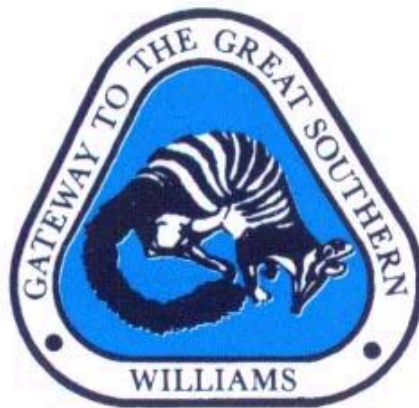


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY
23RD JULY 2014***



COUNCIL DIARY

WEDNESDAY 23RD JULY 2014

1.00pm

Ordinary Meeting

WEDNESDAY 20TH AUGUST 2014

1.00pm

Ordinary Meeting



MINUTES – ORDINARY MEETING OF COUNCIL HELD 23RD JULY 2014

TABLE OF CONTENTS

Item	Subject	Page
	NOTICE OF MEETING	4
	DISCLAIMER.....	5
1.0	Declaration of Opening / Announcement of Visitors.....	6
	The President declared the meeting open at 1.00pm	6
2.0	Record of Attendance / Apologies / Leave of Absence (previously approved).....	6
3.0	Public Question Time.....	6
4.0	Petitions / Deputations / Presentations	7
5.0	Declarations of Interest	7
6.0	Confirmation of Minutes of Previous Meetings	9
6.1	Ordinary Council meeting Held 18th June 2014.....	9
6.2	4 HWEDA Meeting Held 8th July 2014	9
6.3	4WDL VROC Meeting Held 8th July 2014	9
6.4	Special Meeting of Council Held 18th June 2014	10
7.0	Announcements by Presiding Member without discussion.....	10
8.0	Reports	10
8.1	Economic Development Officer's Report.....	11
8.2	Works Supervisor's Report	11
8.2.1	Maintenance Grading Activity	11
8.2.2	Road Maintenance Works	11
8.2.3	Upcoming Works & Items on Road Construction Program	11
8.2.4	Mechanical Report	12
8.2.5	Staff	13
8.2.6	Town and Facilities Report	13
8.2.7	Private Works	13
8.2.8	Works Supervisor Report Acceptance	13
8.3	Environmental Health / Building Surveyor's Report	14
8.3.1	Building Permits.....	14
8.3.2	Food Premises Inspection.....	15
8.3.3	Development Application.....	15
8.3.4	Development Application.....	16



MINUTES – ORDINARY MEETING OF COUNCIL HELD 23RD JULY 2014

8.3.5	Development Application.....	17
8.3.6	EHO Report Acceptance	19
8.4	Chief Executive Officer’s Report	20
8.4.1	Chief Executive Officer General Report.....	20
8.4.2	Commodity Route Funding Application – Glenfield Rd.....	21
8.4.3	Change to Method of Valuation – Industrial Zoned Land	23
8.4.4	Lot 440 Marjidin way Industrial unit – tender variation.....	26
8.4.5	Planning Application – Gilmac Holdings	30
	PLANNING AND DEVELOPMENT REGULATIONS 2009 - SCHEDULE 2	33
	The order of the meeting resumed at 1.19pm commencing at Item 6 – Confirmation of Minutes.....	34
8.4.6	Shire of West Arthur - Dual Fire Control Officer.....	35
8.4.7	Shire of Narrogin - Dual Fire Control Officer	36
8.4.8	MK & AL Iredell – Extractive Industry Annual Renewal, Lot 10126 Bates Rd.....	37
8.4.9	REGIONAL WASTE SITE – MEMORANDUM OF UNDERSTANDING	39
8.5	Manager of Finance’s Report	43
8.5.1	Accounts for Payment	43
8.5.2	Financial Statements	44
8.5.3	ADOPTION OF THE 2014/2015 BUDGET	45
8.6	Councillors’ Reports	53
9.0	Elected Members Motions of which Notice has been given.	53
10.0	New Business of an Urgent Nature introduced by Decision of Meeting.	53
5.1	ESL Administration Fees paid to Local Governments (Shire of Dardanup) - <i>Support</i>	54
5.2	Implications of Structural Reform (Shire of Dardanup) - <i>Support</i>	54
5.3	Bushfire Management – Support Vehicles (Shire of Bridgetown-Greenbushes) – <i>Listen to Debate</i> 54	
5.4	Contaminated Sites – Auditing Requirements (City of Bunbury) – <i>Listen to debate</i>	54
5.5	Review of Section 6.28 of the Local Government Act 1995 – Valuation of Land (City of Bunbury) – <i>Listen to debate</i>	54
11.0	Application for Leave of Absence	54
12.0	Information Session	54
13.0	Closure of Meeting	54



SEPARATE DOCUMENTS

1. Minutes
2. Appendices
3. Payment Listing
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

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 23rd of July 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 1.00pm

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher President
Cr David Earnshaw Deputy President
Cr Richard Johnstone
Cr Natalie Major
Cr Jarrad Logie
Cr Peter Paterson

Ryan Duff Chief Executive Officer
Cara Ryan Manager of Finance
Tony Kett Works Supervisor (1.30pm to 1.43pm)
Steve Friend Enviro. Health Officer/Building Surveyor (1.44pm to 1.50pm)

Apologies

Cr Greg Cavanagh
Cr Gilbert Medlen

Leave of Absence

Cr Moya Carne

3.0 PUBLIC QUESTION TIME

The President acknowledged Sharon Moore at 1.02pm and welcomed her to pose a question to Council. Mrs Moore directed her question to the President seeking clarification in regards to the whether it is appropriate for an elected member of council to make comment supporting the Hay Press plant in Williams in the recent edition of the Farm Weekly. The President responded that he has not read the article and would be unable to comment on the content at this time. The Chief Executive Officer advised that Elected Members should take care when discussing Planning issues in public and in this instance no



new information was raised in the article that wasn't otherwise recorded in the Council Minutes.

