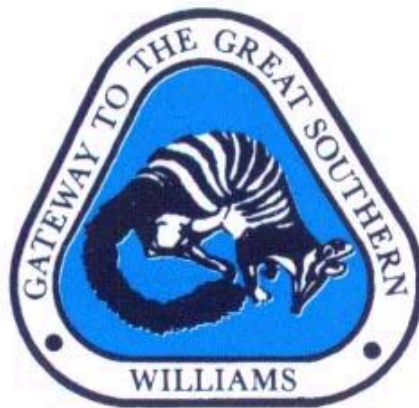


# ***SHIRE OF WILLIAMS***

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY  
21ST MAY 2014***



## **COUNCIL DIARY**

**WEDNESDAY 21<sup>ST</sup> MAY 2014**

12 noon

Audit Committee Meeting

**WEDNESDAY 21<sup>ST</sup> MAY 2014**

1.00pm

Ordinary Meeting

**WEDNESDAY 18<sup>TH</sup> JUNE 2014**

1.00pm

Ordinary Meeting



## MINUTES – ORDINARY MEETING OF COUNCIL HELD 21<sup>ST</sup> MAY 2014

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***SEPARATE DOCUMENTS***

1. Minutes
2. Appendices
3. Accounts for Payment
4. Financial Statements
5. Status Report
6. Info Statement



## SHIRE OF WILLIAMS

BROOKING STREET, WILLIAMS, WESTERN AUSTRALIA.

OFFICE HOURS: MONDAY TO FRIDAY: 8.30 a.m. to 5.00 p.m.

TELEPHONE (08) 9885 1005 FACSIMILE (08) 9885 1020 EMAIL [shire@williams.wa.gov.au](mailto:shire@williams.wa.gov.au)

All communications to be addressed to the Chief Executive Officer, P.O. Box 96, Williams, W.A. 6391.

Your Ref:

Our Ref:

### NOTICE OF MEETING

You are respectfully advised that the next ordinary meeting of Council will be held in the Council Chambers at 1.00pm on Wednesday 21<sup>st</sup> of May 2014.

Yours faithfully

**Ryan Duff**  
Chief Executive Officer



## DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Williams for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Williams disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Williams during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Williams. The Shire of Williams warns that anyone who has any application lodged with the Shire of Williams must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Williams in respect of the application.



## AGENDA

### 1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 1.05pm.

### 2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr John Cowcher	President
Cr David Earnshaw	Deputy President
Cr Greg Cavanagh	
Cr Richard Johnstone	
Cr Gilbert Medlen	(from 2.56pm)
Cr Natalie Major	
Cr Jarrad Logie	(from 1.22pm)
Cr Peter Paterson	
Cr Moya Carne	
Ryan Duff	Chief Executive Officer
Cara Ryan	Manager of Finance
Steve Friend	Envir. Health Officer/Building Surveyor (2.12pm to 3.24pm)
Tony Kett	Works Supervisor (1.54pm to 2.10pm)
Heidi Cowcher	Economic Development Officer (1.11pm to 1.53pm)

### 3.0 PUBLIC QUESTION TIME

### 4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

### 5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Ryan Duff/Chief Executive Officer
Item No. / Subject	8.4.9/Chief Executive Officer's Employment Contract
Type of Interest	Financial Interest



## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 6.1 ORDINARY COUNCIL MEETING HELD 16<sup>TH</sup> APRIL 2014

#### Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 16<sup>th</sup> April 2014, as previously circulated, be confirmed as a true and accurate record.

#### Council Resolution

##### Johnstone/Cavanagh

That the Minutes of the Ordinary Meeting of Council held on 16<sup>th</sup> April 2014, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0  
Resolution 206/14**

### 6.2 AUDIT COMMITTEE MEETING HELD 21<sup>ST</sup> MAY 2014

#### Officer's Recommendation

That the Minutes of the Audit Committee Meeting of Council held on 21<sup>st</sup> May 2014, as previously circulated, be received.

#### Council Resolution

##### Earnshaw/Major

That the Minutes of the Audit Committee Meeting of Council held on 21<sup>st</sup> May 2014, as previously circulated, be received.

**Carried 7/0  
Resolution 207/14**

## 7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Cr Cowcher advised he was involved with interview for the new Officer in Charge for the Williams Police Station.

Premier Office has contacted Cr Cowcher and has requested a meeting in Williams on 29/05/2014 with the Shire President and Chief Executive Officer.

## 8.0 REPORTS





## 8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

Economic Development Officer Heidi Cowcher commenced her report at 1.11pm.

### 8.1.1 WILLIAMS RECREATION GROUND PROJECT - UPDATE

<b>File Reference</b>	<b>12.15.39</b>	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Heidi Cowcher	14 <sup>th</sup> May 2014

#### Background

The project was originally estimated at \$621,434 based on cost estimates provided by Kim Donovan in late 2012. Since then, the Williams Sport and Recreation Upgrade project has secured the following commitments from funding, sporting clubs and the Shire:

Country Local Government Fund	\$260,104	(to be spent by April 2014)
CSRFF	\$40,633	(to be spent by June 2014)
National Court Rebate Scheme	\$10,000	(claimed retrospectively)
BHP Worsley	\$30,000	(paid in two \$15k instalments)
Newmont	\$30,000	(paid in two \$15k instalments)
Williams Hockey Club	\$20,000	(cash)
Williams Tennis Club	\$20,000	(cash)
Williams Netball Club	\$10,000	(cash)
<b>Williams Football Club (new)</b>	<b>\$20,000</b>	<b>(cash)</b>
Williams Hockey Club/Shire Williams	\$121,390	(in-kind)
Williams Tennis Club	\$10,000	(in-kind)
Shire of Williams	\$65,387	(cash)
<b>TOTAL</b>	<b>\$637,514</b>	

#### Comment

##### 1. Pavillion Kitchen

Project is now complete, with all items operational and functional.

##### 2. Tennis Court Lighting

Lighting has been installed and is operational. A minor change is to be made to the power board to put switches on the outside of the box for the lights to avoid the accidental turning off of the clubhouse power.

##### 3. Tennis Court resurfacing & Minor Clubhouse upgrade

Project is complete. Final instalments of funding have been received from CSRFF and NCRS. Sign to recognise CSRFF funding has been received and will be hung in due course. Some minor repairs are required by West Coast Synthetic where water is pooling – this will be weather permitting! Club house work has been completed.



4. Ram Shed resurfacing

Project is complete. Synthetic carpet was laid for Expo for the sheep show and this appeared to work well to protect the surface. Thanks to the Shire works crew who removed the basketball/netball towers for Expo and then reinstalled them to commence the netball season.

5. New rectangular field

All sand has now been carted in and organic matter laid. Extension of the pipeline for the reticulation is currently being undertaken (Irritech in conjunction with the Shire Works Supervisor). The reticulation will be installed once the pipeline has been laid.

The CEO has sought quotes on the retaining wall and other incidental fencing.

The CEO has sought quotes on seed turf (kikuyu stolons). It is anticipated that this will be laid in August/September 2014.

Ray Sherry was requested to assess the suitability of the donated light poles from the City of Vincent. Unfortunately on investigation it was determined that the poles were rusted and would require significant work to make them suitable and the light heads do not work at all. The CEO has therefore sought quotes on light towers and light heads from the same company who provided the towers and lights for the tennis courts. The project had a budget allocation of \$40,000 to lighting the hockey field, and these funds will now be used to finance this component (there was thought that this may have been a significant cost saving with the use of the donated poles and lights, but this is not the case now).

**Funding Update**

The final instalment of the CSRFF and NCRS funding has been received. Club cash contributions will be sought before end of the financial year (with exception of the Football Club who has requested theirs be delayed to the end of December 2014).

CLGF funding has been expended, and the final reports and acquittal documentation is now being undertaken. The expenditure of the CLGF funding will need to be audited and this will need to be undertaken in the next couple of months and once the new auditors have been appointed.

BHP funding has been expended and a final report is being prepared to acquit this funding.

Newmont funding is still being expended. The balance of their contribution (\$5000) is attributed to the hockey oval and will be expended when the remaining expenditure is undertaken.

**Financial Implications**

Shire of Williams cash contribution is currently estimated at \$65,387. Council has budgeted an allocation of up to \$120,000. The reduction is as a result of the additional funds secured after the budget was completed.



Overall the project is tracking to be under budget. The project was estimated to cost \$637,514. Total expenditure to date is \$490,589 with a further \$95,000 anticipated at this stage, which would bring the total project to \$585,589.



MINUTES – ORDINARY MEETING OF COUNCIL HELD 21<sup>ST</sup> MAY 2014

Project	Budget	Actual	Funding	Notes	
<b>Pavilion Kitchen</b>	\$161,034	\$154,848.13	\$113,020.98	CLGF	
<b>COMPLETE</b>			\$10,000.00	Newmont	
			\$11,827.15	Shire	Cash
			\$20,000.00	Football Club	To be billed Dec 2014
		<i>-\$6185.87</i>	<i>Under Budget</i>		<i>May still be incidentals to be invoiced for</i>
<b>Ram Shed</b>	\$44,870	\$43,092.69	\$2913.00	CLGF	
<b>COMPLETE</b>			\$10,000.00	Netball Club	To be billed June 2014
			\$30,000.00	BHP Worsley	
			\$179.69	Shire	
		<i>-\$1777.31</i>	<i>Under Budget</i>		<i>No further expenses anticipated</i>
<b>Hockey</b>	\$212,970	\$62,498.83	\$8750.75	CLGF	
		To date	\$20,000	Hockey Club	To be billed June 2014
			\$5000.00	Newmont	
			\$782.22	Shire	Cash
			\$47,965.86	Shire	In-Kind
<b>Costs to come</b>	<b>\$10,980.00</b>	<b>\$45,000.00</b>			<b>Retaining wall &amp; fencing</b>
	<b>\$40,000.00</b>	<b>\$40,000.00</b>			<b>Lighting</b>
	<b>\$36,600.00</b>	<b>\$10,000.00</b>			<b>Stolons, fertiliser</b>
					<b>In-Kind Labour for laying turf and retaining wall (possibly)</b>
<b>Hockey Retic</b>	\$46,170	\$39,017.00	\$39,017.00	CLGF	
		To date			<b>May be additional costs &amp; in-kind costs as line &amp; retic is installed</b>
<b>Tennis</b>	\$146,970	\$154,458.36	\$59,722.96	CLGF	
<b>COMPLETE</b>			\$20,000.00	Tennis Club	To be billed June 2014
			\$10,000.00	NCRS	
			\$11,756.86	Shire	
			\$40,633.00	CSRFF	
			\$10,000.00	Newmont	
			\$2345.54	Shire	In-Kind
		<i>\$7488.36</i>	<i>Over Budget</i>		<i>No further expenses anticipated</i>
<b>Professional Fees</b>	\$25,000	\$36,525.50	\$36,525.50	CLGF	
<b>COMPLETE</b>		<i>\$11,525.50</i>	<i>Over Budget</i>		<i>No further expenses anticipated</i>
<b>Signage</b>	\$500	\$148.50	\$148.50	CLGF	
<b>COMPLETE</b>		<i>-\$351.50</i>	<i>Under Budget</i>		<i>No further expenses anticipated</i>
<b>TOTAL</b>	<b>\$637,514</b>	<b>\$490,589.01</b>			



The project did initially provide for an allowance for evaporative cooling to the pavilion kitchen, however this was not completed at the time as it was considered unnecessary (it was in the architect and QS estimate).

Given that the project is under budget overall, a request to consider split system units for the main pavilion is requested. Budget estimates based on previous investigations suggest that this could cost around \$15,000, but would be an invaluable contribution to the facility as it would make the facility an attractive venue in both summer and winter and may increase its usage as a result.

**Voting requirements**

Simple Majority

*Cr Logie entered the meeting at 1.22pm*

**Officers Recommendation**

That quotes be sought for the installation of split system units at the Williams Sports Pavilion as part of the Sport and Recreation Upgrade project.

**Council Resolution**

**Major/Paterson**

That quotes be sought for the installation of split system units at the Williams Sports Pavilion as part of the Sport and Recreation Upgrade project.

**Carried 8/0  
Resolution 208/14**

**Council Resolution**

**Cavanagh/Major**

That Council's preferred option for the hockey field fence is using 350mm x 350mm x 1000mm reconstituted limestone blocks no more than two blocks high on all sides and any labour for installation to be negotiated with the Hockey Club.

