER 2024

	30 June 2024	30 November 2024
	\$	\$
CURRENT ASSETS		
Cash and cash equivalents	3,260,007	4,200,298
Trade and other receivables	99,305	602,771
Other financial assets	23,299	11,726
Inventories	25,223	23,334
Other assets	124,429	124,429
TOTAL CURRENT ASSETS	3,532,263	4,962,558
NON-CURRENT ASSETS		
Other financial assets	246,780	246,780
Property, plant and equipment	26,113,054	26,435,920
Infrastructure	69,812,261	69,397,541
TOTAL NON-CURRENT ASSETS	96,172,095	96,080,241
TOTAL ASSETS	99,704,358	101,042,799
CURRENT LIABILITIES		
Trade and other payables	277,598	365,506
Other liabilities	82,667	478,955
Borrowings	90,374	51,662
Employee related provisions	281,975	281,975
TOTAL CURRENT LIABILITIES	732,614	1,178,098
NON-CURRENT LIABILITIES		
Borrowings	361,489	361,489
Employee related provisions	27,144	27,144
TOTAL NON-CURRENT LIABILITIES	388,633	388,633
TOTAL LIABILITIES	1,121,247	1,566,731
NET ASSETS	98,583,112	99,476,070
EQUITY		
Retained surplus	23,645,476	24,634,934
Reserve accounts	1,678,854	1,582,354
Revaluation surplus	73,258,782	73,258,781
TOTAL EQUITY	98,583,112	99,476,071

This statement is to be read in conjunction with the accompanying notes.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 NOVEMBER 2024

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 14 to these financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
- estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICES

Significant accounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 09 December 2024

SHIRE OF WILLIAMS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2024

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Net current assets used in the Statement of Financial Activity	Supplementary Information	Adopted Budget Opening 30 June 2024	Last Year Closing 30 June 2024	Year to Date 30 November 2024
		\$	\$	\$
Current assets				
Cash and cash equivalents	2	1,949,064	3,260,006	4,200,298
Trade and other receivables		23,926	99,305	602,771
Other financial assets		88,344	23,299	11,726
Inventories	7	25,252	25,223	23,334
Other assets	7	935	124,429	124,429
		<u>2,087,521</u>	<u>3,532,262</u>	<u>4,962,558</u>
Less: current liabilities				
Trade and other payables	8	(269,729)	(277,599)	(365,506)
Other liabilities	11	(48,727)	(82,667)	(478,955)
Borrowings	10	(80,919)	(90,374)	(51,662)
Employee related provisions	11	(281,975)	(281,975)	(281,975)
		<u>(681,350)</u>	<u>(732,615)</u>	<u>(1,178,098)</u>
Net current assets		<u>1,406,171</u>	<u>2,799,647</u>	<u>3,784,460</u>
Less: Total adjustments to net current assets	Note 2(d)	(1,583,402)	(1,555,646)	(1,506,659)
Closing funding surplus / (deficit)		<u>(177,231)</u>	<u>1,244,001</u>	<u>2,277,805</u>

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Non-cash amounts excluded from operating activities	Adopted Budget	YTD Budget (a)	YTD Actual (b)
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	5	(5,000)	0
Add: Depreciation		2,193,426	913,943
Movement in current employee provisions associated with restricted cash		1,500	
Total non-cash amounts excluded from operating activities		<u>2,189,926</u>	<u>1,009,286</u>

(c) Non-cash amounts excluded from investing activities

The following non-cash revenue and expenditure has been excluded from investing activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

Adjustments to investing activities	Adopted Budget	YTD Budget (a)	YTD Actual (b)
	\$	\$	\$
Movement in current other provision associated with restricted cash		18,299	
Total non-cash amounts excluded from investing activities		<u>0</u>	<u>0</u>

(d) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

Adjustments to net current assets	Adopted Budget Opening 30 June 2024	Last Year Closing 30 June 2024	Year to Date 30 November 2024
	\$	\$	\$
Less: Reserve accounts	3	(1,678,854)	(1,582,354)
Less: Financial assets at amortised cost - self supporting loans	7	(23,299)	(11,726)
- Current financial assets at amortised cost - self supporting loans			
Diesel Fuel & Self Supporting Loans - Timing		21,306	(2,074)
Add: Current liabilities not expected to be cleared at the end of the year:			
- Current portion of borrowings	10	80,919	51,662
- Current portion of employee benefit provisions held in reserve	3	37,833	37,833
Total adjustments to net current assets	Note 2(a)	<u>(1,583,401)</u>	<u>(1,506,659)</u>

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

SHIRE OF WILLIAMS
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 NOVEMBER 2024

3 EXPLANATION OF MATERIAL VARIANCES

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2024-25 year is \$5,000 or 5.00% whichever is the greater.

Description	Var. \$	Var. % %	
Revenue from operating activities			
Grants, subsidies and contributions	64,326	30%	▲
Timing Variance			
Fees and charges	(7,957)	(1%)	▼
Higher Fees on Instalment Chanrges than anticipated			
Interest revenue	(8,539)	(15%)	▼
OCDF interest under budget			
Other revenue	22,743	128%	▲
Unbudgeted additional 'other revenue'			
Expenditure from operating activities			
Employee costs	(81,468)	(9%)	▼
All Workers Compensation premiums paid in first half of the year. Variances between timesheets with regard to operating & capital projects - timing of jobs			
Materials and contracts	183,552	33%	▲
Timing of works			
Utility charges	6,261	7%	▲
Budget Allocation higher than anticipated			
Depreciation	(95,343)	(10%)	▼
Budget estimate variance with Asset Revaluations too low Road additions not depreciated since 2022 revaluations			
Finance costs	(931)	(12%)	▼
Insurance	16,772	9%	▲
Timing Issue			
Other expenditure	723	29%	▲
Loan fees			
Non-cash amounts excluded from operating activities	95,343	10%	▲
Depreciation			
Inflows from investing activities			
Proceeds from capital grants, subsidies and contributions	179,778	392%	▲
Timing Variance with Budget Allocations & Actual funds being received			
Outflows from investing activities			
Payments for property, plant and equipment	(537,123)	(1171%)	▼
Timing Variance with Budget Allocations & Actual Payments			
Payments for construction of infrastructure	(354,822)	0%	▼
Non-cash amounts excluded from investing activities	(18,299)	(100%)	▼
Timing Variance			
Surplus or deficit at the start of the financial year	88,051	8%	▲
Surplus or deficit after imposition of general rates	(442,728)	(16%)	▼
Due to variances described above			

8.2 CHIEF EXECUTIVE OFFICER'S REPORT

Cr Panizza declared a financial interest in the item 8.2.1 – Disposal of property left the meeting at 3:53pm

8.2.1 TENDER – DISPOSAL OF PROPERTY - EXCAVATOR

File Reference	12.37.00
Statutory Reference	Local Government Act 1995, section 3.58.
Author	Peter Stubbs, CEO
Date	10 December 2024
Disclosure of Interest	Cr Panizza declares a financial interest in this matter
Attachments	Nil

Background

Public Notice and advertising of tender sale of the Shire of Williams Volvo EC210BLC Excavator commenced on Saturday 16 November 2024 in the West Australian newspaper, the Narrogin Observer (21 November 2024), The Williams newsletter, the Shire website and Facebook page.