Mrs Moore then asked if a decision would be made today, to which the Chief Executive Officer replied that there will be no decision made today and that Council were ratifying the request for additional information from the Applicant.

The President declared that there being no further comment or discussion that Public Question Time closed at 1.09pm

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

2.30pm - Roadside Conservation Committee - Shire of Williams Roadside Conservation Value Survey and Mapping project

3.00pm – Afternoon Tea with OIC Williams Police – Glen Dinsdale

5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Richard Johnstone/Councillor
Item No. / Subject	8.4.5/Planning Application – Gilmac Holdings
Type of Interest	Financial Interest

DECLARATION OF INTEREST	
Name / Position	Jarrad Logie/Councillor
Item No. / Subject	8.4.2/Commodity Route Funding Application – Glenfield Rd
Type of Interest	Proximity Interest

DECLARATION OF INTEREST	
Name / Position	Ryan Duff/Chief Executive Officer
Item No. / Subject	8.3.5/Development Application
Type of Interest	Impartiality Interest



DECLARATION OF INTEREST	
Name / Position	John Cowcher/President
Item No. / Subject	8.5.3 / Adoption of 2014/2015 Budget <i>Part E – Elected Members Fees and Allowances for 2014/2015</i>
Type of Interest	Financial Interest

Cr Richard Johnstone declared an interest in Item 8.4.5/Planning Application – Gilmac Holdings and left the meeting at 1.11pm.

Council Resolution

Earnshaw/Logie

That Council adjourn the order of proceedings to attend to Item 8.4.5/Planning Application – Gilmac Holdings.

**Carried 5/0
Resolution 1/15**

Cr Richard Johnstone returned to the meeting at 1.19pm once the remaining Council had resolved the Officers Recommendation at 8.4.5/Planning Application Gilmac Holdings.

Sharon Moore departed the meeting at 1.20pm.



6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 18TH JUNE 2014

Officer's Recommendation

That the Minutes of the Ordinary Meeting of Council held on 18th June 2014, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Earnshaw/Johnstone

That the Minutes of the Ordinary Meeting of Council held on 18th June 2014, as previously circulated, be confirmed as a true and accurate record.

**Carried 6/0
Resolution 3/15**

6.2 4 HWEDA MEETING HELD 8TH JULY 2014

Officer's Recommendation

That the Minutes of the HWEDA Meeting held on 8th July 2014, as previously circulated, be received.

Council Resolution

Major/Logie

That the Minutes of the HWEDA Meeting held on 8th July 2014, as previously circulated, be received.

**Carried 6/0
Resolution 4/15**

6.3 4WDL VROC MEETING HELD 8TH JULY 2014

Officer's Recommendation

That the Minutes of the 4WDL VROC Meeting held on 8th July 2014, as previously circulated, be received.

Council Resolution

Johnstone/Earnshaw

That the Minutes of the 4WDL VROC Meeting held on 8th July 2014, as previously circulated, be received.

**Carried 6/0
Resolution 5/15**



6.4 SPECIAL MEETING OF COUNCIL HELD 18TH JUNE 2014

Officer's Recommendation

That the Minutes of the Special Meeting of Council held on 18th June 2014, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Johnstone/Earnshaw

That the Minutes of the Ordinary Meeting of Council held on 18th June 2014, as previously circulated, be confirmed as a true and accurate record.

**Carried 6/0
Resolution 6/15**

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS



York-Williams Rd (19.50km)	Shoulder widening and Seal from 6m to 7m	4.60	11.60	7.00		All gravel in.
Culbin-Boraning (19.31km)	Gravel Sheeting	7.00	10.20	3.20		Tree clearing
Tarwonga-Dardadine (21.50km)	Clearing, gravel sheeting	7.60	10.60	3.00		Not Started
Hardie Rd	Replacement of Bridge					Putting in culvert Completed
Aged Homes	Sandpad					Unit 13 sand pad Completed
New Hockey Oval	Sand carted in and levelled					Footings for lights