**Carried 8/0  
Resolution 209/14**



**8.1.2 4WDL WELL AGED HOUSING PROJECT**

<b>File Reference</b>	<b>EDO Files</b>	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Heidi Cowcher	16 <sup>th</sup> May 2014

**Background**

The Shire of Williams, as lead agency on behalf of the 4WDL/Kent Regional Group, has secured to date the following funding:

- CLGF Regional Funding 2011/12 (complete construction of 10 units)
  - \$1,972,409 (\$216,211 remains to be spent plus interest)
- R4R Regional Community Services Funding (construction of 14 units)
  - \$5,023,646 (\$3,981,909 remains to be spent plus interest)
- CLGF Regional Funding 2012/13 (construction of 7 units)
  - \$1,972,409 (\$1,891,781 remains to be spent plus interest)

The Williams allocations from these funding sources are as follows:

- 2011/12 funding      \$389,449 (plus interest)      2 units
- RCSF funding      \$715,000 (plus interest)      2 units
- 2012/13 funding      \$183,162 (plus interest)      1 unit

**Comment**

The 2011/12 CLGFR funding is due for completion 20<sup>th</sup> June 2014. As at the May 2014 4WDL meeting, it was identified that a couple of Shire’s are behind in progress and therefore expenditure, making the deadline of the 20<sup>th</sup> June difficult to meet. At the meeting it was resolved that the Shire of Williams make an application to the Department of Regional Development to seek an extension of two months to the project deadline. If approved, the completion date will change to 20<sup>th</sup> August 2014, with the acquittal audit and report due 3 months after. At the completion of the expenditure of the funding, and therefore the project, there needs to be a total of 10 units completed across the project area to meet the outcomes as identified in the FAA.

Update on CLGFR 2011/12 expenditure:

Shire	Funds allocated (+ interest)	Remaining	Units to be built
<b>West Arthur</b>	\$320,545.81 (+ \$25,113.37)	\$155,724.13	1 (under construction)
<b>Williams</b>	\$389,449.34 (+ \$30,522.41)	\$0	2 (under construction)
<b>Wagin</b>	\$617,421.37 (+ \$48,372.22)	\$0	3 (complete)
<b>Dumbleyung</b>	\$377,859.13 (+ \$29,610.60)	\$55,672.26	2 (complete) – final power connection pending
<b>Lake Grace</b>	\$217,133.25 (+ \$16,999.82)	\$0	2 (complete)
<b>Woodanilling</b>	\$50,000 (+ \$3925.41)	\$4815.07	Site works & services
<b>TOTAL</b>	<b>\$1,972,409 (+ interest)</b>	<b>\$216,211.46 (+ interest)</b>	



The RCSF funding is due for completion 10<sup>th</sup> May 2015. The second instalment of the funding (\$2,009,458) is to be released when the project is at 30% expenditure *in each Shire*. The Department has contacted the Shire of Williams to determine where the project is at, to determine the likelihood of drawing down the next instalment of funds before the 30<sup>th</sup> June 2014 as proposed. We were advised that if this drawdown does not occur as proposed, then there is a chance that the fund distribution could be postponed to the 2015/16 financial year. We are awaiting advice on the ability to drawdown the second instalment, and whether we can draw the full amount or part-thereof.

Update on RDC expenditure:

Shire	Funds allocated	Claims received	% complete	Units to be built
West Arthur	\$415,100	\$3649.36	0.88%	2 (under construction)
Williams	\$715,000	\$469,801.87	65.7%	2 (under construction)
Wagin	\$688,130	\$25,425.25	3.69%	2 (Builder to commence)
Dumbleyung	\$664,400	\$0	0%	2 (Tender has been awarded – builder to commence)
Lake Grace	\$978,930	\$354,890.65	36.25%	3 (1 complete in LG, 2 in Newdegate to commence 1 <sup>st</sup> July 2014)
Woodanilling	\$707,600	\$187,969.96	26.56%	2 (under construction)
Kent	\$854,486	\$0	0%	Project has not gone to tender as yet
<b>TOTAL</b>	<b>\$5,023,646</b>	<b>\$1,041,737.09</b>	<b>20.74%</b>	

The final instalment (\$1,507,094) is due when the project is at 70% expenditure and will be in the 2014/15 year.

The 2012/13 CLGFR funding (\$1,972,409 to construct 7 units) is due for completion 11<sup>th</sup> February 2016.

Williams has 5 units under construction currently – two funded by CLGF 10/11-11/12 and two funded by RCSF and one funded by CLGF 12/13.

**Financial Implications**

The Shire of Williams has committed \$150,000 to the project in 2013/14.

**Voting Requirements**

Simple Majority

**Officers Recommendation**

For information only



**8.1.3 WILLIAMS GATEWAY EXPO 2014 – LOTTERYWEST APPLICATION**

**File Reference:** EDO Files  
**Statutory Reference:** N/A  
**Author & Date:** Heidi Cowcher 15<sup>th</sup> May 2014

**Background**

Williams Gateway Expo annually requests assistance from the Shire of Williams with the preparation of and submission of funding applications to assist with the costs associated with advertising and publicity for their event. In late 2013, the Shire made an application to LW for \$16,074 towards the advertising, publicity and equipment hire costs. In March 2014, the Shire received notification that it had been successfully granted \$11,394 towards advertising, publicity and equipment hire costs of the 2014 Williams Gateway Expo. There was restrictions placed on the funding, with no funds to be directed to broader regional advertising costs (Farm Weekly, GWN) as the event was classed as a local, community event and not a regional one (in the view of LW).

**Comment**

Williams Gateway Expo has completed their expenditure associated with advertising, publicity and equipment hire. The funding is claimed retrospectively and was submitted to LW 14<sup>th</sup> May 2014.

	Expo 2014				
			Quotes as attached		
Lotterywest	GST Incl	GST	GST excl		
Community Newspapers	\$ 618.00	\$ 26.36	\$ 591.64	Advertising	Not all papers include GST
Radiowest	\$ 2,453.00	\$ 223.00	\$ 2,230.00	Advertising	
Narrogin Observer	\$ 666.05	\$ 60.55	\$ 605.50	Advertising	
Williams Community Resource Centre	\$ 2,200.00	\$ 200.00	\$ 2,000.00	Publicity	
Narrogin Hire	\$ 2,563.36	\$ 233.03	\$ 2,330.36	Equipment Hire	
Tru Bue Hire	\$ 1,290.85	\$ 117.35	\$ 1,173.50	Equipment Hire	
Spuds Marquee	\$ 2,332.00	\$ 212.00	\$ 2,120.00	Equipment Hire	
<b>TOTAL</b>	<b>\$ 12,123.26</b>	<b>\$ 1,072.29</b>	<b>\$ 11,051.00</b>		
			\$ 11,394.00		<b>Total funding approved</b>
Actual Expenditure	GST Incl	GST	GST Excl	All invoices attached	
The Bleat (Community Newspaper)	\$ 210.00	\$ 19.09	\$ 190.91	Advertising	
Tru Blue Hire	\$ 1,351.35	\$ 122.85	\$ 1,228.50	Equipment Hire	
Southern Cross Austereo (Radiowest)	\$ 869.00	\$ 79.00	\$ 790.00	Advertising	
Spuds Marquee Hire	\$ 2,332.00	\$ 212.00	\$ 2,120.00	Equipment Hire	
The West Australian (Narrogin Observer)	\$ 341.00	\$ 31.00	\$ 310.00	Advertising	
Narrogin Hire	\$ 3,073.40	\$ 279.40	\$ 2,794.00	Equipment Hire	
The West Australian (Narrogin Observer)	\$ 357.00	\$ 32.45	\$ 324.55	Advertising	
The Williams (Community Newspaper)	\$ 258.00	\$ -	\$ 258.00	Advertising	
Southern Cross Austereo (Radiowest)	\$ 1,595.00	\$ 145.00	\$ 1,450.00	Advertising	
Williams Community Resource Centre	\$ 2,119.74	\$ 192.70	\$ 1,927.04	Publicity	
<b>TOTAL</b>	<b>\$ 12,506.49</b>	<b>\$ 1,113.49</b>	<b>\$ 11,393.00</b>		

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority





**Officers Recommendation**

For information only

**8.1.4 TOBACCO CONTROL GRANTS SCHEME**

**File Reference:** EDO Files  
**Statutory Reference:** N/A  
**Author & Date:** Heidi Cowcher 15<sup>th</sup> May 2014

**Background**

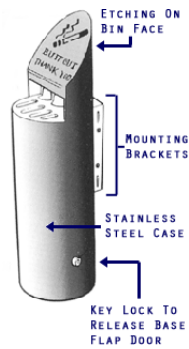
The Shire EHO Steve Friend forwarded information in relation to a grant opportunity that provides the opportunity to get funding to assist with supporting local government tobacco control and compliance activities. Funding of up to \$5000 is available, with applications in this round closing 31<sup>st</sup> July 2014.

The Tobacco Control Grants Scheme is a new project that aims to facilitate and support local governments and other relevant organisations to control the use of tobacco products in accordance with the provisions of the *Tobacco Products Control Act 2006*. The Public Health Advocacy Institute of WA (PHAIWA) will actively support the local government officers (principally Environmental Health Officers) during the application and delivery phases of the project, in an effort to significantly enhance positive tobacco control and compliance outcomes. The project is funded by the WA Department of Health and will operate with support from the Tobacco Control Branch (TCB) and the Environmental Health Directorate.

**Comment**

Other Shires have been successful in receiving funding towards signage around playgrounds as well as signage for use during major community events. The EHO had a discussion with the funding body, and made a suggestion that 'butt out' bins could also be placed in strategic locations near where the signage is to alleviate butts being dropped in and around these locations. This was also considered favourable.





Cost approx. \$275 each

### Financial Implications

In-kind contributions from the EDO and EHO in making the application and managing the project.  
Nil cash.

### Voting Requirements:

Simple Majority

### Officers Recommendation

That the EHO and EDO be authorized to make an application to the Department of Health / Public Health Advocacy Institute of WA *Tobacco Control Grants Scheme* for up to \$5000 for the Shire of Williams for signage and butt out bins.

### Council Resolution

#### Carne/Paterson

That the EHO and EDO be authorized to make an application to the Department of Health / Public Health Advocacy Institute of WA *Tobacco Control Grants Scheme* for up to \$5000 for the Shire of Williams for signage and butt out bins.

**Carried 8/0  
Resolution 210/14**

**Heidi Cowcher**

**Economic Development Officer**

**15<sup>th</sup> May 2014**

### 8.1.5 EDO REPORT ACCEPTANCE

### Voting Requirements

Simple Majority



**Officers Recommendation**

That the EDO's report as tabled be received.

**Council Resolution**

**Johnstone/Earnshaw**

That the EDO's report as tabled be received.

**Carried 8/0  
Resolution 211/14**

Ms Cowcher left the meeting at 1.53pm



## 8.2 WORKS SUPERVISOR'S REPORT

Works Supervisor Tony Kett attended the meeting at 1.54pm to discuss his report.