Tenders closed at 4pm on the 9 December 2024.

The Excavator offered for sale by tender became surplus to requirement following the purchase of a new replacement Excavator in November 2024.

One Tender was received;

Ref No	Tenderer	Amount of Tender
1.	HA & SA Panizza & Co	\$30,000.00 plus GST

Legislative

The Local Government section 3.58. Disposing of property

- (1) In this section dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not; property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
 - (a) a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended: No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

Comment

Council has budgeted on the receipt of \$30,000 revenue from the sale of this Excavator.

Should Council choose not to accept the tender, then the option of taking the excavator to auction could be considered.

Strategic Implications

This item aligns the Shire of Williams Strategic Community Plan 2022 to 2032. Specifically, it relates to the following strategy(s):

To have appropriate levels of housing to cater for population retention and growth.

Financial Implications

The cost of adverting was, \$500.00 for the West Australian newspaper and \$351.00 for the Narrogin advertiser.

Should Council choose to dispose of the Excavator by auction then a seller premium would apply.

Revenue from the sale of the Excavator is part of Councils 2024-25 budget forecast with \$30,000 revenue from the sale anticipated.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Macnamara

Seconded: Cr Major

That Council accept the tender by HA & SA Panizza & Co for the disposal of the Volvo EC210BLC Excavator for the amount of \$30,000 plus GST (\$33,000), noting the tendered price is in line with budget revenue forecast.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Price

Against: Nil

Carried: 6/0

Resolution: .57/25

Cr Panizza returned to the meeting at 3:55pm.

8.2.2 ANNUAL REPORT 2023-24 & ANNUAL ELECTORS MEETING DATE

File Reference	4.1.20
Statutory Reference	<i>Local Government Act 1995</i>
Author	Peter Stubbs, CEO
Date	3 December 2024
Disclosure of Interest	Nil
Attachments	Annual Report 2023-24, including Audited Financial Statements

Background

The Annual Report for the 2023/24 financial year, which includes the Annual Financial Report and Independent Auditor's Report, are presented for Council consideration and adoption.

Comment

The Office of the Auditor General's (OAG) has completed the audit of the 2023/2024 Annual Financial Report. An Audit Exit Meeting was held on the 29 November 2024, attended by the OAG, AMD Chartered Accountants, r Price, Peter Stubbs, Gemma Boyce and Cassie Barker.

Council can now consider adoption of the Annual Report, which includes the Annual Financial Report and Independent Auditor's Report and set a date for the Annual Meeting of Electors.

Local governments are required to give local public notice of the availability of the Annual Report as soon as practical after the report has been adopted by the Council. Further, the Local Government Act 1995, Section 5.27 requires that the meeting is held no more than 56 days after the Council accepts the report.

It is recommended that the Annual Meeting of Electors be held at 5.00pm on Wednesday, 12 February 2025, at the conclusion of the February 2024 Ordinary Council Meeting.

Statutory Requirements

Local Government Act 1995, section 5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Strategic Implications

This item aligns with the community's vision and aspirations documented in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

- CL 1.2 Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate.
- CL 2.2 Maintain accountability, transparency and financial responsibility.

Financial Implications

The annual audit fee cost is currently \$32,000 for the year. The OAG has advised that this fee will rise as it seeks to achieve full cost recovery of all Local Government auditing.

Voting Requirements

Absolute Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Harding

Seconded: Cr Price

That Council adopt the Annual Report, including the Annual Financial Report and Independent Auditor's Report, for the financial year ending 30 June 2024 and confirm the Annual Meeting of Electors be held on Wednesday, 12 February 2025 commencing at 5.00pm.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: .58/25

8.2.3 COUNCIL MEETING DATES 2025

File Reference	4.1.20
Statutory Reference	<i>Local Government Act 1995</i>
Author	Peter Stubbs, CEO
Date	3 December 2024
Disclosure of Interest	Nil
Attachments	

Background

This item provides suggested Council meeting dates for 2025 to enable public advertising as required by the *Local Government Act 1995*.

Comment

Below is a draft schedule of proposed dates for Ordinary Council Meetings in 2025 which are set for the third Wednesday of each month, except for January where no meeting is held and February where the meeting is suggested to be held on the first Wednesday 12 February 2025, followed by the Annual General Electors Meeting. The General Electors meeting is required to be held no more than 56 days after Council adoption of the Annual Report.

Wednesday – 12 February
 Wednesday – 19 March
 Wednesday - 16 April
 Wednesday - 21 May
 Wednesday – 18 June
 Wednesday - 16 July
 Wednesday - 20 August
 Wednesday - 17 September
 Wednesday – 15 October
 Wednesday – 19 November
 Wednesday - 17 December

The *Local Government (Administration) Regulations 1996* state:

12. Meetings, public notice of (Acts. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
- (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

Section 5.57 *Local Government Act 1995*

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 1.2 Ensure the community remains well informed, well connected, and engaged, and has the opportunity to actively participate.

Financial Implications

Nil

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

1. Adopts the meeting schedule for the period January 2024 to December 2024 as listed in this report;
2. Advertise the meeting dates and commencement times in accordance with Section 5.25(1)(g) of the Local Government Act 1995 and Regulation 12(1) of the Local Government (Administration) Regulations 1996.

COUNCIL RESOLUTION

Moved: Cr Macnamara

Seconded: Cr Harding

That Council:

1. Adopts the meeting schedule for the period January 2024 to December 2024 as listed in this report; However with the change of the February meeting being returned to 19th.
2. Advertise the meeting dates and commencement times in accordance with Section 5.25(1)(g) of the Local Government Act 1995 and Regulation 12(1) of the Local Government (Administration) Regulations 1996.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: .59/25

8.2.4 CLOSURE OF UNMADE ROAD

File Reference	4.1.20
Statutory Reference	<i>Local Government Act 1995</i>
Author	Peter Stubbs, CEO
Date	3 December 2024
Disclosure of Interest	Nil
Attachments	Nil

Background

Mr. Will Higham and Mr. Les Wilson have requested that Council support closure of the unmade road reserve adjacent to their rural properties. The closure of this unmade road was considered, by Council in November 2017. At that time Council did not support the proposed closure as Mr Wilson and or other neighbours were not supportive.

Mr Higham and Mr Wilson prefer that the road reserve be left as a single title in joint names.

From: whigham17@bigpond.com <whigham17@bigpond.com>
 Sent: Thursday, 17 October 2024 10:27 PM
 To: Peter Stubbs <peter.stubbs@williams.wa.gov.au>
 Cc: 'Les Wilson' <les.wilson@lwms.com.au>
 Subject: RE: Request for road reserve closure

Hi Peter,

As per phone conversation we are hoping to close the survey road highlighted in blue on the attached skyplan. We already have gates constructed on either end resulting from the permits issued when we previously explored this option a few years ago.

Our neighbour to the south, Les Wilson is now onboard with closing the road and splitting the ongoing maintenance costs of the road. We were hoping to put the road into joint names if successful.