8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Kms June 2014	Works Completed this month
Ford FG G6E Sedan	Light Vehicles	Ryan Duff	July 2011	91,600 km	
Ford FG G6E Sedan		Cara Ryan	1 Jul 09	115,600 km	
Holden Rodeo Dual Cab Utility		Maintenance	5-Nov-04	211,086 km	
Ford Ranger Dual Cab Utility		Tony Kett	1-Jul-09	173,300 km	
Kia 2 Tonne Truck		Jeff Cowan	9-Oct-07	49,043km	
Holden Rodeo Crew Cab Utility		Andrew Wood	15-Nov-06	259,282 km	
Holden Rodeo Single Cab Utility		James Lenehan	20-Nov-06	93,046 km	
Mitsubishi Triton Single Cab Utility		Stewart Cowcher	22-Sep-99	218,660km	
Multipac Multi-Tyre Road Roller		Construction Equipment	Ray Scobie	21-Oct-04	5,389.7 hr
Vibromax Roller			29-Sep-04	3,524hr	
Caterpillar 12M Grader	Andrew Wood		Dec 2011	2287.9 hr	
Volvo G930 Road Grader	Richard Hewitt		20-Oct-06	7,418 hr	
721E Case Loader	Roger Gillett		May 2012	3,760 hr	
Volvo EC210BLC Excavator	Phil Reed		18-Jul-07	5,245 hr	Serviced



MINUTES – ORDINARY MEETING OF COUNCIL HELD 23RD JULY 2014

John Deere 315SE4 Backhoe		Trevor Palframan	17-Sep-01	2000hr	Serviced
John Deere MFWD Tractor		Works	21-Oct-97	10,545 hr	New thermostat.
Toro Reelmaster SP mower		Works	Aug-09	607 hr	
Toro Z597 Ride on Mower	Parks & Gardens	Jeff Cowan	1-Oct-06	1,418hr	
Toro Z400 Kholer Ride on Mower		Jeff Cowan	8-Aug-05	525 hr	
Honda TRX Four Wheel M/Cycle		Jeff Cowan	20-Mar-00	1,284 hr	
Toyota DA115 Tip Truck (Water Truck)	Trucks & Trailers	James Lenehan	24-Aug-94	233,450 km	
Isuzu FVZ1400 Tip Truck		Steven Stewart	31-Dec-03	257,680 km	
Mercedes Benz Actross Prime Mover		Phil Reed	21-Dec-05	249,205 km	Serviced
Isuzu Giga CXZ Tip Truck		Justin Murdock	10-Dec-08	158,830km	
Isuzu NPR 300 Truck		Ray Scobie	21-Jan-13	31,063km	
SFM Side Tipping Trailer		Works	21-Dec-05	107,475 km	
Howard Porter Low Loader		Works	31-Aug-07	106,049 km	
Howard Porter Pig Trailer		Justin Murdock	10-Dec-08	106,456 km	
Kabota Generator		Tip		1,815 hr	

8.2.5 STAFF

- Nil to report

8.2.6 TOWN AND FACILITIES REPORT

- Footings are in for the light poles at 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/Major

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

**Carried 6/0
Resolution 7/15**

Mr Kett left the meeting a 1.43pm

8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

Environmental Health Officer/Building Surveyor Steve Friend attended the meeting at 1.44pm to discuss his report.

8.3.1 BUILDING PERMITS

File Reference	13.34.10
Statutory Reference	N/A
Author & Date	Steve Friend 4 th July 2014

Comment

The following building licenses have been issued under delegation by the EHO/BS:
#341 A Roundtree Lot 195 Lavender Street Colorbond Clad Shed

Financial Implication

Fees: Shire \$90; BSL \$40.50; BCF \$0

Voting Requirements

Simple Majority Required

Officers Recommendation

That Building Permits issued by the EHO/BS as listed above be endorsed by Council.

Council Resolution

Earnshaw/Paterson

That Building Permits issued by the EHO/BS as listed above be endorsed by Council.

**Carried 6/0
Resolution 8/15**



8.3.2 FOOD PREMISES INSPECTION

File Reference 7.40.41
Statutory Reference N/A
Author & Date Steve Friend 7th July 2014

Comment

Caltex Roadhouse – Cleanly maintained. Cracked and missing tile brought to management's attention.

Williams Woolshed – Cleanly maintained. No issues.

Voting Requirements

Simple Majority Required

Officers Recommendation

That the Food Premises Inspection report be endorsed by Council

Council Resolution

Major/Logie

That the Food Premises Inspection report be endorsed by Council.

Carried 6/0
Resolution 9/15

8.3.3 DEVELOPMENT APPLICATION

File Reference 10.60.15
Statutory Reference Shire of Williams Town Planning Scheme
Author & Date Steve Friend 4th July 2014
Attachments **Appendix 1 Lot 20 Millbrook Place (dwelling)**

Background

The owners of Lot 20 Millbrook Place have applied for planning approval to build a three bedroom, three bathroom Hardieplank and Colorbond roof dwelling on the property.

As the Lot is zoned Rural Residential in the Town Planning Scheme (TPS), planning approval as well as building approval is required.

Comment

The building will be built in the position shown on the attached site diagram and is the property behind the trotting stables at the recreation grounds.



The building will have three bathrooms and three bedrooms as it is proposed to use the dwelling for bed and breakfast purposes.

The Lot is subject to a building envelope, in the position shown on the site diagram, due to the possibility of inundation in a 100 year flood.

The house will have to have a minimum floor level of 261.5 AHD.

There are a number of dwellings in the subdivision, with most if not all being Hardieplank and Colorbond or zinc roof so this one won't be out of place.

It is recommended that the application be approved.

Officers Recommendation

That the application to build a three bedroom, three bathroom, Hardieplank and Colorbond house in the position shown on the application be approved.

Council Resolution

Earnshaw/Logie

That the application to build a three bedroom, three bathroom Hardieplank and Colorbond house in the position shown on the application be approved.