**File Reference** 12.15.36  
**Statutory Reference** N/A  
**Author & Date** Tony Kett 8<sup>th</sup> May 2014

### 8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (kms)
Graham Rd	1.9
Fawcett Rd	2.8
Petchell Rd	2.1
Glenfield Rd	13.6
Eddington Rd	2.1
Munthoola Rd	2.0
Hicks St	.03
Westmere Rd	5.1
Bulleid Rd	1.6
Yarrabin Rd	4.6
Playle Rd	3.7
McKenzie Rd	5.4
<b>Total Length for the Month</b>	<b>45.1</b>

### 8.2.2 ROAD MAINTENANCE WORKS

- Roadside spraying has commenced

### 8.2.3 UPCOMING WORKS & ITEMS ON ROAD CONSTRUCTION PROGRAM

Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Status	Comment
Darkan-Quindanning Rd (For Boddington Shire) (30.3km)	Reconstruct, widen and seal to 7m	0.00	3.7	3.7		Completed
York-Williams Rd (19.50km)	Shoulder widening and Seal from 6m to 7m	4.60	11.60	7.00	Carting in gravel	Half the gravel carted in
Culbin-Boraning (19.31km)	Gravel Sheeting	7.00	10.20	3.20	Not Started	
Tarwonga-Dardadine (21.50km)	Clearing, gravel sheeting	7.60	10.60	3.00	Not Started	
Hardie Rd	Replacement of Bridge				Putting in culvert	Completed



<b>Aged Homes</b>	Sandpad	Unit 13 sand pad	Completed
<b>New Hockey Oval</b>	Sand carted in and levelled		

**8.2.4 MECHANICAL REPORT**

Plant Description		Driver	Date Purchased	Hours/Kms January 2014	Works Completed this month
Ford FG G6E Sedan	Light Vehicles	Ryan Duff	July 2011	82,349 km	
Ford FG G6E Sedan		Cara Ryan	1 Jul 09	101,352 km	
Holden Rodeo Dual Cab Utility		Maintenance	5-Nov-04	235,504 km	
Ford Ranger Dual Cab Utility		Tony Kett	1-Jul-09	161,345 km	New battery
Kia 2 Tonne Truck		Jeff Cowan	9-Oct-07	49,043km	
Holden Rodeo Crew Cab Utility		Andrew Wood	15-Nov-06	249,609 km	
Holden Rodeo Single Cab Utility		James Lenehan	20-Nov-06	86,500 km	
Mitsubishi Triton Single Cab Utility		Stewart Cowcher	22-Sep-99	212,720 km	New battery
Multipac Multi-Tyre Road Roller	Construction Equipment	Ray Scobie	21-Oct-04	5,215 hr	
Vibromax Roller			29-Sep-04	3,343hr	
Caterpillar 12M Grader		Andrew Wood	Dec 2011	1,822 hr	
Volvo G930 Road Grader		Richard Hewitt	20-Oct-06	6,904 hr	New hydraulic hose
721E Case Loader		Roger Gillett	May 2012	3,426 hr	
Volvo EC210BLC Excavator		Phil Reed	18-Jul-07	4,925 hr	
John Deere 315SE4 Backhoe		Trevor Palframan	17-Sep-01	1,587 hr	4 new hydraulic hoses, new battery and terminals. Backhoe caught on fire.
John Deere MFWD Tractor		Works	21-Oct-97	10,545 hr	
Toro Reelmaster SP mower		Works	Aug-09	531 hr	
Toro Z597 Ride on Mower		Jeff Cowan	1-Oct-06	1,328 hr	New deck support
Toro Z400 Kholer Ride on Mower	Parks & Gardens	Jeff Cowan	8-Aug-05	519 hr	



Honda TRX Four Wheel M/Cycle		Jeff Cowan	20-Mar-00	1,269 hr	
Toyota DA115 Tip Truck (Water Truck)		James Lenehan	24-Aug-94	232,408 km	
Isuzu FVZ1400 Tip Truck	Trucks & Trailers	Steven Stewart	31-Dec-03	245,908 km	
Mercedes Benz Actross Prime Mover		Phil Reed	21-Dec-05	232,510 km	
Isuzu Giga CXZ Tip Truck		Justin Murdock	10-Dec-08	145,100km	Serviced
Isuzu NPR 300 Truck		Ray Scobie	21-Jan-13	21,831km	
SFM Side Tipping Trailer		Works	21-Dec-05	102,567 km	
Howard Porter Low Loader		Works	31-Aug-07	101,064 km	
Howard Porter Pig Trailer		Justin Murdock	10-Dec-08	101,345 km	

#### 8.2.5 STAFF

- Nil to report

#### 8.2.6 TOWN AND FACILITIES REPORT

- Starting new water pipe for the new hockey oval

#### 8.2.7 PRIVATE WORKS

- Nil

#### 8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE

#### Voting Requirements

Simple Majority Required

#### Officers Recommendation

That the Works Supervisor's Report as tabled be received.

#### Council Resolution

##### *Paterson/Logie*

That the Works Supervisor's Report as tabled be received.

**Carried 8/0  
Resolution 212/14**

Mr Kett left the meeting at 2.10pm



### 8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

Environmental Health Officer/Building Surveyor Steve Friend attended the meeting at 2.12pm to discuss his report.

#### 8.3.1 BUILDING PERMITS

**File Reference** 13.34.10  
**Statutory Reference** N/A  
**Author & Date** Steve Friend 16<sup>th</sup> May 2014

#### Comment

No building permits have been issued since the April meeting.

#### Financial Implication

Fees: Nil

#### Voting Requirements

Simple Majority Required

#### Officers Recommendation

For Council Information

#### 8.3.2 FOOD PREMISES INSPECTION

**File Reference** 7.40.41  
**Statutory Reference** N/A  
**Author & Date** Steve Friend 16<sup>th</sup> May 2014

#### Comment

Caltex Roadhouse – Cleanly maintained. One small issue directed to the lessee

BP Roadhouse – Satisfactory.

Williams Sports Ground Kitchen – newly upgraded. Several small issues that have been brought to the attention of the builder have been attended to.

#### Voting Requirements

Simple Majority Required

#### Officers Recommendation

That the Food Premises Inspection report be endorsed by Council



**Council Resolution**

**Johnstone/Paterson**

That the Food Premises Inspection report be endorsed by Council

**Carried 8/0  
Resolution 213/14**

**8.3.3 WILLIAMS CARAVAN PARK/MOTEL**

<b>File Reference</b>	<b>13.20.30</b>
<b>Statutory Reference</b>	Caravan Parks and Camping Grounds Regulations
<b>Author &amp; Date</b>	Steve Friend 16 <sup>th</sup> May 2014

**Comment**

Caravan park premises cleanly maintained. A small issue with the floors brought to the owners attention.

Motel units cleanly maintained.

CBH/caravan park units cleanly maintained.

**Officers Recommendation**

That the Caravan park/Motel report inspection report be endorsed by Council.

**Council Resolution**

**Earnshaw/Logie**

That the Caravan park/Motel report inspection report be endorsed by Council.

**Carried 8/0  
Resolution 214/14**

**8.3.4 EXPANSION OF WASTE TREATMENT DAM – WELLDON BEEF**

<b>File Reference</b>	<b>10.51.00</b>
<b>Statutory Reference</b>	Shire of Williams Town Planning Scheme
<b>Author &amp; Date</b>	Steve Friend 16 <sup>th</sup> May 2014
<b>Attachments</b>	<b>Appendix 1</b>

**Background**

The Department of Environment Regulation has made contact with the Shire regarding the issue of a Works Approval for Welldon Beef to increase a waste treatment dam up to 3mega litres.

The DER is prepared to issue the Works Approval however I thought it appropriate that Council be informed and have the ability to make a comment if thought appropriate.





The details of the proposal follow:

**Comment**

“The Welldon Beef Feedlot has been operating at a small scale for 30 years. In 2006, the owners constructed a new feedlot that has a capacity of 1936 head at a stocking rate of 13 m<sup>2</sup>/head or 769 head per hectare. The Premises is located in the Shire of Williams, with the feedlot site approximately 4.5 km east-southeast from the edge of the Williams town site. The Atwell’s own 1098 hectares and lease (perpetual) an additional 1011 hectares. The closest sensitive receptor is a farmhouse, located approximately 1470 m west of the premises boundary. Average annual rainfall is 493 mm with the peak period between May and September. The premises operates under DER licence L8656/2012/1.

The feedlot is located in a landscape of undulating hill slopes and divides. Typical soil types in the area are clayey sands overlying a granitic ridge, with at least 20m of solid granite present beneath the site. A number of watercourses intersect the premises, the closest being a minor non-perennial watercourse, located approximately 100 m to the south-west of the holding pens. The nearest perennial watercourse is Fitts Creek, located approximately 1 km from the holding pens. Fitts Creek is a tributary of the Williams River which eventually flows into the Murray and the Peel Inlet.

The feedlot consists of 16 pens split between two rows. A 3 m concrete apron has been constructed in front of each of the feed bunks and around water troughs. A controlled drainage area has been established with catch drains present below each row of pens to capture and direct wastewater to the evaporation pond. These drains are lined with on-site clays assuring a low permeability. An existing freshwater diversion bank directs all fresh water from upslope of the feedlot into a fresh water dam.

This works approval application is for the expansion of the existing evaporation pond and the addition of a sedimentation pond, in preparation for the eventual addition of new pens (which will take the total controlled drainage area to 4 ha). The expansion of the pond will increase its capacity to 3 ML. The pond base is solid granite rock. In-situ clays will be compacted to create a 400 mm impermeable layer on the walls and base of the pond. This work is to increase the wastewater treatment capacity and will not result in any significant emissions and/or discharges from the feedlot during the construction phase.

The expansion of the existing evaporation pond and the construction of the sedimentation pond will be in accordance with the submitted works approval documentation. The expansion of the existing evaporation pond will provide further assurance that wastewater and contaminated runoff is captured and appropriately contained.

A sedimentation pond is required to settle any solids out before the wastewater enters the evaporation pond. This will reduce the frequency at which the evaporation pond needs to be cleaned. The expansion of the evaporation pond is necessary given the planned increase in pen area. Using the pond volume calculation in the SA Feedlot Guidelines, a controlled drainage area



of 4 hectares in Williams would require an evaporation pond of 2.9 ML. The proposed construction of a 3 ML pond is therefore deemed adequate.”

As can be seen, the proposal is to increase the size of the waste treatment dam and add a settlement pond.

They also want to increase the numbers of cattle held from 1936 to 2000.

I believe if the DER is prepared to issue a Works Approval and license, the need for a separate investigation is unnecessary and support to the proposal should be given.

**Officers Recommendation**

That the Shire of Williams advises the Department of Environment Regulation it supports the issue of a Works Approval for the waste treatment dam on the property of Welldon Beef to increase to 3ML as proposed.

**Council Resolution**

***Earnshaw/Paterson***

That the Shire of Williams advises the Department of Environment Regulation it supports the issue of a Works Approval for the waste treatment dam on the property of Welldon Beef to increase to 3ML as proposed.

**Carried 8/0  
Resolution 215/14**

**LATE ITEMS**

**Council Resolution**

***Earnshaw/Logie***

That the following late items be accepted for discussion.

**Carried 8/0  
Resolution 216/14**

**8.3.5 PLANNING APPROVAL**

**File Reference**

**Statutory Reference** Shire of Williams Town Planning Scheme

**Author and Date** Health and Building Officer 21<sup>st</sup> May 2014

**Background**

The owner of Lot 195 Lavender Street Williams has applied to erect a 9.25 m x 4.65m colorbond clad shed on her property.



The area is zoned Rural Residential and as such, planning approval by the Shire is required, as well as building approval.

**Comment**

As can be seen by the attached site diagram the proposed shed will be sited right up to the rear of the property.

The applicant wishes to build the shed (and a water tank) 1.5m from the rear boundary.

The property is 1113m<sup>2</sup> and is mostly covered by old grape vines at the moment.

The Shire does not have any size or height restrictions or guidelines for sheds in Rural Residential zones.

As the property is zoned Rural Residential, the Shire can place conditions on any approval, such as size and bulk of the shed and the proposed location.

The shed itself is not over large (43m<sup>2</sup>) and will be covered in new colorbond cladding.

The distance to the rear boundary will be 1.5m which is generally acceptable for a 1000m<sup>2</sup> property.

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority

**Officers Recommendation**

That the owner of Lot 195 Lavender Street Williams be permitted to build a 9.25m x 4.65m colorbond clad shed in the position shown on the site diagram accompanying the application form, subject to the issue of a building permit.

**Council Resolution**

***Johnstone/Major***

That the owner of Lot 195 Lavender Street Williams be permitted to build a 9.25m x 4.65m colorbond clad shed in the position shown on the site diagram accompanying the application form, subject to the issue of a building permit.

**Carried 8/0  
Resolution 217/14**



*Cr Medlen arrived at 2.56pm*

**8.3.6 EHO REPORT ACCEPTANCE**

**Voting Requirements**

Simple Majority

**Officers Recommendation**

That the EHO's report as tabled be received.

**Council Resolution**

***Major/Logie***

That the EHO's report as tabled be received.

**Carried 9/0  
Resolution 218/14**

Mr Steve Friend left the meeting at 3.24pm

**Afternoon Tea**

Council adjourned for afternoon tea at 3.24pm and resumed the meeting at 3.58pm.