Cheers,

Will Higham

From: Les Wilson <les.wilson@lwms.com.au>
 Sent: Tuesday, 22 October 2024 12:18 PM
 To: Peter Stubbs <peter.stubbs@williams.wa.gov.au>
 Cc: whigham17@bigpond.com
 Subject: RE: Request for road reserve closure

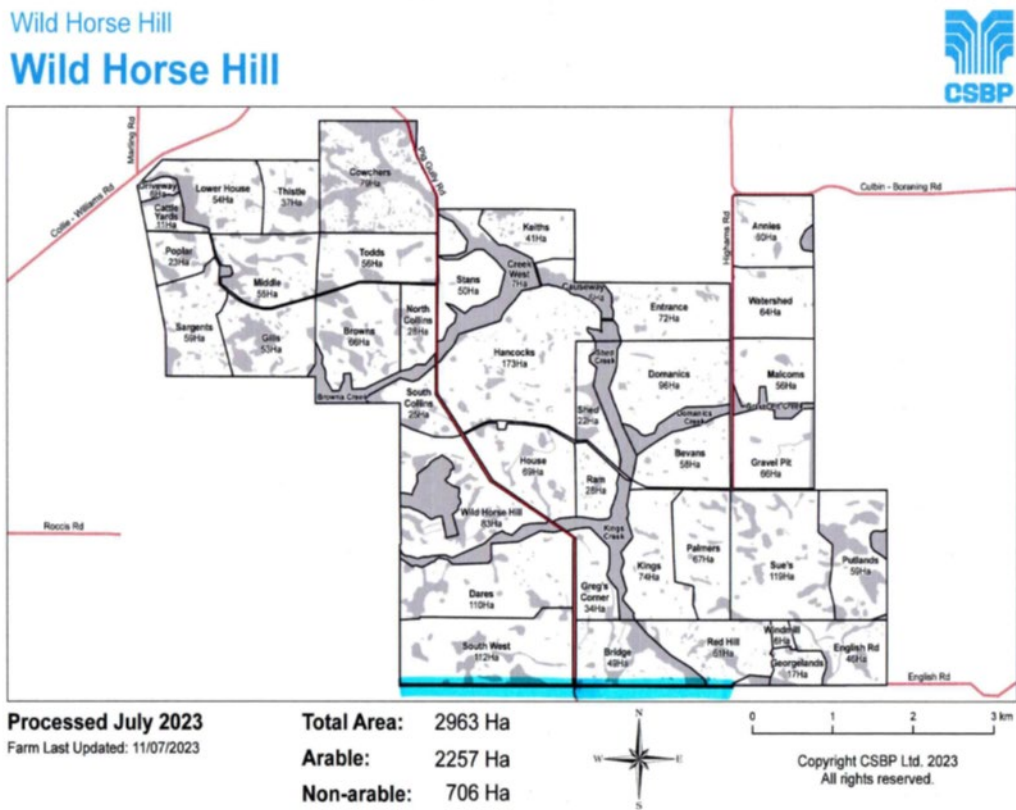
Hi Peter

I was about to email you. Russell Prowse is happy for us to close the road provided Highams/Wilsons guarantee him access to the road which we have both agreed would happen.

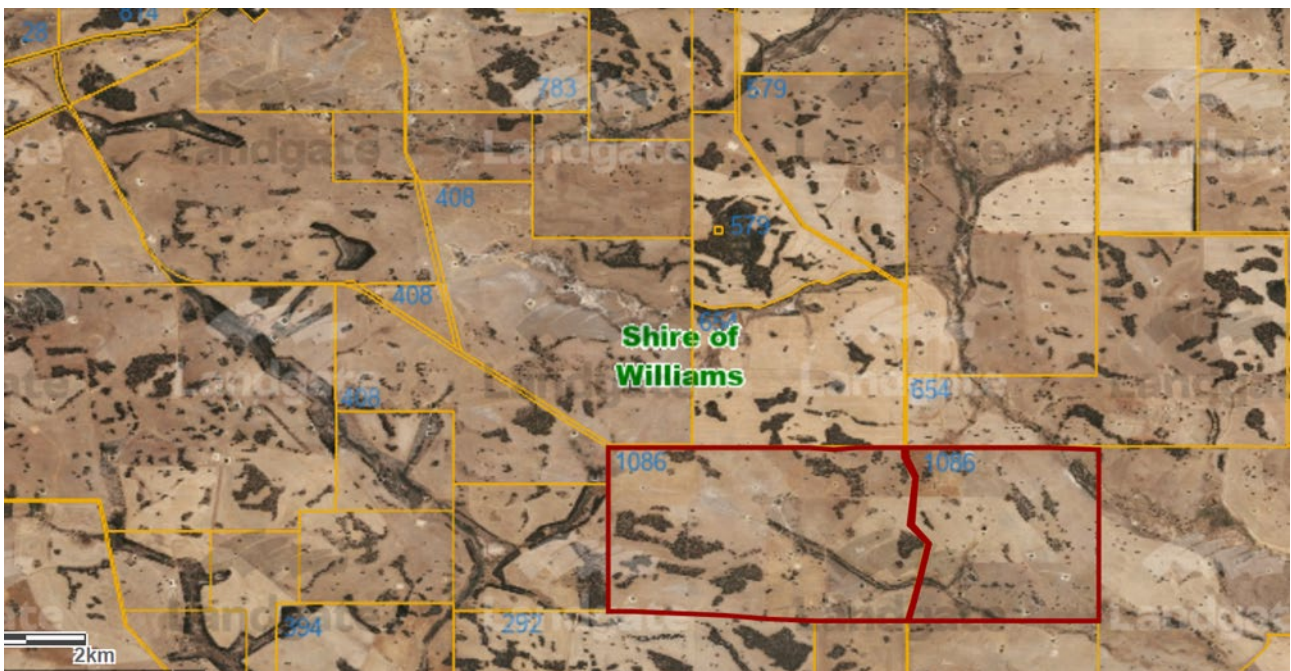
Thanks

Les Wilson Burra Burra Farms

The map below (Wild Horse Hill) is provided by Mr. Higham and indicates the highlighted section of unmade road referred to.



The Map below is an extract from Landgate with the portion of unmade road along the top red line.



Legislative Considerations and Process for Road Closures

In accordance with section 58 of the Land Administration Act (LAA), local government authorities may request the Minister for Lands, through DPLH, to close a public road permanently. The local government authority must comply with section 58 of the LAA and regulation 9 of the Land Administration Regulations before submitting a request for closure of road with following:

1. A copy of Council resolution to request the closure of the road
2. A copy the advertisement to close the road
3. Copies of any submissions and objections to the advertisement as well as comments which address any comments or objections
4. Copies of correspondence with service authorities and other government departments
5. Plan of survey, sketch plan or document showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed
6. Written confirmation that the local government authority has complied with section 58(2) and (3) of the LAA

Proposed road closures are assessed on their individual merits and DPLH acts on the advice of the relevant local government authority, and in consultation with the DPLH Land Use Planning Division. For a wide range of reasons, a road closure may not necessarily be undertaken. For example, because the road closure would deny formal access to an adjoining or nearby property.