**Carried 6/0
Resolution 10/15**

8.3.4 DEVELOPMENT APPLICATION

File Reference	10.60.15
Statutory Reference	Shire of Williams Town Planning Scheme
Author & Date	Steve Friend 4 th July 2014
Attachments	Appendix 2 – Lot 20 Millbrook Place (Shed)

Background

The owners of Lot 20 Millbrook Place have applied to erect a 12m x6m Colorbond clad shed on the property.

As the Lot is zoned Rural Residential in the Town Planning Scheme (TPS), planning approval as well as building approval is required.



Comment

The building will be built in the position shown on the attached site diagram and is the property behind the trotting stables at the recreation grounds.

The Lot is subject to a building envelope, in the position shown on the site diagram, due to the possibility of inundation in a 100 year flood.

There are a number of sheds in this subdivision and this one will be no exception in size or materials.

The shed will be set back 16m from the front boundary and 18m from the side that backs onto the trotting stables.

It will be recommended that the application be approved.

Officers Recommendation

That the owners of Lot 20 Millbrook Place be permitted to erect a 12m x 6m Colorbond clad shed on the property in the position shown on the application.

Council Resolution

Johnstone/Paterson

That the owners of Lot 20 Millbrook Place be permitted to erect a 12m x 6m Colorbond clad shed on the property in the position shown on the application.

**Carried 6/0
Resolution 11/15**

Chief Executive Officer declared an interest in the following item as owner of the land concerned and left the meeting 1.48pm.

8.3.5 DEVELOPMENT APPLICATION

File Reference	10.60.15
Statutory Reference	Shire of Williams Town Planning Scheme
Author and Date	Steve Friend 11 th July 2014
Attachments	Site Diagram, Shed Diagram

Background

The owner of Lot 54 Munthoola Road, Williams has applied for planning approval to erect a 14.5m x 8.4m x 3.7m high Colorbond clad shed on the property.

The property is zoned Rural Residential in the Town Planning Scheme (TPS) and as such, requires the approval of Council.



Comment

This property is part of the previously WAPC approved “Munthoola Estate”. The Lot (54) comprises what was an approved Residential subdivision and a Rural Residential subdivision.

The subdivisions did not proceed however the property was rezoned from Rural to those mentioned.

The proposed shed is located on the Rural Residential portion of the property.

Council can consider such things as the size, bulk, building materials and location when considering whether to approve the application.

The shed is not overly large by Rural Residential standards and will be clad with Colorbond steel. The colour of the cladding has not been mentioned.

As the subdivision never proceeded, there will not be any other properties nearby that will be impacted by the shed, particularly as it will be sited roughly in the middle of the property which is 84.5Ha in size.

It will be recommended that the owner be granted planning approval to build the shed.

Recommendation

That the owner of Lot 54 Munthoola Road, Williams be granted planning approval to erect a 14.5m x 8.4m x 3.7m Colorbond clad shed in the position shown on the plan accompanying the application.

Council Resolution

Johnstone/Logie

That the owner of Lot 54 Munthoola Road, Williams be granted planning approval to erect a 14.5m x 8.4m x 3.7m Colorbond clad shed in the position shown on the plan accompanying the application.

**Carried 6/0
Resolution 12/15**

The Chief Executive Officer returned to the meeting at 1.49pm.



8.3.6 EHO REPORT ACCEPTANCE

Voting Requirements

Simple Majority

Officers Recommendation

That the EHO's report as tabled be received.

Council Resolution

Major/Earnshaw

That the EHO's report as tabled be received.

**Carried 6/0
Resolution 13/15**

Mr Friend left the meeting 1.50pm.



8.4 CHIEF EXECUTIVE OFFICER'S REPORT

8.4.1 CHIEF EXECUTIVE OFFICER GENERAL REPORT

File Reference	4.1.20
Statutory Reference	N/A
Author & Date	Ryan Duff 16 th July 2014

Background

The Chief Executive Officer General Report provides Council with an update on the activities of the CEO and other matters that do not necessarily require a decision of Council.

Comment

The CEO General Report is provided to Council as a separate document.

Financial implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That the Chief Executive Officer's General Report for July 2014 be received by Council.

Council Resolution

Logie/Paterson

That the Chief Executive Officer's General Report for July 2014 be received by Council.

Carried 6/0
Resolution 14/15

Cr Logie declared an interest in the following item because he owns property on Glenfield Rd and left the meeting at 2.09pm.



8.4.2 COMMODITY ROUTE FUNDING APPLICATION – GLENFIELD RD

File Reference 12.15.30
Statutory Reference N/A
Author & Date R.N. Duff 16th July 2014

Background

Welldon Beef operates a 2000 head of cattle feedlot on Glenfield Rd in Williams. Welldon Beef has made a request to the Shire of Williams to upgrade Glenfield Rd to cater for the heavy vehicle traffic that services the feedlot.

In February 2014 Council resolved to submit a funding application to the State Government Commodity Route Funding Program.

Comment

The application has been finalised and is being submitted to Council for endorsement. The full application is attached at **APPENDIX 1**.

It should be noted that through Welldon Beef’s operations approximately 42,000 tonnes travels on Glenfield Road.

Financial Implications

The Commodity Route Funding program works similar to the Regional Road Group funding, in that Main Roads provide 2/3 of the cost and Council 1/3 of the cost towards the completion of the project.