## 8.4 CHIEF EXECUTIVE OFFICER'S REPORT

### 8.4.1 EMPLOYEE SUPERANNUATION POLICY

<b>File Reference</b>	<b>12.15.31</b>
<b>Statutory Reference</b>	<i>Superannuation Guarantee Administration Act 1992</i>
<b>Author &amp; Date</b>	R.N. Duff 16 <sup>th</sup> May 2014
<b>Attachment</b>	<b>Appendix 1</b> – Council Superannuation Summary

#### **Background**

The Shire of Williams employees recently have had a visit from WA Super the industrial body for local government employee's superannuation. The visit raised a number of questions in relation the Shire of Williams Policy Staff Superannuation Policy. The policy is below

#### **7.10 Superannuation**

##### *Policy:*

*Council will pay superannuation on behalf of employees, as follows –*

- a) Occupational superannuation as required by law, and*
- b) Where the employee is a full member of an approved superannuation fund,, and contributes an additional voluntary amount not less than 5%, a matching amount,*

*SUBJECT to Council's maximum contribution being equal to 12% of the employee's salary.*

##### *Objectives:*

*Guidelines: As the occupational figure increases, the %-matching figure of voluntary contributions will decrease.*

*History: Former Policy 4.2.2 Adopted June 1982*

*Review: DCEO*

#### **Comment**

The current policy uses out-dated terminology and therefore a new policy is proposed for Council adoption. The new policy will address the issue of Super Choice and provide an opportunity for staff to receive a contribution to superannuation on a \$ for \$ basis up to a certain percentage and to clarify rules around salary sacrifice.

A combined list of Council Superannuation contributions are attached at **APPENDIX 1** for Council information.



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## **New Policy**

**Objective** This policy sets out the criteria for the payment of additional superannuation to staff. It provides guidance for officers involved in the recruitment and retention of staff.

The Shire of Williams is obliged to pay superannuation into a complying fund on behalf of all staff under the provisions of Federal legislation, and this component is known as Superannuation Guarantee Levy (SGL). The percentage payment may be adjusted by legislation from time to time.

The Shire of Williams and its employees may also make additional voluntary contributions to a complying fund.

### **Superannuation Choice**

Employees shall have freedom of choice over the complying fund that their superannuation contributions are paid to, providing this choice is not changed more regularly than annually.

The default fund shall be WA Super (WA Local Government Superannuation Plan).

### **Policy Superannuation Capping**

The Shire of Williams employer contribution to staff superannuation shall not exceed a maximum of 3% above the amount of the Superannuation Guarantee.

### **Matching Council Contributions**

The Shire of Williams will match voluntary employee contributions \$ for \$ in accordance with *the above clause*.

*ie. an employee contribution of 3% will be matched by Council to 3%*

### **Employment Contracts**

From the date of this policy's formal adoption, all new Employment contracts and Offers of Employment shall not contain any provisions which exceed or contravene this policy.

### **Salary Sacrifice and Additional Contributions**

All employees shall have the option to salary sacrifice a nominated percentage of their salary or make additional contributions to superannuation; the Shire of Williams will match both pre-tax or post Tax (salary sacrifice) employee contributions

### **Variation to Policy**

Council may vary this policy from time to time with respect to legislative changes and any other mitigating circumstances.

### **Financial Implications**

Currently nine (9) employees contribute 5% of their salary under the current policy to which Council provides an additional 3%. This equates to an annual cost to Council of 15,000. It is likely that with this policy change a number of other employees may take advantage of the reduced



employee contribution percentage. After the Superannuation interviews last week 4 employees have submitted forms to make voluntary superannuation contributions.

Year	SG	Council	Maximum Contribution
2013/2014	9.25	3	12.25
2014/2015	9.5	3	12.5
2015/2016	9.5	3	12.5
2016/2017	9.5	3	12.5
2017/2018	9.5	3	12.5
2018/2019	10	3	13
2019/2020	10.5	3	13.5
2020/2021	11	3	14
2021/2022	11.5	3	14.5
2022/2023	12	3	15

### Voting Requirements

Simple Majority

### Officer's Recommendation

That Council adopt the new superannuation policy to replace the current policy 7.10 Employee Superannuation.

### Council Resolution

#### *Johnstone/Medlen*

That Council adopt the new superannuation policy to replace the current policy 7.10 Employee Superannuation.

**Carried 9/0  
Resolution 219 /14**

## 8.4.2 SPECIAL MEETING TO CONSIDER FEES AND CHARGES FOR 2014/2015 BUDGET

### File Reference

**4.1.20**

### Statutory Reference

*Local Government Act 1995 - sect 5.4*

### Author & Date

R.N. Duff      16<sup>th</sup> May 2014

### Background

Council generally holds a special meeting the morning prior to the ordinary meeting in June. This meeting is held to consider rates, fees and charges, salary and wage reviews, works program and other items for the 2014/2015 budget.



**Comment**

The Ordinary Council meeting will be held on the 18<sup>th</sup> June 2014.

Last year the Special Budget Meeting was held on the same day as the Ordinary Council Meeting and commenced at 9.30am. The year the senior staff reviews were also held on this day therefore the following timetable is presented:

9.00 am CEO Review, Manager of Finance & Works Supervisor Reviews

10.30 am Special Budget Meeting

12.30 pm Lunch

1.00 pm Ordinary Council meeting (may need to suspend proceedings to complete Budget meeting)

**Strategic Implications**

*The 2014/15 Budget will make up the second year of the Shire of Williams Long Term Financial Plan.*

**Financial Implications**

Progress towards the setting of the 2014/15 Budget which will be adopted at the July Council meeting.

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

That a special meeting be held at 10.30am Wednesday 18<sup>th</sup> June 2013 to consider rates, fees and charges, salary and wage reviews, works program and other items for the 2014/2015 budget.

9.00 am Chief Executive Officer Review. Manager of Finance & Works Supervisor Reviews

10.30 am Special Budget Meeting

12.30 pm Lunch

1.00 pm Ordinary Council meeting

**Council Resolution**

***Carne/Major***

That a special meeting be held at 10.30am Wednesday 18<sup>th</sup> June 2013 to consider rates, fees and charges, salary and wage reviews, works program and other items for the 2014/2015 budget.

9.00 am Chief Executive Officer Review. Manager of Finance & Works Supervisor Reviews

10.30 am Special Budget Meeting

12.30 pm Lunch

1.00 pm Ordinary Council meeting

**Carried 9/0  
Resolution 220/14**





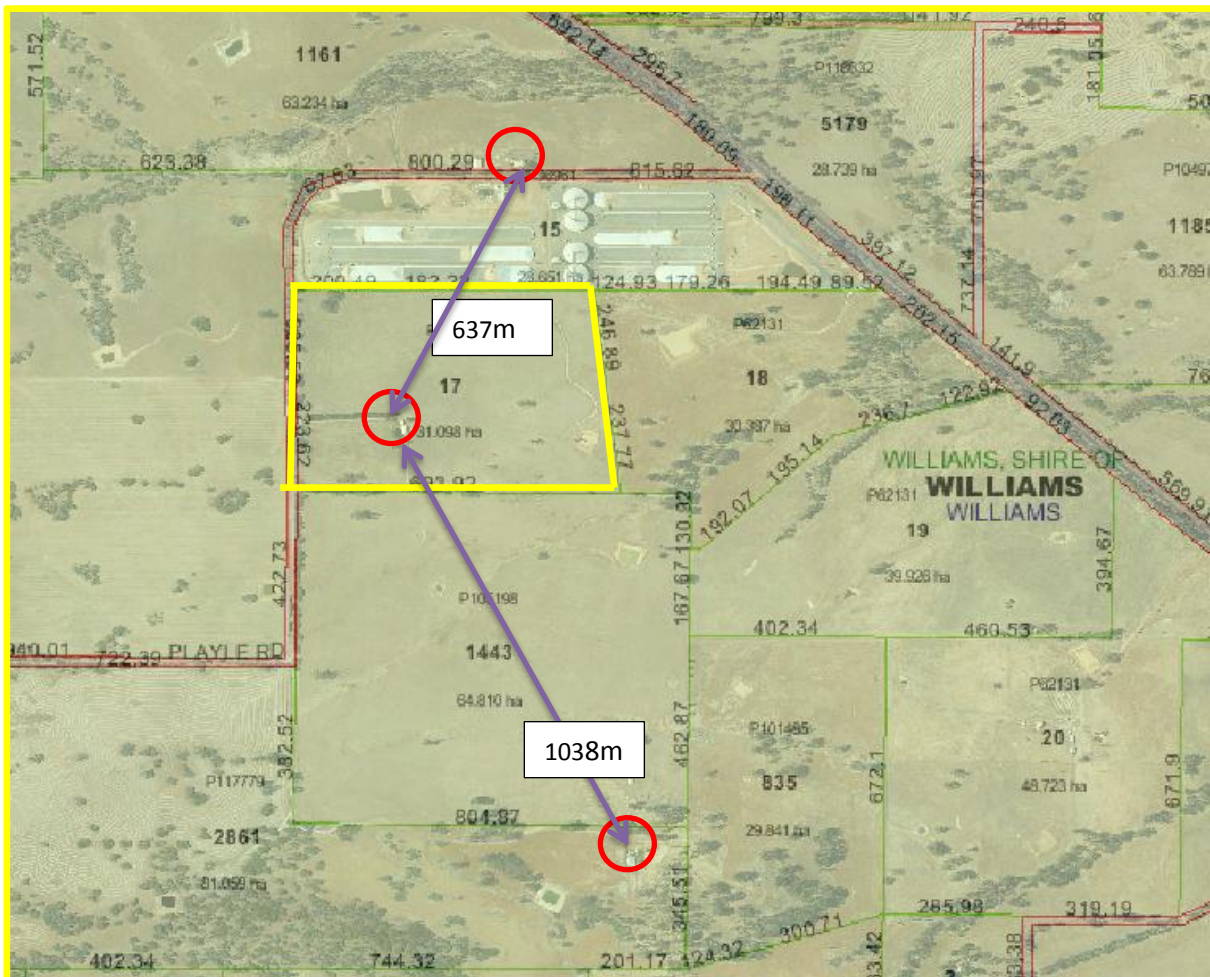
**8.4.3 GILMAC HAY – PLANNING APPLICATION**

<b>File Reference</b>	<b>10.64.20</b>
<b>Statutory Reference</b>	Shire of Williams Town Planning Scheme No. 2
<b>Author &amp; Date</b>	Ryan Duff 16 <sup>th</sup> May 2014
<b>Attachment</b>	Gilmac Holdings Planning Application & Site Map

**Background**

An application has been received from Gilmac Holdings to build and operate a hay export facility on Lot 17 Playle Rd. Application attached at **APPENDIX 2**.

Lot 17 (yellow) is zoned Rural under the Shire of Williams Town Planning Scheme No.2 The lot is 31ha and is adjacent to the Narrakine CBH facility. There are three (3) houses (red) within the immediate area





### **Comment**

Gilmac Holdings have put an offer in to purchase Lot 17 subject to gain Planning Approval from the Shire and Restricted Access Vehicle networks approval from Main Roads

The RAV issue was raised with Gilmac and also the location of houses within the area to which the following response was received;

*"I have put some estimates of truck volumes together, this may be of help when you are talking with the main roads people.*

*Onsite storage 20,000 MT, will take ~650 trucks to fill this, mostly in October and first half of November around 6 to 8 weeks. Best estimate 90 – 100 trucks per week over this period. Other hay from farmers sheds will come in over the next 10 months and the rate would be 15 -20 trucks per week. I would say 90% of this hay would be from the south turning left off the Albany highway onto Playle road.*

*Full container trucks leaving the site 20 – 30 per week turning left onto Albany highway towards Perth.*

*It would be a mixture of semi's, B doubles and road trains.*

*We carried out a noise survey at our York plant last year and the noise 400 metres from our plant at the nearest neighbours house was 29 decibels. The proposed Williams plant is almost the same machinery so I would expect the noise at the Lot 205 house (looks about 1000 Metres away) would be negligible."*

### RAV Access

Main Roads are currently assessing Playle Rd up to 2.8slk for the suitability of the road to be placed on the network. The Shires planning approval may be subject to Gilmac contributing to the costs of the road upgrade (if required).

### Property entrance

The property entrance shall be constructed so as there is adequate site lines and turning arches for RAV vehicles.

### Neighbouring Properties

The Town Planning Scheme requires that Council seek comment from adjoining property owners on the Planning Application.

The issues that could potentially arise are:

Noise

Dust

Increase truck traffic on Playle Rd



## **2.6 Advertisement of Application**

Should Council approve the application then clause 2.6 of the Town Planning Scheme should be followed.

1. Notice on Lot 17
2. Ad in Local Newspaper
3. Notify adjoining owners

The comments period should be for not less than 1 month.

### **Building Licenses**

The Buildings will be classified Class 8 under the Building Code of Australia and therefore need to meet these requirements such as engineering, fire suppression

### **Strategic Implications**

Objective: To support industry and business development success towards 2022.		
Strategy Ref	Proposed Strategy	Proposed Outcome
ED 1.2	<b>Market</b> Williams as an attractive place to do business for new investment and encourage existing businesses to invest in improving their businesses for the future sustainability of our town.	New investment in the town and existing business investing in their own improvement and future.
ED 1.6	<b>Develop</b> a strategy as a community to encourage employees (short and long term) to work and stay in Williams.	Larger labour pool for work.