Depending on the circumstances of a proposed road closure and the proposed future disposition, a service authority may require relocation of its facilities at the proponent's expense, or request a LAA easement to protect its installation in situ.

Subject to LAA requirements being met and there being no impediment to closure, the local government authority can resolve whether to proceed with a permanent road closure or not and will advise DPLH in writing.

The Minister must comply with section 58A of the LAA and regulation 9B of the LAR before permanently closing a public road.

Closure of a public road by the Minister for Lands

In accordance with section 58A of the LAA, the Minister for Lands may close a public road in the absence of a request from the local government authority where the Minister considers that the road should be closed permanently.

The Minister must comply with section 58A of the LAA which requires the Minister to give written notice to the local government and advertise the proposal to the public prior to closing the road. The local government and the public will have 35 days in which to make submissions and either may apply to the Minister for a longer period for submissions.

Comment

Mr Higham and Mr Wilson have been provided with the legislative process to assist in understanding what is required for road closure and potential timeframes.

Given the Christmas- New Year period, the State Government election scheduled for Saturday 8 March 2025, and the lead up caretaker convention period, it is likely that a decision from DPLH and the Minister will not occur before April- June 2025 period.

The proposal and preference of Mr Higham and Mr Wilson for the road reserve to remain in a separate title in their joint names may not be approved by the DPLH and or the Minister for Lands, and they have been encouraged to consider an alternative ownership arrangement for the land should their proposal not be approved.

The alternative they have indicated is that half the land is amalgamated with each of their adjoining rural lands.

Strategic Implications

This raises the potential consideration that some road reserves might be a useful strategic asset for Council and wind farm proponents. Landholders are typically paid for having transmission lines on their land. In the Eastern States of Australia that payment is in the order of \$200,000 per kilometre.

Financial Implications

Costs associated with public advertising to close a road, estimated at \$200.00

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Major

Seconded: Cr Panizza

That Council decline the request to close the unmade road reserve at this time and review that decision in December 2025.

For: Cr Cowcher, Cr Logie, Cr Major, Cr Panizza, Cr Price

Against: Cr Harding, Cr Macnamara

Carried: 5/2

Resolution: .60/25

8.2.5 DEVELOPMENT APPLICATION – LOT 3644 (#56) REDMAN ROAD, WILLIAMS, SPOOKWOOD ESTATE

File Reference	10.60.15
Statutory Reference	<i>Local Government Act 1995</i>
Author	Peter Stubbs, CEO
Date	10 December 2024
Disclosure of Interest	Nil
Attachments	<ol style="list-style-type: none"> 1. Bushfire Management Plan (BRMP) 2. Bushfire Emergency and Evacuation Plan (BEEP) 3. Spookwood management Plan for Nature Based Park 4. Soil & Site Evaluation Report 5. Waste Water Management Design Proposal

Background

1. In December 2023 the owners of Lot 3644 (#56) Redman Road, Williams, Spookwood Estate lodged a Development Application seeking planning approval to develop chalets and camping sites.
2. The site currently has a building used for short term holiday accommodation. It is proposed 14 camping/caravan sites, 7 glamping sites and associated communal facilities is added to the property for short term accommodation (the Facility).
3. Stakeholder and public advertising was conducted in February & March 2024.
4. There was one comment received, an objection from the Department of Fire and Emergency Services (DFES) on the grounds of fire risk.
5. Meetings with DFES have been held to seek to have DFES reduce or remove its objection.
6. The proponent has revised its Bushfire Management Plan via its Fire consultant to attempt to address DFES comments.
7. DFES has been invited by the Shire of Williams to comment on the revised Bushfire Management Plan and to explain why similar tourism related facilities in bushfire prone areas with camping and chalets such as at Dryandra National Park, Waroona Dam, and Lane Pool Reserve as examples are deemed to be materially lower risk than what is proposed at Lot 3644 (#56) Redman Road, Williams

The DFES response is provided below:

From: DFES Land Use Planning <advice@dfes.wa.gov.au>
Sent: Tuesday, 3 December 2024 11:23 AM
To: Peter Stubbs <peter.stubbs@williams.wa.gov.au>
Cc:
Subject: RE: 15/2024 - Lot 3644 (56) Redman Road Williams - Proposed Nature Based Caravan Park & Chalets - DFES Response

The new *State Planning Policy 3.7 Bushfire* and associated *Planning for Bushfire Guidelines* were published on 24 September 2024 and became operational for applications lodged with decision makers from 18 November 2024. Notwithstanding, as this application was submitted to the decision maker prior to 18 November 2024, this advice relates only to the 2015 *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and 2021 *Guidelines for Planning in Bushfire Prone Areas* (version 1.4) (Guidelines).

DFES' role is to provide advice to the decision-maker regarding whether the planning proposal complies with the bushfire protection criteria (BPC) as per policy requirements 6.5 and 6.6. In relation to the subject proposed development, the following comments should be read in conjunction with DFES' advice already given:-

- DFES has assessed the broader landscape and considered the proposed development is in an area of extreme risk due to the following factors:
 - Vast tracts of bushfire prone vegetation within 150m of the site boundary, which represents an extreme bushfire risk (as per AS3959).
 - Due to extreme bushfire prone vegetation, catastrophic bushfire behaviour is likely, and a bushfire could develop rapidly and grow to a significant size, resulting in the risk of loss of life, property, and infrastructure.
 - Evacuation from the site may not be possible and if attempted could pose an unacceptable risk to human safety.
- DFES acknowledges that A5.7b of the Guidelines makes provision for a bushfire management plan (BMP) to define certain accommodation structures as a tolerable loss, however, DFES maintains the view that sufficient hazard separation should be provided to achieve a bushfire attack level (BAL) of BAL-29 or lower for all structures. Additionally, owners/occupants may not view their assets as expendable in the event of a bushfire and may attempt to save them.
- The key difference between DBCA owned/managed camping sites and privately owned/managed sites is that DBCA is responsible for managing fire within forests, parks, nature reserves and other land that they manage.
- The vegetation assessment / BAL outputs and assessment of the BPC are not considered sufficient to determine compliance against SPP 3.7. The site layout overlaid on the BAL Contour Map should be consistent with the proposed development in the submitted development application.