Wages/OH	\$ 2,825	48	\$ 135,577
Plant	\$ 2,050	48	\$ 98,400
	\$ 4,875		
Materials			\$ 6,500
Metal			\$ 44,297
Bitumen			\$ 80,850
Gravel			\$ 4,200
Admin			\$ 7,396
			\$ 377,221

Based on the above Council will apply for the maximum allocation of \$250,000 with the remaining cost of \$123,021 being covered by the Shire of Williams through plant and labour costs. An Industry Contribution of \$4,200 has been included which will entail Welldon Beef providing gravel to the Shire free of charge.

The funding application is for the 2015/16 Financial Year.



Voting Requirements

Simple Majority

Officers Recommendation

That Council endorse the Commodity Route Funding application prepared by the Chief Executive Officer for upgrade works to Glenfield Rd between SLK 0.5 to 5.5.

Council Resolution

Major/Johnstone

That Council endorse the Commodity Route Funding application prepared by the Chief Executive Officer for upgrade works to Glenfield Rd between SLK 0.5 to 5.5.

**Carried 5/0
Resolution 15/15**

Cr Logie returned to the meeting at 2.14pm

8.4.3 CHANGE TO METHOD OF VALUATION – INDUSTRIAL ZONED LAND

File Reference	3.2.10
Statutory Reference	<i>Local Government Act 1995 s 6.28</i>
Author & Date	R.N. Duff 16 th July 2014

Background

A recent visit from the Valuer General’s Office (Landgate) has prompted the Shire of Williams to investigate the current rating strategy on a number of Industrial Zoned properties within the Shire.

Under section 6.28 of the *Local Government Act 1995* (the Act), the Minister for Local Government is responsible for determining the method of valuation of land to be used by a local government as the basis for a rate.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- where the land is used predominantly for rural purposes, the UV of the land; and
- where the land is used predominantly for non-rural purposes, the GRV of the land.

Each local government has a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their district such that rural land is rated on its UV and non-rural land is rated on its GRV.

Comment

The Marjidin Way Industrial Estate is completely UV and therefore a blanket change to GRV would be consistent with the proposed future use of the area.





In normal circumstances extensive consultation would need to take place with ratepayers as the change from UV to GRV could have significant impact on their rates. In this case the land is vacant and apart from the block that the Shire has purchased the remainder is owned by Landcorp.

Applications are made to the Department of Local Government. They can be made at any time during a financial year. The Act does not place any limitation on when a new valuation can apply.

Legislative Requirements

LOCAL GOVERNMENT ACT 1995 - SECT 6.28

6.28 . Basis of rates

(1) The Minister is to —

- (a) determine the method of valuation of land to be used by a local government as the basis for a rate; and
- (b) publish a notice of the determination in the *Government Gazette* .

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and
- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land.

(3) The unimproved value or gross rental value, as the case requires, of rateable land in the district of a local government is to be recorded in the rate record of that local government.

(4) Subject to subsection (5), for the purposes of this section the valuation to be used by a local government is to be the valuation in force under the [Valuation of Land Act 1978](#) as at 1 July in each financial year.

(5) Where during a financial year —

- (a) an interim valuation is made under the [Valuation of Land Act 1978](#) ; or
 - (b) a valuation comes into force under the [Valuation of Land Act 1978](#) as a result of the amendment of a valuation under that Act; or
 - (c) a new valuation is made under the [Valuation of Land Act 1978](#) in the course of completing a general valuation that has previously come into force,
- the interim valuation, amended valuation or new valuation, as the case requires, is to be used by a local government for the purposes of this section.

[Section 6.28 amended by No. 1 of 1998 s. 20.]



Financial Implications

There are no immediate financial implications, however once properties are sold and developed these properties would go from UV minimum rate properties (currently \$460) to a commercial rate.

If you use the proposed Shire shed as an example, where the market rental is \$20,000 for a year then the GRV (\$20,000) x the Rate in the \$ (0.051467) = Rates (\$1029)

Voting Requirements

Simple Majority

Officer's Recommendation

That the Shire of Williams request the Minister for Local Government to change the method of valuation in the Marjidin Way Industrial Area from Unimproved Value to Gross Rental Value.

Council Resolution

Major/Johnstone

That the Shire of Williams request the Minister for Local Government to change the method of valuation in the Marjidin Way Industrial Area from Unimproved Value to Gross Rental Value.

**Carried 6/0
Resolution 16/15**

The order of meeting proceedings was adjourned at 2.32pm.

The President welcomed Kylie Payne and Gillian Stack from the Roadside Conservation Committee and Kylie commenced the presentation on the Shire of Williams Roadside Conservation Value Survey and Mapping project.

The presentation concluded at 3.12pm.

OIC of Williams Police – Sergeant Glen Dinsdale was welcomed into the Council Chambers at 3.14pm for meet and greet with the Councillors. Sergeant Dinsdale gave a brief run-down of his previous history and the type of policing he hopes to bring to the Williams community.

Afternoon Tea

The President adjourned the meeting at 3.22pm and invited Sergeant Dinsdale to join Council for afternoon tea.

The meeting resumed at 3.52pm.