### **Legislative requirements**

The Shire of Williams Town Planning Scheme No.2 stipulates what activities can be carried out in the RURAL zone. Under the zoning table this application would be classified as “*Industry – Rural*” and therefore is a “AA” use.

“AA” – means that Council may, at its discretion, permit the use

Where in the opinion of the Council the application is a AA use then the advertising requirements of section 2.6 of the Town Planning Scheme No. 2 apply.

### **Financial implications**

Nil.

### **Voting Requirements**

Simple Majority



**Officer’s Recommendation**

That Council determine that the application from Gilmac Holdings is an AA use in the RURAL Zone under the Town Planning Scheme No.2 and advertise the application under section 2.6 of the Scheme.

**Council Resolution**

**Cavanagh/Medlen**

That Council determine that the application from Gilmac Holdings is an AA use in the RURAL Zone under the Town Planning Scheme No.2 and advertise the application under section 2.6 of the Scheme.

**Carried 9/0  
Resolution 221/14**

**8.4.3 SALE OF 16 PIESSE ST**

**File Reference**

**9.10.20**

**Statutory Reference**

*Local Government Act 1995 Section 3.58*

**Author & Date**

Ryan Duff 16<sup>th</sup> May 2014

**Background**

The Shire of Williams currently provides housing for staff and currently has the following housing stock under our control:

Occupant	No.	Address
CEO	6	Munthoola Rd
Deputy CEO*	6	Richardson St
Works Supervisor	8	Fry St
Greenkeeper	18	Richardson St
Plant Operator*	14	Adam St
Plant Operator*	23	Fry St
Plant Operator	16	Piesse St
Gardener		Rec. Reserve
Plant Operator	1	Growse St

\* Indicates Current Private Rental

At the May 2013 meeting it was decided by Council to seek valuations for 23 Fry St and 16 Piesse St as they were older type houses, they were surplus to the Council needs and depending on the valuation Council could consider selling the properties with the view of using the funds at a later date to build a new residence.

At the July 2013 meeting it was resolved to offer both properties for sale by Public Tender. The tender for 16 Piesse St closed on the 1<sup>st</sup> November 2013 with 23 Fry St yet to be advertised.



At the close of tenders no tenders for were received and Council resolved;

**Council Decision:**

**Carne/Paterson**

1. That the Shire of Williams resolves to sell 16 Piesse St with the property being listed for sale with Landmark Harcourts Boddington.
2. That the property be listed for sale at offers above \$175,000 with the Chief Executive Officer being given delegated authority to accept any offer above this set figure.
3. That upon receiving and accepting an offer to purchase, the Chief Executive Officer is to advertise the disposal as per Section 3.58 of the Local Government Act 1995.

**Carried 9/0  
Resolution 105/14**

**Comment**

16 Piesse St has been listed with Landmark Harcourts for \$179,500 and after liaising with Councillors via email an offer has been accepted for \$167,000.

**Statutory Environment**

Section 3.58 of the *Local Government Act 1995* and Regulation 30 & 31 *Local Government (Functions and General) Regulations 1996*.

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) & (4) of the Local Government Act 1995 (LGA 1995) applies.

*Section 3.58(3) and (4) of the (LGA 1995) states the following:*

*(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;*

*(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; and*

*(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.

### Financial Implications

The selling of 16 Piesse would ordinarily affect Council's operating revenue due to the rent not being received; however interest will accrue on the sale funds being invested.

### Strategic Implications

*Williams 2022*

Objective: To have appropriate levels of housing to attract people to stay and or work in Williams.

The funds from the sale of these properties will be placed into the Building Reserve until such time as they are required to pay for the construction of a new residential house.

### Voting Requirements

Simple Majority

### Officer's Recommendation

That Council:

1. advertises the proposed sale of 16 Piesse St for \$167,000 in accordance with Section 3.58 of the Local Government Act 1995;
2. subject to no submissions being received, delegates authority to the Chief Executive Officer and Shire President to execute the transfer of land documents for 16 Piesse St, as presented.

### Council Resolution

*Johnstone/Paterson*

That Council:

1. advertises the proposed sale of 16 Piesse St for \$167,000 in accordance with Section 3.58 of the Local Government Act 1995;
2. subject to no submissions being received, delegates authority to the Chief Executive Officer and Shire President to execute the transfer of land documents for 16 Piesse St, as presented.

**Carried 9/0**  
**Resolution 222/14**





#### **8.4.4 EXPRESSION OF INTEREST – LEASE LOT 440 MARJIDIN WAY**

<b>File Reference</b>	<b>14.25.30</b>
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Ryan Duff 16 <sup>th</sup> May 2014
<b>Attachments</b>	Appendix 3 – PrimeAG Expression of Interest

#### **Background**

The Shire of Williams has accepted a tender to construct a shed on Lot 440 Marjidin Way Williams. The Shed is due to be completed by October 2014 and will be leased out to an appropriate business as selected by Council.

The Shed is 24m x 18m (432m<sup>2</sup>) and contains an office, storeroom, kitchen, toilet and mezzanine storage.

At the March 2014 Council meeting Council resolved the following:

#### **Council Resolution**

##### **Carne/Paterson**

*That Shire of Williams call for expressions of interest from suitable businesses to lease Unit 1 on Lot 440 Marjidin Way with the lease to be for a 3 years with a 3 year option and at an annual lease starting at \$18,500.*

**Carried 7/0  
Resolution 173/14**

#### **Comment**

The Chief Executive Officer advertised for Expressions of Interest to lease the shed in the Narrogin Observer (10<sup>th</sup> April 2014) and The Williams (7<sup>th</sup> & 22<sup>th</sup> April 2014)

At the close of the EOI period on the 28<sup>th</sup> April 2014 on one EOI was submitted. The Submission was received from PrimeAG Services of Williams. The Prime Ag Services submission is attached at **APPENDIX 3**.

#### Term of Lease

In the EOI PrimeAG Services have indicated that they would be agreeable to a lease period of a minimum of 3 years and to a maximum of 10 years.

#### **Statutory Environment**

Section 3.58 of the *Local Government Act 1995* and Regulation 30 & 31 *Local Government (Functions and General) Regulations 1996*.

It is important to note that where property is not being disposed of by way of Public Auction or Public Tender, as defined by section 3.58(2), then Section 3.58(3) & (4) of the Local Government Act 1995 (LGA 1995) applies.



Section 3.58(3) and (4) of the (LGA 1995) states the following:

(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;

(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; and

(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.

### **Financial Implications**

The cost to develop the shed is estimated to be \$477,000 with Council allocating \$260,104 of the Country Local Government Fund and \$67,239 of General Funds to the project. To make up the shortfall a loan of \$149,746 will be drawn.

The loan will be taken over ten (10) years at an interest rate of 4.38% making annual loan repayments of \$18,489. As a per week amount this equates to \$355.

### **Voting Requirements**

Simple Majority





**Officer's Recommendation**

That Council:

1. advertises the proposed lease of Unit 1 Lot 440 Marjidin Way for a term of XX and for an annual lease of \$XXX in accordance with Section 3.58 of the Local Government Act 1995;
2. subject to no submissions being received, delegates authority to the Chief Executive Officer and Shire President to negotiate the lease terms and conditions for Unit 1 Lot 440 Marjidin Way

**Council Resolution**

***Cavanagh/Medlen***

That Council:

1. advertises the proposed lease of Unit 1 Lot 440 Marjidin Way for a term of 3 years and for an annual lease of \$18,500 plus CPI in accordance with Section 3.58 of the Local Government Act 1995;
2. an additional 3 year option is to be offered with the rental to be negotiated
3. subject to no submissions being received, delegates authority to the Chief Executive Officer and Shire President to negotiate the lease terms and conditions for Unit 1 Lot 440 Marjidin Way.

**Carried 9/0**  
**Resolution 223/14**



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#### **8.4.5 DEPARTMENT OF FIRE AND EMERGENCY SERVICES – CONCEPT PAPER**

<b>File Reference</b>	<b>11.60.20</b>
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	R.N. Duff      16 <sup>th</sup> May 2014

##### **Background**

The Department of Fire and Emergency Services is progressing the review of the current emergency services Acts (the Fire Brigades Act 1942, the Bush Fires Act 1954 and the Fire and Emergency Services Act 1998) to create a single comprehensive Emergency Services Act which will improve community safety and better support all emergency services workers in the future.

The Concept Paper is available for comment from 16 April 2014.

The Concept Paper has been drafted based on the extensive consultation that has been undertaken. During the first stage of consultation, the Review Team met with over 450 people as part of information sessions across Western Australia. The Project Team also hosted 11 expert panel meetings between August and November 2013, with representatives of local governments, state government agencies, volunteers and the private sector. To date, in excess of 1500 individuals have been directly consulted on the review through various channels by the Department with 220 formal submissions received.

The Concept Paper explores various options that have been considered in relation to identified issues. It will also identify preferred options and provide another opportunity for stakeholders to supply feedback, adding rigour to the development of the future legislation.

Following the completion of the Concept Paper comment period, the processes of preparing Parliamentary drafting instructions will commence.

The consultation period will end on 31 July 2014.

##### **Comment**

The Chief Executive Officer has previously circulated the concept paper to Councillors. The document is quite large and takes a great deal of time to get through. The local government sector is formulating a response to the concept paper and in particular the Central Country Zone of WALGA has formed a reference group to go through the issues raised and to report back to the Zone. Cr Cowcher is on this group along with Cr Ray Marshall (Pingelly Shire President) Mark Hook (Wickepin CEO), Marcus Owen (Lake Grace Community Emergency Services Officer and Bruce Wittber (Zone Executive Officer).

Additionally WALGA is running two regional forums discussing the concept paper with one being held at Brookton on the 26<sup>th</sup> May 2014. The Shire President, Chief Executive Officer and Economic Development Officer and intending on being at this forum.



Council will have an opportunity at the June or July Council meetings to review the comments made in relation to the concept paper.

**Financial Implications**

Some of the changes proposed in the Concept Paper would have significant costs which would be borne by both State and local government which in turn would lead to an increase in the Emergency Services Levy and ultimately increase the cost to our Ratepayers.

**Voting Requirements**

Simple Majority

**Officer's Recommendation**

For Information



The CEO advises that in writing this report it should be noted that he is currently the Secretary of the Williams Football Club

#### 8.4.6 WILLIAMS FOOTBALL CLUB – BUILDING USE AGREEMENT

<b>File Reference</b>	<b>11.60.20</b>
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	R.N. Duff 16 <sup>th</sup> May 2014
<b>Attachment</b>	Appendix 4 – Historical Documents Appendix 5 - Football Club letter Appendix 6 – Draft MOU with Football Club

#### Background

Excerpt from the 1999 Creating Communities Report – Williams Sports Pavilion

*The impetus for the provision of the Williams Sports Pavilion was generated by the Williams Football Club in the mid to late 1980s. At first the building was going to be a stand-alone football clubrooms built and maintained by the Club. Discussion with the Shire led to the repositioning of the building to the current site and the connection between the clubroom and the other buildings on the ground.*

*The combining of the buildings allowed the upgrading of the existing kitchen and the redevelopment of the tote room to occur at the same time both maximising capital expenditure and the provision of a much needed community amenity.*

*The finished product provided Williams with a good quality function room while satisfying the needs of several sporting organisation.*

*An application for funding to the then Department of Sport and Recreation’s (DSR) Community Sporting and Recreation Facilities Fund (CSRFF) was made in 1988 and was successful in attracting \$30,000 from the State Government.*

*The funding for the extended building program was as follows:*

<i>Williams Football Club</i>	<i>\$</i>	<i>26,500</i>	<i>(plus interest*)</i>
<i>State Government Grant</i>	<i>\$</i>	<i>30,000</i>	
<i>Value of Voluntary Labour</i>		<i>370 hours</i>	<i>(unvalued)</i>
<i>Williams Trotting Club (grant)</i>	<i>\$</i>	<i>7,000</i>	
<i>Williams Trotting Club</i>	<i>\$</i>	<i>4,500</i>	<i>(tiling)</i>
<i>Shire of Williams</i>	<i>\$</i>	<i>146,500</i>	
<i>Williams Football Club (furnishings)</i>	<i>\$</i>	<i>20,000</i>	



*\*The Williams Football Club lodged \$20,000 with the Shire at the beginning of the project. The interest earned was contributed to the project. It could have exceeded \$2,000.*

*It could be argued that the Williams Football club initiated a project which addressed a number of community issues, persevered with the project until completion and either provided or attracted some \$100,000 to the finished facility.*

*A management agreement was struck between the Shire and the Football Club in August 1990, and although loose, has acted as the means of management ever since.*

*A change in Shire's CEO brought with it an attempt to tighten the agreement and to bring consistency into the management of all community facilities in Williams.*

*The Football Club is the major user of the facility throughout the winter months while making it available for use by other groups all year round.*

*It is important to note that the Williams Sports Pavilion has provided the community with a very valuable functions facility for the last decade. With the refurbishment of the Town Hall, the options for community groups to hold functions have increased.*

#### Additional Background Information

Four key documents (**APPENDIX 4**) are attached for Councillors information; these documents will help further explain the history of the Williams Football Club's "priority use".