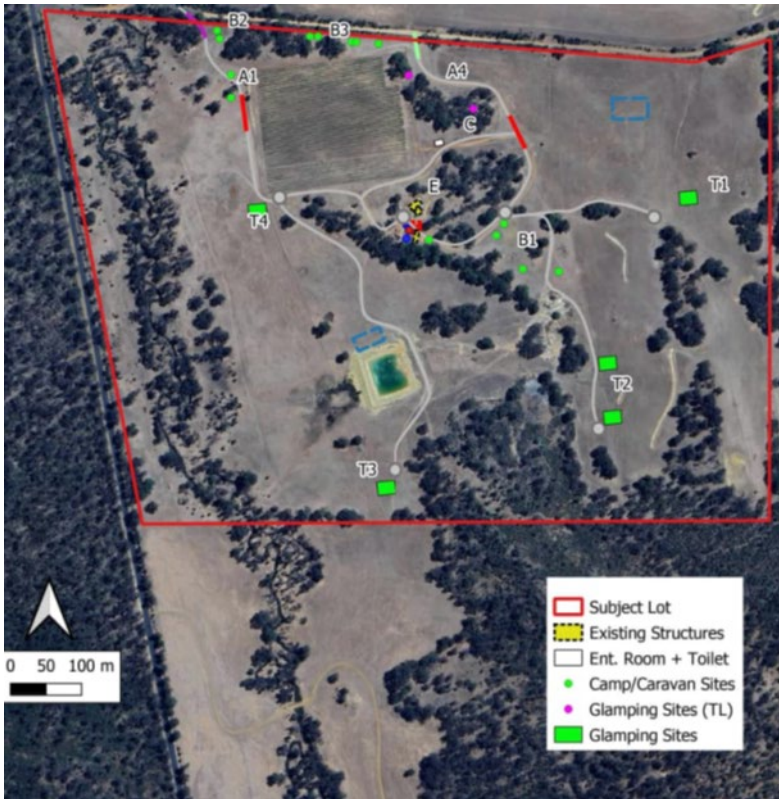
In relation to vehicular access for Redman Road, as previously noted, although Quindanning-Darken Road provides access to the north and south, it traverses through an extreme hazard. Given the site's location and surrounding environment, it is not clear whether a solution could be identified that DFES considers would satisfactorily address the performance principle. Accordingly, an updated BMP should address the non-compliance to assist informed decision making.

If access through the neighbouring lot is to be relied upon to achieve vehicular access in perpetuity, then a lot easement or other legally binding mechanism that clearly secures these access rights should be in place.

Should you require clarification of the matters raised, please do not hesitate to contact me on the undersigned.

Planning Officer | Land Use Planning T: 08 9395 9961 | E: advice@dfes.wa.gov.au | W: dfes.wa.gov.au

Map- Proposed Site Layout - Lot 3644 (#56) Redman Road, Williams



Map- Location - Lot 3644 (#56) Redman Road, Williams



Comment

In summary the DEFS advice is based on

- The bushland to the west of the Lot 3644 (#56) Redman Road and west of Quindanning- Darkan Road- being considered a high fire risk.
- A single access and exit to and from the property in the event of fire.

It is always preferable to have Agencies like DEFS comfortable with proposed planning approvals, but over the past year this has not been achieved. It is important to note that Liz Bushby, TPI Consulting which the Shire of Williams uses for planning advice does not support the proposed development, because of risks should a fire occur.

The risk extent of risk to the people and property need to be consider along with the proposed risk mitigation measures outlined in the BFMP, BEEP and project proposal.

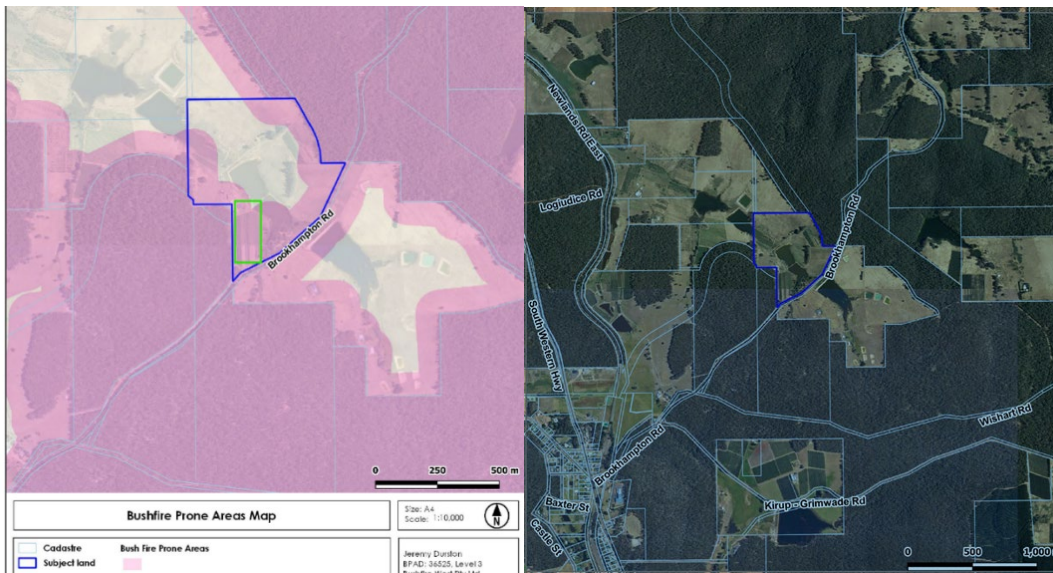
In that context it is relevant to consider the balance between risk and development for similar development and jurisdictions.

There are examples of similar approved and operating facilities to what Spookwood propose.

- Example 1. The Jacaranda Hill facility in the Shire of Murray is similar to Spookwood, being on the edge of significant forest, a one-way street which is 4km to the nearest two direction road, albeit there is less forest along the exit road than on Quindanning-Darkan road.



- Example 2. The Shire of Donnybrook approved a farm stay facility in early 2024, which caters for camping and weddings. This facility is mostly in a bushfire prone area (as seen in the pink shaded diagram below) and the camping and wedding area is marked below in the Bushfire Zone (green rectangle), and is managed by Landscape management. DFES objected to this planning application on the basis of it being an 'extreme fire hazards area'.



- Example 3 Collie Hills Worker Accommodation facility received advice from DFES almost identical to the advice for the Spookwood proposal. Development Approval was approved by Joint Development Assessment Panel (unanimously). This application was to increase worker accommodation from 200 rooms to 688 rooms.

There are number of important and relevant documents pertinent to this development application.

Bushfire Emergency and Evacuation Plan (BEEP)

The applicant BEEP requires that the site be closed during declared catastrophic and extreme bush fire hazard times. The action should ensure that guests are not the property at those peak risk times.

Bush Fire Management Plan (BFMP)- key elements

The BFMP is appended to this report. Summary of the BFMP essential fire risk impact mitigation measures are provided in the table below.

1	Establish the Asset Protection Zone (APZ) to the dimensions and standard stated in this BMP- (generally between 21m & 33m of camp sites and infrastructure).	Prior to occupancy.
2	Create new access onto Redman Road within 200 metres of Quindanning-Darkan Road.	Prior to occupancy.
3	Adapt current water tank to be made suitable for firefighting purposes and allow a minimum 50,000-litre firefighting capacity.	Prior to occupancy
4	Install internal driveway to requirements of this BMP - a minimum 4-metre-wide all-weather surface along with 6 metres horizontal clearance and 4.5 vertical clearance. Passing bays to be provided every 200 metres with a minimum length of 20 metres and a minimum additional trafficable width of two metres (i.e. the combined trafficable width of the passing bay and constructed private driveway to be a minimum six metres). A turn-around area as shown in to be provided within 30 metres of the existing building.	Prior to occupancy
5	Install Signage as required by this BMP advising of where each access route travels to and the distance and general information signs on what to do in the event of a bushfire as per the details in the BEEP	Prior to occupancy

6	Create a Bushfire Emergency Evacuation Plan (BEEP) to the approval of the LGA	Prior to occupancy
7	Conduct training with all senior members onsite as per BEEP	Prior to occupancy
8	Maintain vehicular access routes to the required surface condition and clearances	Ongoing
9	Maintain the Asset Protection Zone (APZ) to the dimensions and standard stated in this BMP	Ongoing
10	Maintain water supply including vehicular access in good condition	Ongoing
11	Implement requirements of the BEEP including establishing EMT and conducting reviews	Ongoing
12	Conduct annual and daily preparation as per requirements of BEEP	Ongoing
13	Ensure all visitors are aware of Bushfire risk and evacuation procedures	Ongoing

Glamping tents cannot conform with any construction standards, and therefore the overall risk of loss is not significantly reduced by being in a BAL-29 area. All camping and caravan sites have been considered a tolerable loss.