8.4.4 LOT 440 MARJIDIN WAY INDUSTRIAL UNIT – TENDER VARIATION

File Reference	14.25.30
Statutory Reference	<i>Local Government (functions and general) Regulations 1996 - reg 20</i> <i>Local Government Act 1995 - sect 6.20</i> <i>Local Government Act 1995 - sect 3.58</i>
Author & Date	Ryan Duff 14 th July 2014

Background

The Shire of Williams has accepted a tender from P & F Kulker to construct a shed on Lot 440 Marjidin Way Williams. The Shed is due to be completed by December 2014. Council has accepted an Expression of Interest from PrimeAg to lease the Industrial Shed for a 3 year term.

The Shed is 24m x 18m (432m²) and contains an office, storeroom, kitchen, toilet and mezzanine storage.

Comment

In negotiating the lease terms with PrimeAg it has come to note that the proposed Industrial Shed in its current form would not comply with the legislation relating to the storage of chemicals. PrimeAg have requested several alterations to the building plan, to which the Chief Executive Officer has requested a quotation from the Builder to include as a variation to ensure the Industrial Shed is suitable for the storage of agricultural chemicals.

The following items have been requested:

Agsafe Requirements

- Floor draining/sloping into the centre of the shed (self bunded)
 - Slope of floor would need to hold approx. 10,000 Litres
- Complete office needs to be fire proof
 - Windows
 - Doors
 - WallsRoof underneath meazine floor
- PrimeAg suggested to move office space outside shed then only the wall has to be fire proof rated, this also gives more shed space. To do this a corridor may have to be put in place for access to each room.



PrimeAg Changes

- 5m lean too into yard, across entire width of shed
- Roller doors
 1. Located eastern end
 2. Two; one front of shed, one back of shed, acting as a drive through.

Legislative requirements

LOCAL GOVERNMENT (FUNCTIONS AND GENERAL) REGULATIONS 1996 - REG 20

20 . Variation of requirements before entry into contract

(1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.

LOCAL GOVERNMENT ACT 1995 - SECT 6.20

6.20 . Power to borrow

(1) Subject to this Act, a local government may —

(a) borrow or re-borrow money; or

(b) obtain credit; or

(c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,

to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.

(2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (*power to borrow*) and details of that proposal have not been included in the annual budget for that financial year —

(a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and

(b) the resolution to exercise that power is to be by absolute majority.

(3) Where a local government has exercised a power to borrow and —

(a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or

(b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,

the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.



* Absolute majority required.

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

3.58 . Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

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 original cost to develop the shed is estimated to be \$477,000 (including land) 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 was to 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.



The land purchase of \$53,000 was financed out of the 2013/14 Budget.

The amendments to the Industrial Shed are an additional \$56,000 ex GST meaning the project Budget (if approved by Council) is now \$513,610 excluding earthworks recently completed by the Shire works crew.

It is recommended that the Industrial Shed is now funded as follows:

CLGF	\$260,104	
2013/14 Muni Fund	\$53,000	
Loan	\$200,506	(4.11% over 15 years = Annual Payment of \$17,885)
Total Budget	\$513,610	

Council will have to negotiate a suitable lease fee given the additional expenditure required on the industrial shed. If the return on investment was to be similar to the loan interest rate then 4% ROI would equate to an annual lease payment of \$20,540 or \$395 per week.

Voting Requirements

Absolute Majority (In regards to Loan Borrowings)

Officer's Recommendation

That the Shire of Williams:

1. accept a tender variation from P & F Kulker for \$56,000 to make amendments to the existing plans to comply with chemical storage legislation;
2. borrow funds equating to \$200,000 from the Western Australian Treasury Corporation over a period of 15 years;
3. set the annual lease payment at \$20,540 ex GST as the basis for the lease document to be drawn up with PrimeAG.

Council Resolution

Major/Paterson

That the Shire of Williams:

1. accept a tender variation from P & F Kulker for \$56,000 to make amendments to the existing plans to comply with chemical storage legislation provided the floor remains level with raised bunding and that the lean-to remains under 68sqm;
2. borrow funds equating to \$200,000 from the Western Australian Treasury Corporation over a period of 15 years;
3. set the annual lease payment at \$20,540 ex GST as the basis for the lease document to be drawn up with PrimeAG.

**Carried 6/0
Resolution 17/15**



8.4.5 PLANNING APPLICATION – GILMAC HOLDINGS

File Reference	10.64.10
Statutory Reference	Shire of Williams Town Planning Scheme No.2
Author & Date	Ryan Duff 16 th July 2014

Background

An application was received from Gilmac Holdings on the 14th May 2014 to build and operate a hay export facility on Lot 17 Playle Rd.

The application was considered at the May 2014 Council meeting where Council determined that the operation of a Export Hay Processing Facility on Lot 17 is an AA use in the RURAL Zone under the Town Planning Scheme No.2 and to advertise the application under section 2.6 of the Scheme.

The public comment period formally closed on the 4th July 2014. The Shire of Williams has received 14 public submissions on the application. The submissions received raise a number of issues that the Council will have to consider when determining the application.

Comment

On the 26th June 2014, upon advice from Council's Planning Consultant, the Chief Executive Officer wrote to Gilmac Holdings as a preliminary measure to request additional information on the planning application. The purpose of this item is for Council to formally request the following information from Gilmac Holdings in relation to the planning application for Lot 17 Playle Rd Williams.