1. Memorandum from Shire President George Warren to All Councillors – 14<sup>th</sup> October 1997
2. Letter and Report prepared by the Chief Executive Officer – 3<sup>rd</sup> May 1999
3. Management Agreement Prepared by Creating Communities – 8<sup>th</sup> July 1999
4. Final Letter of Agreement to the Football Club – 24<sup>th</sup> November 1999

The recent upgrade of the kitchen facilities at the Recreation Pavilion and the subsequent request from Council to the Football for a contribution towards the project has been the impetus for the Football Club to write to Council requesting confirmation of the priority use arrangements it has enjoyed. The Football Club letter is attached at **APPENDIX 5**.

#### **Comment**

The Football Club's priority use of the Sports Pavilion came to a head in July 2011 when the Williams Gateway Expo had made a booking on a Friday night on what was traditionally the Clubs Jumper Presentation evening. As things turned out the clash did not occur due to the change in Football fixtures with the next further clash of events to occur until April 2014. The clash did not eventuate either, but the Football Club are still seeking clarity on priority use to ensure future Councillor and staff understand the arrangement that have been put in place.

The fixtured Football Season runs from April to September (but does change with Easter) but in fact the Football Club's usage extend further than that with pre-season training commencing in February and the Club's windup being in October.



The Football Club's usage of the Recreation Ground Facilities is below

Training

Oval

Change rooms	Wednesday & Friday	February to September
Kitchen & BBQ	Friday	2 to 3 times preseason

Functions

Jumper Presentation	Friday	Before 1 <sup>st</sup> fixture game
Windup	Weekend	End of September
Annual General Meeting	Friday	November
Fundraisers	Various	1 every two years

Game Day

7 x Homes Games + Finals	Sunday	April to September
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Oval

Change rooms

Toilets

Office

Kitchen

Inside Bar

Outside Bar

Pavilion

Annual & Ongoing Use

Storage Rooms

Pavilion Wall Space

A draft Memorandum of Understanding is attached at **APPENDIX 6**.

**Financial Implications**

The Football Club pays an annual rental for both the football oval (\$1,118 for 2013/14) and use of the Pavilion (\$1040.50 for 2013/14).



The Football Club have agreed to contribute \$20,000 toward the Pavilion Kitchen Upgrade which has cost:

Project Section	Section cost	Contributions	Contributor	%
Existing Community Function Facilities (Pavilion Kitchen)	\$ 161,033.64			
		\$ 99,374.00	CLGF 11/12	62%
		\$ 10,000.00	Newmont	6%
		\$ 20,000.00	Football Club	12%
		\$ 31,659.64	Shire	20%

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council consider the Draft Memorandum of Understanding with the Williams Football Club regarding the use of the Williams Sports Pavilion.

**Council Resolution**

**Carne/Paterson**

1. That Council accepts the Memorandum of Understanding with the alteration to clause 5.3;  
 “levies the Football Club an annual invoice for the usage of the facilities with an additional invoice for the oval usage as set by the Shire”.

And an additional clause that the MOU will be reviewed every five years.

2. That the Williams Football Club be presented with the Memorandum of Understanding for signing

**Carried 9/0  
 Resolution 224/14**



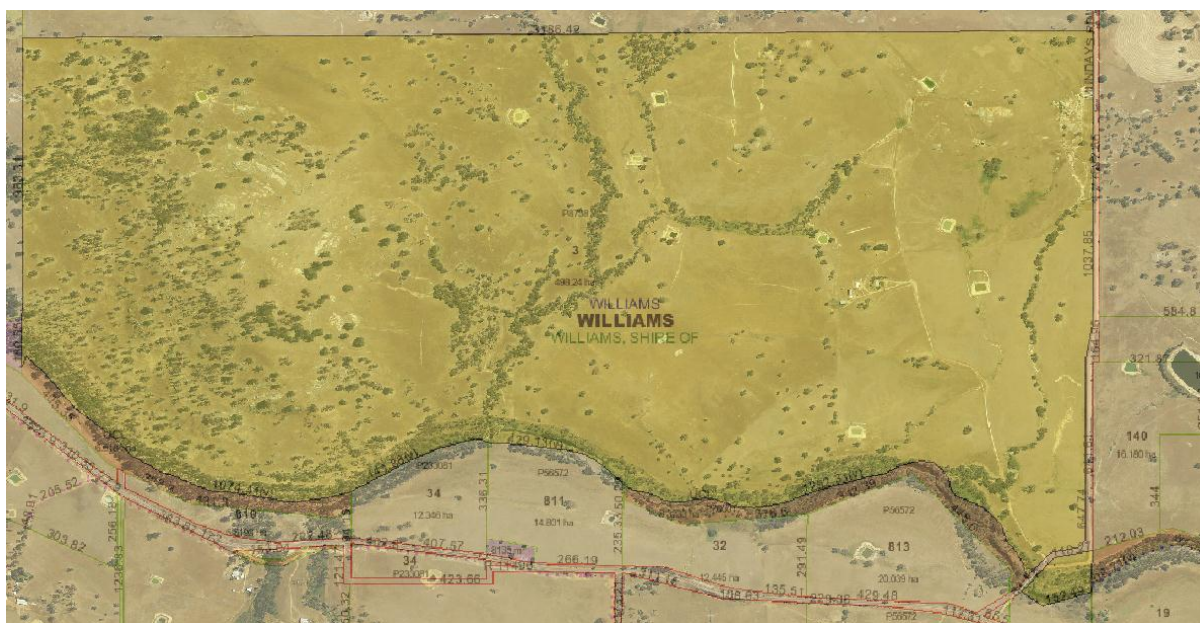
**8.4.7 COLIN & TREVOR COWCHER – SUBDIVISION LOT 3 MUNDAYS RD**

**File Reference** 11.60.20  
**Statutory Reference** Shire of Williams Town Planning Scheme No.2  
**Author & Date** R.N. Duff 16<sup>th</sup> May 2014

**Background**

Correspondence has been received from Colin and Trevor Cowcher wishing to subdivide their property for farm succession planning.

The proposed subdivision is to split Lot 3 on Plan 8738 which is 487.20ha into two titles.



**Comment**

Prior to any formal application being made, Council opinion is sought as to whether they would support such a subdivision.

The Land is zoned 'RURAL' under the Shire of Williams Town Planning Scheme No.2  
Council's stated objective for land classified 'Rural' under TPS No.2 as prescribed in clause 4.7(3) is as follows:

*"There shall be a general presumption by Council against subdivision in the Rural zone unless:*

- i) The lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern or land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);*





- ii) *The lots are for farm adjustment and the erection of dwelling houses is restricted by memorials on Titles;*
- iii) *The lots are for specific uses such as recreation facilities and public utilities; or*
- iv) *The lots are required for the establishment of uses ancillary to the rural use of land”.*

The nature of the subdivision requests to split that land into 2 titles of approximately 240ha each would maintain the rural aspect under the Town Planning Scheme and the subdivision could be supported under clause 4.7 (ii). Previous advice for a similar request from Council’s Town Planning Consultant is included below;

1. *The general purpose of Clause 4.7(3)(A)(ii) is to restrict the construction of new dwellings where rural land is subdivided, and it is reasonable that any restrictions be included as a memorial on title. It is consistent with WAPC Policy which only allows rationalisation of farm boundaries where the number of existing lots remains the same (eg. One farm on 6 separate titles - WAPC allows for boundary relocations which better relate to the farming uses on that land but they would not be allowed to have more than 6 lots).*
2. *We do not see major issues with the wording of Clause 4.7(3)(A)(ii) - it does not specify that a person cannot build on a lot - it simply aims to restrict the number of new dwellings. If there are 2 existing lots on separate titles then there is a general presumption that a person would be able to construct a single house on any single lot, even though they may operate as one farm.*
3. *The wording of the memorial itself would be important but Council may agree to a memorial that allows a maximum of one dwelling per lot which is still restricted. Alternatively Council may agree to a memorial that allows more than one dwelling but only where additional dwellings specifically relate to the agricultural use of the land (eg workers accommodation) and have been granted planning approval.*

In this case an additional lot will be created and Council should determine if it supports the proposed subdivision and if a memorial should be placed on the title restricting the number of dwellings allowed on the property. Council should also stipulate the each lot front a properly constructed road.

#### **Financial Implications**

Nil.

#### **Voting Requirements**

Simple Majority



**Officer's Recommendation**

That Council advises the applicant that it would support the subdivision of Lot 3 of Plan 8738 into two titles subject the following;

1. Each Lot is a minimum of 200ha
2. Each new lot will front a properly constructed road
3. That a memorial be placed on the title restricting the numbers of dwellings on each lot to one.

**Council Resolution**

***Major/Cavanagh***

That Council advises the applicant that it would support the subdivision of Lot 3 of Plan 8738 into two titles subject the following;

1. Each Lot is a minimum of 200ha
2. Each new lot will front a properly constructed road
3. That a memorial be placed on the title restricting the numbers of dwellings on each lot to one.

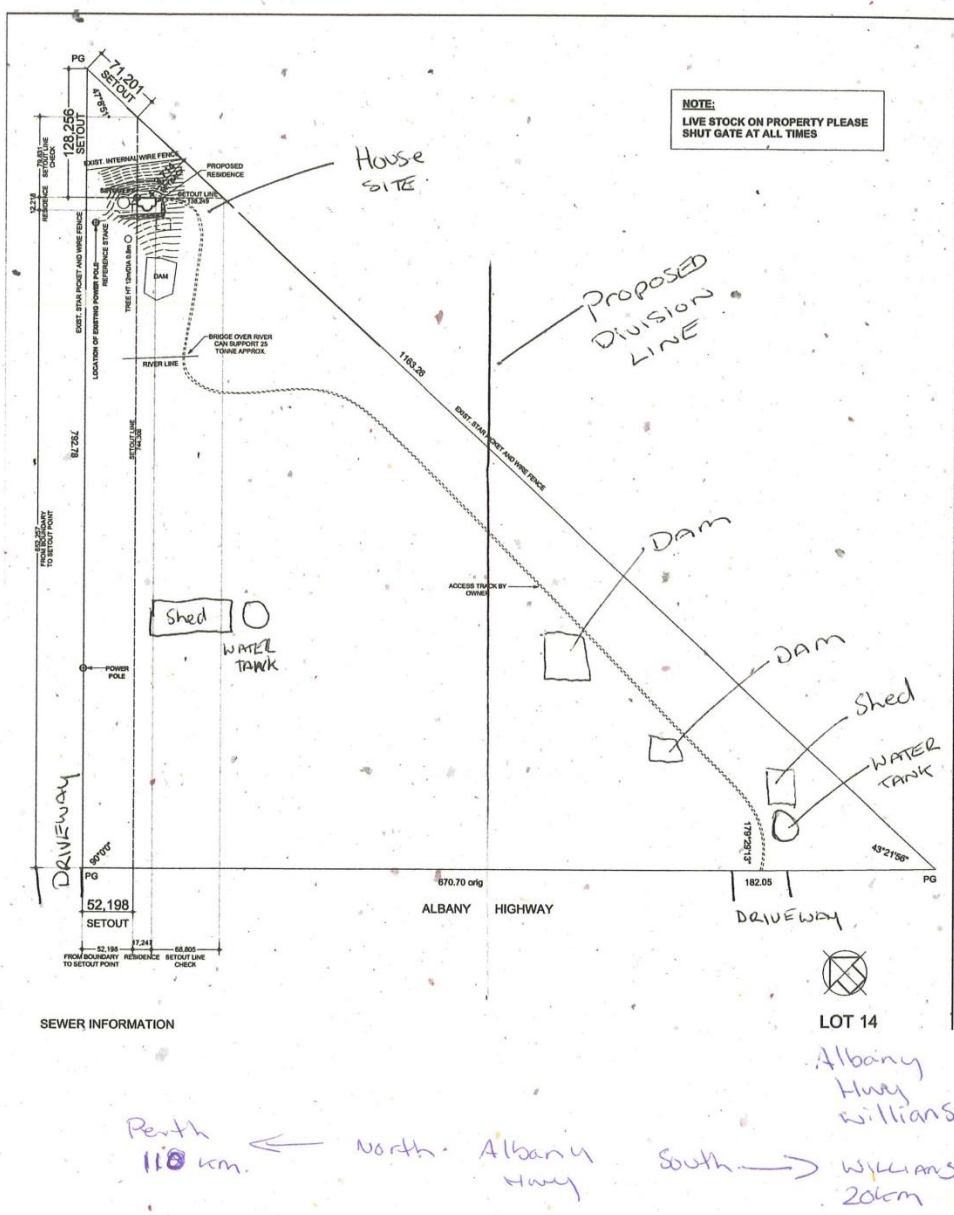
**Carried 9/0  
Resolution 225/14**

**8.4.8 DARREN SCAHILL – SUBDIVISION LOT 14 ALBANY HIGHWAY**

**File Reference** 10.64.20  
**Statutory Reference** Shire of Williams Town Planning Scheme No.2  
**Author & Date** R.N. Duff 16<sup>th</sup> May 2013  
**Attachment** Appendix 7 – Confidential letter from the Applicant

**Background**

Correspondence has been received from Darren Scahill wishing to subdivide his property. The proposed subdivision is to split Lot 14 Albany Highway into two titles of 54 ha (including house) and 30ha.