Water & Wastewater

Details of the water and wastewater management and appended in the Wastewater Management System Design Proposal.

Each glamping tent/ tiny home accommodation is proposed to be serviced with a potable water supply originating from roof catchment from an existing shed/structure on the property and reverse osmosis system from the dam.

Each glamping tent / tiny home will have up to 1 x waterless toilet, 1 x hand basin, 1 x shower, 1 x small kitchen sink

No wastewater will be produced from the waterless toilet. A small, excess liquid drain will be installed, as per the toilet manufactures specifications.

The average daily hydraulic load production has been estimated at 100L/day (for two people). Applying a 30% allowance, for instances of higher water equates to a maximum daily hydraulic loading of 130L/day.

Strategic Implications

The potential to develop chalet and camping sites aligns with the Hotham Williams VROC goals to increase public visitation to the Marradong region, and more broadly promotes the Williams district and assist diversify economic activity.

It relates to the Shire Strategic Community Plan 2017-2032 goal;

ED1 4 Encourage business and community group initiatives to promote the Shire as a place to live, work and invest.

Financial Implications

Nil at this time

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Harding

Seconded: Cr Price

That Council approve the Development Application submitted by Mark Rattigan & Emma Varischetti - Rattigan ATF- The Yellow Wood Family Trust for a proposed nature-based campground facility at the Lot 3644 (#56) Redman Road, Williams subject to the following conditions:

1. The Bushfire Management Plan (BFMP) commitments and requirements are certified and evidenced to the Shire by a completed Compliance Certificate prepared by a bushfire planning practitioner prior to any guest occupancy of the facility (other than the existing house).

2. Bushfire Emergency and Evacuation Plan (BEEP) commitments and requirements are in place prior to any guest occupancy of the facility.

3. The Facility be closed at any time when there is a Fire Danger Rating of 'extreme' or 'catastrophic' under the Australian Fire Danger Rating System' to ensure that guests are not at the property at those peak fire risk times.

4. The plans lodged with the application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.

5. Prior to commencement of operation, the owner shall carry out all works necessary to implement the recommendations in the Bushfire Management Plan dated 15 October 2024 and the Bushfire Emergency Evacuation Plan dated the 26 July 2024 prepared by Bushfire Smart.

6. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into road reserve unless otherwise approved in writing by the Chief Executive Officer.

7. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.

8. The proponents be advised to lodge an application for a separate Caravan Park and Camping Ground Licence in accordance with the Caravan Parks and Camping Grounds Act 1995.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: .61/25

8.2.6 DEVELOPMENT APPLICATION – PROPOSED OFFICE/ WORKSHOP AND CONCRETE BATCHING PLANT LOT 401(No 2) MARJIDIN WAY, WILLIAMS

File Reference	10.60.15
Statutory Reference	Local Government Act 1995
Author	Peter Stubbs
Date	12 December 2024
Disclosure of Interest	The Author has no Impartiality, Financial or Proximity Interests.
Attachments	Nil

Background

On the 22 July 2024 Council made the following resolution #7/25;

That Council ,

1. *give in principle support for the proposed office, workshop and concrete batching plant for Lot 401 (No 2) Marjidin Way, Williams, as requested subject to:*
 - a. *the applicant lodging an application to the Environmental Protection Authority for a separate works approval and providing a copy of that to the Shire for its records and consideration.*
 - b. *the required advertising for public comment being undertaken by the Chief Executive Officer, given the proposed reduced front boundary setback from 16.5m to 13.5m for the proposed office/workshop building.*
2. *pursuant to Clause 82(1) and 82(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the development application for an office/workshop and general industry (concrete batching plant) Lot 401 (No 2) Marjidin Way, Williams, after consideration of public comments.*
3. *Council to advise applicant of current road access requirements*

Public advertising was undertaken but errors occurred resulting in advertising for less than the required statutory duration. Following a complaint from Tim and Vicki Medlen the public advertising was done again to meet advertising compliance . Seven (7) public submissions were received from the re advertising and they are presented with this report.

The complaint from Mr and Mrs Medlen and the Shire response to that was tabled at the November 2024 Ordinary Council meeting as is therefore in the public domain.

Comments

The public submissions received are:

MR FRANK BOWMAN

I write in response to the Public Notice in The Williams of 4/11/2024 regarding the Development Application by unknown company for a concrete batching plant on the corner of Marjidin Way and Narrogin Rd.

I am concerned re the effects on the environment and the community of Williams.

The concrete batching plant has the potential to be working 24 hours per day. This would involve the movement of multiple trucks, the noise pollution of the trucks and batching plant and the potential for concrete and dust with the surrounds.

My business is approximately 500 metres from the proposed plant; along with other businesses, private homes and the Williams Caravan Park. Within 1 kilometre there are many more homes and businesses, the river, the Williams Health Centre, the Williams Aged Care precinct and includes the shopping Centre and the Shire building and halls as well.

Caravan visitors will not return if subject to excessive noise during the day or at night.

SHIRE OF WILLIAMS COMMENT

The company which made the Development Application is Narrogin Earthmoving, this a matter of public record.

The Development Application is for an office, workshop and batching plant.

Concrete batching operations of 100 tonnes or over, are a "prescribed premise" under the Environmental Protection Regulations 1987.

As such the concrete batching plant will need a Works Approval and Licence under the Environmental Protection Authority (EPA) legislation. This legislation specifies offences and penalties for non-compliance. It follows that if the proponent does not evidence the Works Approval and License with any conditions within two years of the Planning Approval being issued then the Planning Approval will lapse.

The EPA may impose conditions to address risk of dust, noise (etc).

MR ALEX WATT – GREAT SOUTHERN PONT REPAIRS

Since giving my initial support for this proposal some months ago, I now have a major concern that I would like the shire to revisit as it looks to me to be a major oversight by the Williams Shire Council.

My concern is the distance of the buffer zone to any residential or non-industrial lot.

Reading through the EPA guidelines for a Cement Product Manufacturing Works, it clearly states a buffer distance of 300 to 500 meters for a batching plant producing up to 5000 tonnes / year.

The proposal in question does not comply with these guidelines at all, not even by half.

I would like the following questions answered in regards to this proposal.

1: What consideration was given by the shire CEO , the councillors or the planning process in regards to the overriding of the EPAs guidelines that clearly state a distance of 300 to 500 meter buffer distance?

2: Has there been a waiver of this buffer distance approved , and if so, on by what grounds or reasons was the waiver approved?

When first giving my support for this project, I was giving that support on the premise that the shire and the planning process would have progressed through all the initial hoops typical of this kind of proposal.