List of Additional Information

1. Lodgement of a detailed Traffic Report prepared by a suitably qualified traffic engineer and in the context of the construction and operational phases of the development is to include, but not be limited to the following matters:
 - (i) Comments and issues raised by Main Roads Western Australia in their correspondence dated 19 June 2014.
 - (ii) Projected traffic volumes and breakdown of vehicle types and vehicle lengths associated with the proposed development.
 - (iii) The ability and adequacy of Playle Road (condition and width) to accommodate the number and type of heavy haulage vehicles including turning areas into and out of Lot 159.
 - (iv) Safety and interaction with other vehicles/ local road users on Playle Road such as tractors, passenger cars, trucks associated with local harvesting of the farming area; any school bus services etc.



Main Roads has raised a number of traffic issues and we recommend that the proponent liaise and meet with MRWA directly. Any traffic report would be referred to MRWA.

2. Written information addressing potential dust, hay litter, dust management and mitigation measures. The information needs to be sufficient enough to address the matters raised in public submissions and to satisfy the Council that there will not be any dust problems that have potential to impact on neighbouring lots. There are different options as to how this may be addressed – examples are:
 - (i) A site specific dust report and management plan by a suitably qualified environmental officer that addresses sources and mitigation of dust, and outlines a procedure for dealing with dust complaints. Other industries such as CBH implement dust management plans for most of their sites.
 - (ii) A copy of any existing dust management plan that may exist for similar scale premises (if they have one for York) supplemented by a supporting letter with an expert opinion of a suitably qualified environmental officer (that provides some comparison of the existing premises and proposed site).

There is scope that the applicant may have information about dust sources and mitigation measures undertaken at the York plant that may help to address this matter. They may wish to liaise with an environmental consultant such as Martin Wells (Land Assessment - 9388 2427) as he provides reports that address environmental issues.

3. A noise report by a suitably qualified acoustical consultant that demonstrates the proposal can comply with the Environmental Protection (Noise) Regulations 1997 which specify assigned levels that need to be complied with at all times of the day. Alternatively, if the York business is of a similar size and scale as the proposed business in Williams, the applicant may lodge noise information associated with the existing premises and provide supporting information from the consultant that undertook that noise investigation for them (that makes specific comment on this Williams site.)
4. A scaled and accurate plan showing the distance between any part of the proposed business and any nearby sensitive premises (eg houses on Lot 1161 and 2861). The recommended buffers for hay plants is between 500 metres and 1000 metres under the EPA Guidance for assessment of environmental factors – separation distances between industrial and sensitive landuses.

Although there is some understanding by the Shire of what is entailed in the proposed Hay operation, there is limited information on the nature of all activities and processes that are being proposed in this application. It is therefore recommended that the applicant also be requested to



lodge additional written explanation so there is no misunderstanding of the proposed activities to be undertaken on site including factors such as:

- Hours of operation
- Anticipated number of employees
- Description of the Hay production process – eg flow chart of production cycle with explanation of what happens from the receipt of raw materials (ie hay) and the cycle to the end product. It should explain how the hay is processed (eg machinery used) and all of the end products (eg confirmation that it is just compacted baled hay or whether any pelleting is proposed). Photographs of the existing York premises can be used to supplement the explanation.
- Confirmation whether there will be on site caretaker / manager (using the existing house).
- Types of waste produced and disposal of any waste.

Public Submissions

Gilmac Holdings have been provided with copies of the public submissions received with contact detail being blanked out.

A full list of submissions is attached at **APPENDIX 2**.

Decision Timeframe

The Shire of Williams Town Planning Scheme requires that an application be determined 2 months after the date of receipt (14/05/2014) and then upon request for further information discretion to defer for a further two months (14/07/2014). Given the complexity of the information requested by the Shire it is likely that we will exceed the four month time period from the date of receipt being the 14/09/2014 to which without Gilmac's consent the application would be deemed to be refused.

With the request for additional information agreement has been sought for an extension of the planning process when and if the time expires.

Financial implications

Planning Fees:



PLANNING AND DEVELOPMENT REGULATIONS 2009 - SCHEDULE 2

Item	Planning service	Maximum fee
1.	Determining a development application (other than for an extractive industry) where the development has not commenced or been carried out and the estimated cost of the development is —	
	(a) not more than \$50 000	\$147
	(b) more than \$50 000 but not more than \$500 000	0.32% of the estimated cost of development
	(c) more than \$500 000 but not more than \$2.5 million	\$1 700 + 0.257% for every \$1 in excess of \$500 000
	(d) more than \$2.5 million but not more than \$5 million	\$7 161 + 0.206% for every \$1 in excess of \$2.5 million
	(e) more than \$5 million but not more than \$21.5 million	\$12 633 + 0.123% for every \$1 in excess of \$5 million
	(f) more than \$21.5 million	\$34 196

Gilmac should also be formally requested to submit planning fees to the Shire of Williams prior to any further consideration of their application.