**Comment**

The Land is zoned ‘RURAL’ under the Shire of Williams Town Planning Scheme No.2 Council’s stated objective for land classified ‘Rural’ under TPS No.2 as prescribed in clause 4.7(3) is as follows:

*“There shall be a general presumption by Council against subdivision in the Rural zone unless:*

- i) The lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern or land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);*
- ii) The lots are for farm adjustment and the erection of dwelling houses is restricted by memorials on Titles;*
- iii) The lots are for specific uses such as recreation facilities and public utilities; or*
- iv) The lots are required for the establishment of uses ancillary to the rural use of land”.*

The subdivision request would appear to be outside of the intent of our Town Planning Scheme and Mr Scahill has provided his reasoning for the subdivision request in a confidential letter attached at **APPENDIX 7**.

The Western Australian Planning Commission is the determining authority on this matter and Council support may or may not be taken into consideration any comments Council wish to make.

**Financial Implications**

Nil.

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council consider that subdivision application made by Darren Scahill for Lot 14 Albany Highway.

**Council Resolution**

***Cavanagh/Earnshaw***

That Council do not support the subdivision application made by Darren Scahill for Lot 14 Albany Highway.

**Carried 9/0  
Resolution 226/14**



The Chief Executive Officer will declare an interest in the item.

#### **8.4.9 CHIEF EXECUTIVE OFFICER'S EMPLOYMENT CONTRACT**

<b>File Reference</b>	<b>4.20.10</b>
<b>Statutory Reference</b>	Local Government Act 1995 – S5.39
<b>Author &amp; Date</b>	Ryan Duff 16 <sup>th</sup> May 2014

#### **Background**

The Chief Executive Officer has been employed in the position since 9<sup>th</sup> February 2009 on a 3 year contract. A further 3 year contract was granted in 2012 and expires February 2015. The Chief Executive Officer has advised the Shire President that he is seeking a contract extension for a further 3 years.

#### **Comment**

The current contract outlines the following in relation to further contracts;

#### **TERM OF EMPLOYMENT**

Subject to the terms and conditions contained in this Contract, the Local Government will employ **Ryan Duff**, in the position of the Local Government's CEO, for a term of **Three (3) Years**, commencing on **9<sup>th</sup> February 2012** and expiring on **9<sup>th</sup> February 2015**.

#### **FURTHER CONTRACTS**

There is no compulsion on either the Council or the CEO to agree to a new Contract. The Council and/or the CEO shall initiate discussions not later than 12 months prior to the expiry of the Term for the parties to enter into a new Contract for a further term with the Council making a decision to finalise those discussions not later than 9 months prior to the expiry of the term of this Contract. In the event that the Council and the CEO agree to a new contract, a new contract will be executed.

The CEO has also requested an amendment to the contract wording regarding the salary packaging arrangement for staff housing and more particular the instance where the CEO provides his own accommodation. It is suggested the following wording in red below be inserted into the new contract.

#### **12.7 Valuation**

**12.7.1** *The value to be allocated to each component of the CEO's total remuneration shall be determined by the Local Government in accordance with such valuation principles as it may adopt from time to time to value benefits extended to its employees.*

**12.7.2** *Where the CEO provides his own accommodation and vacates the subsidised rental house in Williams, the Remuneration package shall be adjusted by increasing the annual cash salary component of the package by the value, from time to time, of the rental subsidy that the*



*CEO would otherwise enjoy had he remained domiciled in the Shire supplied subsidised rental accommodation under clause 12.6.*

## Legislative Requirements

LOCAL GOVERNMENT ACT 1995 - SECT 5.39

5.39 . Contracts for CEO and senior employees

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(1a) Despite subsection (1) —

(a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and

(b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.

(2) A contract under this section —

(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;

(b) in every other case, cannot be for a term exceeding 5 years.

(3) A contract under this section is of no effect unless —

(a) the expiry date is specified in the contract; and

(b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and

(c) any other matter that has been prescribed as a matter to be included in the contract has been included.

(4) A contract under this section is to be renewable and subject to subsection (5), may be varied.

(5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

(6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.

(7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the [Salaries and Allowances Act 1975](#) section 7A.

(8) A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.



### **Financial implications**

The Chief Executive Officer's salary package is included in the 2013/14 Budget and Long Term Financial Plan.

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That Council consider the renewal request of the Chief Executive Officer's Employment Contract for a further 3 years expiring February 2018.

### **Council Resolution**

#### ***Major/Johnstone***

That Council renew the Chief Executive Officer's Employment Contract for a further 3 years expiring February 2018 with the inclusion of;

*12.7.2 Where the CEO provides his own accommodation and vacates the subsidised rental house in Williams, the Remuneration package shall be adjusted by increasing the annual cash salary component of the package by the value, from time to time, of the rental subsidy that the CEO would otherwise enjoy had he remained domiciled in the Shire supplied subsidised rental accommodation under clause 12.6.*

**Carried 9/0  
Resolution 227/14**



#### **8.4.10 REGIONAL WASTE SITE**

<b>File Reference</b>	<b>10.10.30</b>
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Steve Friend, Great Southern Waste Group 16 <sup>th</sup> May 2013
<b>Attachment</b>	<b>Appendix 8</b> – Refuse site costs table

##### **Brief summary**

An item relating to the method of contribution by the participating Local Governments towards the expected costs of roadside bin pickup, bulk bin pickup and refuse site maintenance of the proposed new refuse site in Cuballing Shire.

##### **Background**

In 2009 Frank Bowman produced a report, the “Bowman Report” into the state of the refuse sites contained within 12 local governments.

The local governments included Lake Grace, Woodanilling, West Arthur, Wagin, Shire of Narrogin, Town of Narrogin, Pingelly, Wickepin, Wandering, Williams, Cuballing and Dumbleyung.

Since the “Bowman Report”, three of the Local Governments have pulled out of the group – these being Lake Grace, Woodanilling and West Arthur.

The report was very extensive and made a number of critical points and recommendations. Chief among them was that the 12 local governments had an extraordinary amount of refuse sites between them and that all had problems with the management of the sites and varying levels of compliance with Department of Environment Regulations.

One of the recommendations was that a large number of the satellite tips should close down and that the group should look at establishing a “Regional Refuse Site” to take the waste from all of the participating LG’s.

This would involve retaining the main or nominated refuse site in each LG to be converted to a transfer station to remove putrescible waste to the regional site and the other materials that are collected (scrap metal, asbestos, green waste, waste oil etc) could be handled at the LG’s site.

The remaining 9 Councils have been putting \$5,000 per year to keep the group going and to try and establish a regional refuse site.

An item was presented to each remaining local government (9) in March 2014 asking that an amount of \$80,000 be committed in next year’s budget to be used for the development of the proposed new waste site.





Council did not make a decision at this meeting preferring to have more work done on how the costs would be split up between the Councils. The Shire of Williams has allocated an amount of \$65,000 in its 2013/14 Budget for the capital costs of the Regional Waste site.

As a result of this request for funding to set up the new refuse site, the Shire of Wandering has withdrawn from the group, with 8 local governments remaining.

The group has since met to discuss options for the methodology of covering the costs that will be incurred in three areas –

1. Kerbside putrescible bin pickup
2. Bulk bin removal and
3. Maintenance of the new refuse site.

### Comment

If the three areas mentioned in *background* above are examined –

#### 1 Kerbside putrescible bin pickup.

It was felt by some members of the group that for the process to proceed, the cost of the services provided (kerbside and bulk transfer of waste) should be the same for each local government, no matter where that Council was located.

For instance, it was felt that the furthest Council, Dumbleyung, should pay no more than the closest Council, Narrogin Town or Cuballing. It was felt that this was an incentive for the members to remain united and therefore keep the costs down across all Councils.

A table (**APPENDIX 8**) has been produced showing the Councils involved, the number of bins within the group and the current individual cost per ratepayer for the bin.

Advice was sought from Great Southern Waste (contractor to six of the participating Councils) as to what freight costs could be expected to remove the kerbside waste from each town to the proposed new site at Nebrikinning Road in Cuballing, as opposed to depositing it in each local government's existing tip.

The figures given make up part of the table referred to. There might be some argument that the figures are inflated or should not apply in the first place (freight). Both arguments will have some merit, however when it comes time to go to tender for the service, if they are inflated figures or not relevant, the corresponding costs to the group will reflect that decrease.

As can be seen by the table, the pickup cost for the 7 local governments have been totalled (\$388,221.08).

The freight to get the waste to Nebrikinning Road from each town has been totalled (\$112,112).

The total price (pickup and freight) = \$500,333.



There were then two methods to get an average figure for each local government to pay so that the bin cost was equal – divide the total figure by the participating local governments (7 excluding Cuballing as they do not have a kerbside pickup) or divide the total figure by the number of bins within the group.

As can be seen by the table, either method varied wildly from what each local government is currently paying.

A third method used applies the same percentage each local government currently contributes to pick up costs and applies this percentage to the new costs.

If you used Wagin for this exercise Wagin has 1036 bins and pays \$1.35 to the contractor to pick up the bin.

This amounted to \$70.20 per assessment per year or \$72,727.20 per year for all the bins in Wagin.

When all the local governments are added up, the total comes to \$388,221.08 for the bin pickup only.

When the freight component is worked out, advice is that it will cost Wagin \$24,024 per year to remove the waste from the bins to the new site in Cuballing.

The combined freight for the group is expected to be \$112,112.

The combined total of the pickup and the freight comes to \$500,333 across the seven local governments who have a bin pickup.

If this amount is simply divided by the seven local governments (\$500,333 divided by 7) the result is \$71,476.15, a saving of \$1,251/year.

However if the \$500,333 is divided by the number of bins across the group (5927), the cost to Wagin is \$87,455, an increase of \$14,728, although the cost per bin (\$84.42) is the same for all local governments.

The third scenario presented in the table shows the percentages that each local government is expected to contribute to the overall cost (including freight).

Again in Wagin's case the Shire is contributing to 19% of the current cost.

If this was to extend to the expected new costs at the current percentage, it is probably as fair a method as any of calculating what it will cost this local government to continue in the scheme.

For instance, it is expected it will cost Wagin \$96,751 (pickup and freight) per year. If the percentage of contribution currently applied is carried forward, it will cost Wagin \$93,729.64.

These figures may come down because the freight component has been estimated.



Any freight that comes off any particular local government, will lessen the amount all local governments have to pay, not just a particular one.

The second table is the same, except that it includes a bin pickup for Cuballing. An estimated 150 bins has been applied for this equation.

Although Cuballing has indicated it is not interested in a pickup service, the table shows it would cost the Shire \$14,206.33 annually. It also shows what effect it will have on the other 7 local governments.

The third table shows what would happen if Dumbleyung withdrew from the scheme. In the case of Wagin, if Dumbleyung pulled out, there would be a slight saving to Wagin (and in fact everyone).