I am now reversing my support for this project as I have now lost confidence that the Williams Shire Council and or the planning process has not fully considered all aspects or requirements in regards to the EPAs guidelines.

SHIRE OF WILLIAMS COMMENT

Planning support and consent by the Shire is subject to the applicant for the batching plant providing evidence and copies to the submission and supporting documentation to the EPA, in seeking a Works Approval Licence.

On receipt of that the Shire may make recommendations to the EPA with respect to the proposed management of matters including noise, dust, setbacks.

The EPA as the regulator of “prescribed premise” under the Environmental Protection Regulations 1987 may reject the application or set the conditions to mitigate perceived impacts.

At this time the applicant has not made submission to the EPA and therefore the Shire does have that documentation.

MR ROWAN LAVENDER

I am writing to register my extreme objection over the proposed concrete batching plant at Lot 401 Marjidin Way, Williams.

I live in my home at 31 William St - which is only 240 metres away and one of the closest residential properties to the proposed site. It is a seemingly closer distance by eye though, with direct line of site and only the road and limited vegetation between.

I wish to note my extreme concern and disappointment that I have had absolutely zero contact or information provided from either the Williams Shire or the business applicant during this entire process, having only very recently learnt of these developments coincidentally through word of mouth.

The WA EPA regulations state that concrete batching plants are required to be a minimum distance of 300 - 500 metres from residential buildings and as I am well within that protected buffer zone, I again adamantly object to the proposal and question how legally I have not been personally made aware of the application? Even more concerning is that there are residents living closer than myself.

My concerns specifically relate to:

- NOISE AND INCREASED TRAFFIC - There will be a massive amount of increased traffic and noise produced from many elements of the daily business, particularly with the road situated in between my property and the proposed site. These include delivery of materials by road trains and trucks, concrete trucks entering and exiting the plant, heavy machinery in constant use, the mixing process and pumping of concrete. This noise will be clearly audible to me in my home at this distance. Particularly in the quiet hours of the early morning and evening, any machinery noise and even the reversing beeper alarms on operating machinery will clearly carry to me, and will have a devastating impact on my ability to sleep and my home life in general - which in turn will negatively impact every other element of my life and wellbeing. I have researched and read complaints that that the concrete batching plants in other areas of the state servicing the construction of wind turbines are working 24 hours a day, 7 days a week to keep up with production demand, and this scenario is horrifying to imagine. Also please consider the impact of this on the neighbouring caravan park and camping ground, with paying guests sleeping in caravans and tents in the open air. Even in a 5 day week, 12 hour day scenario, such as 7am - 7pm, 6am - 6pm or 5am - 5pm this will be utterly unbearable.
- DUST/ AIR POLLUTION - Harmful dust containing toxins will spread throughout the entire area - dust from the delivery, storage and transfer of cement, aggregate, gravel and sand, as well as constant truck movements and the production process itself. I am particularly concerned with dust due to having suffered from asthma since childhood,
- ENVIRONMENTAL CONCERNS - The area is on low lying, flood prone land only hundreds of metres from the Williams River. In the event of flooding, water run off from the site containing cement and pollutants would drain into the sensitive river system.
- VISUALLY UNAPPEALING - A cement batching plant would be an eye sore on this whole side of town and a blight on all surrounding properties. This combined with the other factors already listed of excessive noise and dust pollution, plus the associated health and environmental concerns, will have a massive negative effect on the property value of my home, as it will on the other neighbouring homes and businesses in the vicinity. Nobody wants to - or deserves to be forced to - live next to a concrete batching plant. I know that

I never would have even considered buying my property if the plant was there at the time I purchased. My home is a unique, historic building constructed in 1877 which predates almost all other buildings in the district, and certainly the industrial area itself. But regardless of the proposed site being within the industrial area, it shouldn't be approved if its operations infringes on pre-existing residential and business premises. I accepted that I would receive some road noise when purchasing my house in its location, but approving the plant would make living here untenable and selling the house extremely difficult, a situation I am not willing or financially able to consider. I have nothing personal against the business applicant and have no objection to the plant being located out of town at an appropriate site, in which it won't have serious negative impacts on others.

After having spoken with other concerned residents and businesses affected by the proposal, should it be approved then I will be supporting them in looking at legal options, contacting relevant government bodies and alerting media outlets, including the concerns over the initial approval without notification, public consultation or comment. Already the thought of the proposal possibly being approved has caused great stress and heightened anxiety to myself and many others, the impact of these mental health concerns should be taken as seriously into consideration as the physical health impacts.

As a ratepayer and lifelong Williams local, it is my sincere hope that a CEO representing the town and councillors elected to represent its citizens and businesses, could not knowingly and morally approve a proposal that will have profound detrimental effects upon the lives of its residents. It isn't purely for selfish reasons I am highlighting my objections, as my concerns are shared by and affect others in the exact same way.

Money shouldn't trump other people's health and wellbeing, and if you wouldn't live in this scenario yourself, I'd pleadingly reason that you cannot possibly in good conscience force others to.

Thanks for receiving my concerns,

SHIRE OF WILLIAMS COMMENT

Narrogin-Williams road is a Restricted Access Vehicle (RAV) route for heavy traffic. It services industry, as well as public needs.

The Marjidin Way Industrial Estate is planned for expansion.

It is unlikely that a batching plant with capacity of 3,000 m³ would contribute in a large way to the development of wind farms given the volume and specifications of concrete required for those. This need is likely to be serviced by on site mobile batching plants.

While dust is a potential issue, it may be mitigated by the Dust Management Plan the proponent will require to gain their EPA Approvals and Licence.

The risk of pollutants to the Williams River is not considered to be high, and the Marjidin Way Industrial land site is not a high flood risk.

Visual amenity can be managed with appropriate screening and design.

MRS RAELENE COWCHER

I would like to Strongly oppose the proposed Concrete batching plant being built close by to my residence (built on Lot 401 (No2) Marjidin Way, Williams

SHIRE OF WILLIAMS COMMENT

Noted.

MR PHILL BEARY

Based on the information provided, there is a likely legal breach regarding the setback requirements under the Western Australia Shire Town Planning Scheme. Here's an analysis:

1. Setback Requirement Breach

The Town Planning Scheme requires buildings to be set back 16.5 meters from the front lot boundary, yet the proposed office/workshop is set back 13.5 meters, which represents a 3-meter shortfall. This constitutes non-compliance with the prescribed setback regulation. Non-compliance with such planning controls is a breach of statutory planning law and may render the development approval invalid unless a variation is granted by the relevant planning authority.

2. Residential Distance Concerns

The batching plant is located approximately 120 meters from a residential building. While specific regulations about industrial-residential separation distances vary, in Western Australia:

- EPA Guidance Statement No. 3 recommends a minimum buffer distance of 300 meters between concrete batching plants and sensitive land uses, including residential buildings. This guideline aims to minimize impacts such as dust, noise, and vibration.
- At 120 meters, the plant is well below the recommended separation distance, potentially breaching environmental guidelines. Non-compliance with these guidelines may result in objections, appeals, or legal action under the Environmental Protection Act 1986 (WA).