The case for having Dumbleyung in or out is not convincing either way.

There will be a small saving on the bin pickup but the maintenance costs might increase and certainly the initial setup costs will increase.

## **2 Bulk bin pickup**

This area is less known as there is no historical evidence of current costs or the hours to travel to wherever there might be a bulk bin placed in a Shire.

The table attached shows an estimate of the number of bulk bins within any local authority. For instance, I have estimated Wagin might have 8 in a central location. For Wickepin, I have said 8 bins, but that might be 5 in Wickepin and one each in Harrismith, Tincurrin and Yealering.

The freight component has been worked out for each Shire based on the expected hours to go from the base (Narrogin) to the local government and includes the time to load each bulk bin and compact it in the truck, then return to Nebrikinning Road.

Most of the cost therefore is the freight (hours x \$154). The number of bins has a lesser impact, however the truck will be at any particular site longer if it has to load 8 bins as opposed to 3 bins.

The same formulas have been used to arrive at a cost to the group.

If the total cost (\$170,170) is divided by the number of participating local governments (8), the cost can be compared to what would happen if the total cost (\$170,170) is divided by the number of bins (56).

There is not as much variation in the bulk bins as compared to the kerbside bins using one of these formulas, however if the percentage scenario is used, there is still not a huge variation but probably a fairer result.



This is because, say a Shire like Wickepin might only incur a travelling cost of 1 hour there and back from Narrogin (\$154) however should a bin be placed out at Tincurrin, the travelling will be more like 2 hours (2 x \$154). Wickepin's percentage is therefore 14.12%.

The fifth table shows what would happen if Dumbleyung was to not be included in the scheme.

### 3 Refuse site maintenance

This component seems easier to work out.

If the cost of the kerbside pickup (\$500,333) is added to the bulk bin cost (\$170,170) the total cost comes to (\$670,503).

If this amount is divided by the percentages of each participating local government, they will pay a direct proportion of the maintenance according to what they incur in the kerbside and bulk bin pickups.

For example Wagin's cost of the kerbside pickup is \$93729.64 (19%) and \$24,024 (14 %) of the bulk bin = 18 % of the maintenance.

An estimation of what it will cost to maintain the new refuse site, supplied by Great Southern Waste, would be \$1,500/week (\$78,000).

The percentages of this cost, as per the formulas applied (percentages) would have the following effect –

Wagin – 18% = \$14,040  
Williams – 7% = \$5,460  
Narrogin Town – 35% = \$27,300  
Wickepin – 10% = \$7,800  
Narrogin Shire – 7% = \$5,460  
Pingelly – 10% = \$7,800  
Cuballing – 1% = \$780  
Dumbleyung – 11% = \$8,580

The figures would change as per the last table should Dumbleyung pull out of the group. The commencement date for the new site has been discussed and determined that this should happen on July 1<sup>st</sup>, 2017.

This should give all participating local governments to time to organise themselves in relation to setting up their transfer stations.

It should also provide time to organise tenders for the services mentioned above.

It should be noted that the commencement date should be uniform to ensure the refuse site maintenance costs are borne as per the recommendation at the conclusion of this item.



It cannot happen that some start to use it and some not as the maintenance costs can't be met by just a few individual local governments.

**Consultation/Communication**

Eight CEO's of participating Councils

**Statutory/Legal Implications**

N/A

**Policy Implications**

N/A

**Financial Implications**

It can be seen by the tables what implications there are for all the participating local governments.

There are "some winners and losers" in which ever method is used to determine who pays for what.

It should be a requirement that whatever method is used, there needs to be a thorough review at the end of the first 12 months.

Each local government can determine what the charges per annum will be on the advice provided in this item and the attached tables.

**Strategic Implications**

Each participating local government has already been asked to budget \$80,000 towards the cost of setting up the proposed new refuse site at Nebrikinning Road in Cuballing.

The amount of funds being asked for is significant and will show whether this local government is committed to the establishment of a regional waste site.

If the expected costs as outlined in this item are added to the mix, it can be seen that the costs escalate even more.

It must be remembered that a lot of the extra cost is freight, however this cannot be avoided.

It is natural that there will be a cost to transfer the waste from each town to a central location.

It can be seen that it is not a cheap exercise and there can be no doubt that it is more expensive than running the Shire waste sites as they are.

What cannot be disputed is that none of the Councils would be complying fully with Government legislation regarding refuse sites and each breach could incur a penalty of \$50,000, if the DER was to prosecute.



The group has worked together to establish a site that has the potential to take all of the putrescible waste for 50+ years and if managed properly, will comply with DER requirements.

This is possibly the key to the equation – no local government is fully complying with government legislation, however by working together this should be an achievable aim.

If a local government does not commit to continuing (does not commit the funding or cannot agree to the methodology for contributing to the scheme), it may well find itself having to go through the exercise itself later on as an individual or perhaps being able to use the regional site, but at a premium cost.

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That the Shire of Williams agrees that for the regional refuse site at Nebrikinning Road in the Shire of Cuballing to proceed, the formulas for paying for the kerbside pickup, bulk bin pickup and refuse site maintenance be apportioned according to a percentage of usage as currently applies; that is Williams will pay 6% of the cost of the kerbside pickup, 10% of the bulk bin pickup and 7% of the refuse site maintenance or a similar percentage should the Shire of Dumbleyung cease to be a part of the group.

### **Council Resolution**

#### ***Major/Cavanagh***

That the Shire of Williams agrees that for the regional refuse site at Nebrikinning Road in the Shire of Cuballing to proceed, the formulas for paying for the kerbside pickup, bulk bin pickup and refuse site maintenance be apportioned according to a percentage of usage as currently applies; that is Williams will pay 6% of the cost of the kerbside pickup, 10% of the bulk bin pickup and 7% of the refuse site maintenance or a similar percentage should the Shire of Dumbleyung cease to be a part of the group.

**Carried 9/0  
Resolution 228 /14**



## 8.5 MANAGER OF FINANCE'S REPORT

### 8.5.1 ACCOUNTS FOR PAYMENT

<b>File Reference</b>	<b>4.23.15</b>	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	9 <sup>th</sup> May 2014

#### Background

That the Chief Executive Officer be authorised to make payments from Councils Municipal Fund, Trust and Reserve Accounts to a maximum of \$100,000 for payment of:

- Refunds of overpayment, deposits and bonds.
- Postage
- Salaries and Wages
- Petty cash recoup
- Payment of creditors where a discount or penalty applies
- Council vehicle licenses
- Special emergency payments as authorised
- Loan Repayments
- Police Licensing, receipts.
- Credit Card purchases up to \$5,000 for items contained in the Budget
- Progress payments for tender contracts

#### Comment

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

#### Financial Implications

As listed in the recommendation below.

#### Voting Requirements

Simple Majority

#### Officers Recommendation

That Municipal Fund cheques 104145 -104156, EFT Transfers and Direct Debits totalling \$525,529.23, CLGF Regional Funding EFT transfers totalling \$346,700.26 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 104157 - 104164 totalling \$5,247.51 and Municipal Fund EFT Transfers totalling \$196,370.93 be approved for payment.



**Council Resolution**

***Johnstone /Earnshaw***

That Municipal Fund cheques 104145 -104156, EFT Transfers and Direct Debits totalling \$525,529.23, CLGF Regional Funding EFT transfers totalling \$346,700.26 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 104157 - 104164 totalling \$5,247.51 and Municipal Fund EFT Transfers totalling \$196,370.93 be approved for payment.

**Carried 9/0  
Resolution 229/14**

**8.5.2 FINANCIAL STATEMENTS**

<b>File Reference</b>	<b>4.23.15</b>	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	9 <sup>th</sup> May 2014

**Background**

A statement of financial activity must be produced monthly and presented to Council. In accordance with the Local Government Act 1995, a statement of financial activity must be presented to each Council meeting, including a comparison to the budget and variance from it. It must also include explanations of any variances.

**Statutory Implications**

Local Government (Financial Management) Regulations 1996, reg 34.

**Comment**

The financial statements are a separate attachment to this agenda.

**Financial Implications**

As disclosed in the financial statements.

**Voting Requirements**

Simple Majority

**Officers Recommendation**

That the financial statements presented for the period ending 30<sup>th</sup> April 2014 be received.

**Council Resolution**

***Medlen/Earnshaw***

That the financial statements presented for the period ending 30<sup>th</sup> April 2014 be received.

**Carried 9/0  
Resolution 230/14**





### 8.5.3 APPOINTMENT OF AUDITOR

<b>File Reference</b>	<b>4.22.00</b>
<b>Statutory Reference</b>	Local Government Act 1995, Part 7
<b>Author &amp; Date</b>	Cara Ryan 14 <sup>th</sup> May 2014

#### Background

Council appointed Gregory Froomes Wyllie to provide audit services for the year ended 30 June 2014 at the Ordinary Meeting of Council on the 20<sup>th</sup> November 2013. The interim audit was performed on the 11<sup>th</sup> and 12<sup>th</sup> March 2014. Subsequently, on the 4<sup>th</sup> April 2014 Council received written notice from Mr Wyllie that he would not be able to continue providing audit services for the Shire and as such tendered his resignation due to ill health. In good faith Mr Wyllie will not be invoicing the Shire of Williams for the work done on the interim audit.

An advertisement was placed with the West Australian and the Narrogin Observer seeking a Request for Quotation for the provision of audit services for the financial year commencing 1<sup>st</sup> July 2013 with the appointment for a period of 3 years, including 4 financial years. Submissions closed Thursday, 1<sup>st</sup> May 2014. Six companies submitted quotations.

At the meeting of the Audit Committee held 21<sup>st</sup> May 2014, there was one recommendation moved in relation to the Appointment of Auditors:

#### Audit Committee Recommendation

That the Audit committee recommends to Council the appointment of Butler Settineri as auditors for the Shire of Williams, for audit services for the financial year commencing 1<sup>st</sup> July 2013 with the appointment for a period of three (3) years, including four (4) financial years

#### Statutory Environment

Local Government Act 1995 S7.3 states as follows:

##### 7.3 Appointment of Auditors

- (1) *A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint\* a person, on the recommendation of the audit committee, to be its auditor.*

*\* Absolute majority required.*

- (2) *The local government may appoint one or more persons as its auditor.*
- (3) *The local government's auditor is to be a person who is —*
  - (a) *a registered company auditor; or*
  - (b) *an approved auditor.*

#### Comment

Council is requested to consider the recommendation from the Audit Committee.



### Financial Implications

The costs associated with the appointment of auditors need to be included in Council's budget.

### Voting Requirements

Absolute Majority

#### Council Resolution

##### *Paterson/Logie*

That the Audit committee recommends to Council the appointment of Butler Settineri as auditors for the Shire of Williams, for audit services for the financial year commencing 1<sup>st</sup> July 2013 with the appointment for a period of three (3) years, including four (4) financial years.

**Carried 9/0  
Resolution 230/14**

## 8.6 COUNCILLORS' REPORTS

Cr Cavanagh attended the Hotham Williams Economic Development Alliance Meeting

Cr Cavanagh attended the Boddington Bauxite Mine CLC Meeting

Cr Cowcher Zone attended the WALGA Central Country Zone Meeting

## 9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN.

## 10.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.

Cr Carne raised concerns on the capping of the Financial Assistance Grants by the WA Local Government Grants Commission and suggested that the Chief Executive Officer write to the Grants Commission detailing Councils concerns.

#### Council Resolution

##### *Carne/Johnstone*

That the Chief Executive Officer formally write to the Grants Commission in regards to the disadvantages of the way the current Federal Assistance Grants are allocated by the WA Local Government Grants Commission and in particular the 15% grant capping policy adopted by the Commission.

**Carried 8/1  
Resolution 231/14**



**10.1 ELECTED MEMBERS.**

**10.2 OFFICERS.**

**11.0 APPLICATION FOR LEAVE OF ABSENCE**

Cr Medlen and Cr Cowcher require leave for the next Ordinary Council Meeting scheduled for the 16<sup>th</sup> July 2014. As this meeting will require the Budget Adoption, Cr Medlen suggested that Council post pone the meeting for the following week, 23<sup>rd</sup> July 2014.

**Council Resolution:**

***Medlen/Earnshaw***

That Council schedule the July Ordinary Meeting of Council from the 16th July 2014 to 23rd July 2014.

**Carried 8/1  
Resolution 232/14**

**12.0 INFORMATION SESSION**

**13.0 CLOSURE OF MEETING**

There being no further business for discussion the President declared the meeting closed at 6.13pm.