3. Legal Consequences

- The setback breach violates the planning scheme, which could lead to enforcement action by the local government, including refusal of development approval, fines, or orders to amend the design.
- The insufficient residential buffer may breach EPA guidelines, exposing the developer to objections from residents, environmental compliance issues, and appeals through the State Administrative Tribunal (SAT).

Conclusion

there appear to be legal breaches both in terms of the front setback requirement (3-meter shortfall) and insufficient separation from residential buildings (falling 180 meters short of EPA buffer guidelines). These breaches necessitate either modifications to the proposal or approval of variations through appropriate legal processes.

SHIRE OF WILLIAMS COMMENT

Council has discretion to waive the setback requirement of 16.5m and in this case consistent with some other setbacks in the Industrial areas has advertised its intention to reduce the setback to 13.5m.

The EPA may decline a work approval application or Licence or set conditions to mitigate perceived impacts.

Aggrieved parties have appeal rights, through the State Administrative Tribunal.

TIM, VICKI & JOSH MEDLEN

Thank you for your reply to our questions and queries to our concern of the proposed batching plant in the town site of Williams.

If the proposal has already had approval what is the re advertising going to achieve?

For such a large noxious business to develop in our town why was the planning scheme so easy for the applicant to get approval? Especially considering there is no analysis put forward to the Shire.

On our investigation the most recent plant that has approval is in Albany in 2022 as an expansion, it is a substantial application, highly informative, they have submitted the noise, dust, hours, production in their proposal. Why was this applicant not required

to submit before approval - so that the public is more informed of such a development. This is part of the Williams Shire town planning scheme.

The process of this approval seems brief, and now relying on the EPA.

Our proposal is that the Shire declares this approval invalid until Williams town planning scheme analysis is completed to a standard - in line with the EPA.

The position of the buildings, on the block are in an orientation for expansion of the concrete plant. We do realise that it is not in the current proposal now, does it need investigating?

The set back reduction reduces the buffer zone to the amenities. How is this beneficial?

This does not only affect our business it will affect any business that is in Earthmoving. These families are also local people. It is creating a drive in drive out business with no community participation.

SHIRE OF WILLIAMS COMMENT

The purpose of advertising was to address errors in initial advertising and met advertising compliance requirements.

A batching plant with 3,000m³ capacity is not considered to be particularly large.

The applicant is required to submit the appropriate documentation to the EPA in order to finalise approvals.

Any future expansion proposal of the batching plant, if application were made, would be subject to assessment on its merits at the time, and relevant approvals needed.

In principle planning approval is provided subject the EPA approvals and licence.

MICHAEL ITALIANO & DAPHNE KETT

We are writing to object against the proposed batching plant at Lot 401, No2 Marjidin Way, Williams.

Should this go ahead the impact on local businesses will be on of no advantage, only disadvantage, as we already have business that provide the same service as they will be.

We are a small town supplying what we can with materials and another business coming in from the next town should not be considered.

How will the cement dust affect the other buildings in the Industrial area and surrounding houses, and with the Williams river not far from it. We understand the need Williams to expand but this will not help when work is taken away from locals.

We hope everything is considered when the decision is made.

SHIRE OF WILLIAMS COMMENT

Planning consideration cannot be based on perceived competition with existing businesses. Competition is not a valid reason to withhold planning approval.

Dust management is to be addressed through the proponents required Dust Management Plan and EPA and Shire consideration of that.

Comment

Planning approval is not a guarantee that a development will occur. Any proponent/applicant may choose not to proceed, for example for reason such as, other required approvals not being gained, commercial risk, or conditions with approvals that are determined to be not in business interest.

The applicant has not yet lodged application to the EPA, and may choose not too, if they decide not proceed.

The applicant is required to copy all documentation to be provided to the EPA to the Shire of Williams, as conditions of the planning approval. Should/when that happen, the Shire can assess and liaise with the EPA at that time.

The applicant may choose to progress only the workshop and office components of the proposed development and cannot do this without lodging the required Building Permits for those. No Permit application have bene received at this time

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2022 to 2032. Specifically, it relates to the following strategy(s):

- CL 2.2 Maintain accountability, transparency and financial responsibility.
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Nil.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Major

Seconded: Cr Macnamara

That Council

1 note the public comment received after adverting the proposed development office/workshop/concrete batching plant for Lots 401 (No 2) Marjidin Way Williams,

2 request the CEO and Shire President to meet with the EPA and discuss public comment on the proposed office/workshop/concrete batching plant for Lots 401 (No 2) Marjidin Way Williams, should the proponent lodge the relevant and required EPA documentation to seek a Works Approval and Licence to operate a concrete batching plant.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: .62/25

8.2.7 USE OF COMMON SEAL AND DECISIONS UNDER DELEGATED AUTHORITY

File Reference	Various
Statutory Reference	Local Government Act 1995
Author	Peter Stubbs
Date	13 December 2024
Disclosure of Interest	The Author has no Impartiality, Financial or Proximity Interests.
Attachments	Nil

Background

The purpose of this Agenda Item is to report to Council for endorsement, the use of the Common Seal and actions performed under delegated authority requiring referral to Council.

The *Local Government Act 1995* requires that the Delegations Register is reviewed annually by Council. A procedure included in the Delegations Register is to report to Council the activities or actions that have been performed under delegated authority. A report completed for Council at meetings identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Delegations Register.

Comment

The Common Seal was used on the 10 December 2024 on a Transfer of Land document to formalise the land transfer for a portion of what is known as Location D, Albany Highway, Williams. This is in relation to the land owned by Council and opposite the Woolshed via an agreement between Main Roads WA and the Shire of Williams to facilitate access to the site known as location D.

Decisions by the CEO using delegated authority are provided in the table below;

	Decision Type	Name/Property	Date of Decision	Purpose	Value
1	Building Approval	Hannah Reed 12 Rosselloty Street, Williams	4 December 2024	Swimming Pool construction	\$18,000.00
2	Building Approval #528	Stephen Atwell Glenfield Road, Williams	10 December 2024	Hay Storage shed,	\$181,244.80

Payment from the Municipal or Trust Funds – Delegation 1.1.19 Authority to make payments from the municipal or trust funds with the authority limited to making payments subject to annual budget limitations.

Action - Payments from the Municipal Fund and Trust Fund are as per the payments listing attached to this Agenda.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2022 to 2032. Specifically, it relates to the following strategy(s):

- CL 2.2** Maintain accountability, transparency and financial responsibility.
- CL 4.4** Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

The standard approved Council fees were applied the above decisions.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Major

Seconded: Cr Macnamara

That Council accept the report "Use of Common Seal and Actions Performed under Delegated Authority" for the period 18 November to 13 December 2024.

For: Cr Cowcher, Cr Harding, Cr Logie, Cr Macnamara, Cr Major, Cr Panizza, Cr Price

Against: Nil

Carried: 7/0

Resolution: .63/25

9. ELECTED MEMBERS' MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

10.1 ELECTED MEMBERS

10.2 OFFICERS

11. APPLICATION FOR LEAVE OF ABSENCE

12. CLOSURE OF MEETING

There being no further business for discussion, the President, Cr Logie, declared the meeting closed at 4:42pm