Voting Requirements

Simple Majority



Officer's Recommendation

That the Shire of Williams

1. Formally request additional information from Gilmac Holdings in relation to their planning application for Lot 17 Playle Rd as detailed in the Chief Executive Officer's letter dated 26th June 2014;
2. Request Gilmac Holdings to submit the required planning fee as set out in the Planning and Development Regulations 2009.
3. Request Gilmac Holdings to indicate whether they would agree to an extension to the planning process beyond the 14th September 2014 if required to ensure the Shire of Williams has the required information

Council Resolution

Major/Paterson

That the Shire of Williams

1. Formally request additional information from Gilmac Holdings in relation to their planning application for Lot 17 Playle Rd as detailed in the Chief Executive Officer's letter dated 26th June 2014;
2. Request Gilmac Holdings to submit the required planning fee as set out in the Planning and Development Regulations 2009;
3. Request Gilmac Holdings to indicate whether they would agree to an extension to the planning process beyond the 14th September 2014 if required to ensure the Shire of Williams has the required information.

**Carried 5/0
Resolution 2/15**

The order of the meeting resumed at 1.19pm commencing at Item 6 – Confirmation of Minutes.



8.4.6 SHIRE OF WEST ARTHUR - DUAL FIRE CONTROL OFFICER

File Reference	5.10.1
Statutory Reference	<i>Bushfires Act 1954, s.38</i>
Author & Date	R.N. Duff 16 th July 2014

Background

The Shire of West Arthur has requested that Mr Trevor Bunce be appointed as dual fire control officer for the Shire of Williams and Shire of West Arthur for 2014/15.

Comment

BUSH FIRES ACT 1954 - SECT 38

38. Local government may appoint bush fire control officer
- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Financial Implications

Nil

Voting Requirements

Simple Majority

Voting Requirements

Simple Majority

Officers Recommendation

The Shire of Williams appoints Mr Trevor Bunce as a dual fire control officer for the Shire of Williams and Shire of West Arthur for the 2014/15 financial year.

Council Resolution

Paterson/Earnshaw

The Shire of Williams appoints Mr Trevor Bunce as a dual fire control officer for the Shire of Williams and Shire of West Arthur for the 2014/15 financial year.

Carried 6/0
Resolution 18/15



8.4.7 SHIRE OF NARROGIN - DUAL FIRE CONTROL OFFICER

File Reference	5.10.1
Statutory Reference	<i>Bushfires Act 1954, s.38</i>
Author & Date	R.N. Duff 16 th July 2014

Background

The Shire of Narrogin has requested that Russell Ashley and Murray Saunders be appointed as dual fire control officers for the Shire of Williams and Shire of Narrogin for 2014/15.

Comment

BUSH FIRES ACT 1954 - SECT 38

38. Local government may appoint bush fire control officer
- (2) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Financial Implications

Nil

Voting Requirements

Simple Majority

Voting Requirements

Simple Majority

Officers Recommendation

That the Shire of Williams appoints Russell Ashley and Murray Saunders as a dual fire control officers for the Shire of Williams and Shire of Narrogin for the 2014/15 financial year.

Council Resolution

Major/Paterson

That the Shire of Williams appoints Russell Ashley and Murray Saunders as a dual fire control officers for the Shire of Williams and Shire of Narrogin for the 2014/15 financial year.

Carried 6/0
Resolution 19/15



8.4.8 MK & AL IREDELL – EXTRACTIVE INDUSTRY ANNUAL RENEWAL, LOT 10126 BATES RD

File Reference	10.64.20
Statutory Reference	Shire of Williams Town Planning Scheme No. 2
Author & Date	R.N. Duff 16 th July 2014

Background

In August 2010 Urban and Rural Perspectives (URP), on behalf of landowners Mark and Agnes Iredell of Lot 10126 Bates Rd Williams made an application for retrospective approval for an Extractive Industry (gravel extraction).

Extractive Industry is an AA use in the Shire of Williams Town Planning Scheme, which is “a use not permitted without the approval of Council”.

The land is zoned Rural and as mentioned, the gravel pit has operated for quite some time.

Council granted the Extractive Industry License for 12 months and charged the scheduled fee at the time.

Comment

MK & AL Iredell have written to Council seeking a further extension to the Extractive Industry License for Lot 10126 Bates Rd similar to what was done in July 2011, 2012 and 2013.

Council’s August 2010 approval was as below:

That Council grants approval for the continued use of part of lot 10126 Bates Rd Williams for the purpose of gravel extraction as per the application submitted by URP subject to:

- *The area to be mined is restricted to the area mentioned in the submission*
- *Clearing of native vegetation is restricted as per the submission*
- *Revegetation is to occur as per the submission*
- *Gravel extraction is to be limited to supply within the Shire of Williams unless a further submission is made.*
- *Approval is for a 12 month period, renewable on the 1st July each year subject to an application being submitted. No fee will be charged for renewal.*
- *The hours of operation be 6:00 am to 8:00 pm Monday to Saturday and other times subject to approval.*
- *Restoration and reinstatement of the excavation site and staging of such works to a maximum work area of 1 ha;*
- *Except where the local government approves otherwise the applicant must drain and keep drained to the local government’s satisfaction any excavation to which the license applies so as to prevent the accumulation of water;*
- *Council will not permit the dumping of any material, such as building material or metal objects, on extractive industry sites or any other sites that is incompatible with the planned future use of the land. Council will only permit the fill of extractive industry sites with clean material that is specified in the approved rehabilitation plan.*



- *Minimum setbacks to roads and other property (30 metres unless otherwise approved);*
- *The amenity of the locality by reason of the emission of dust, noise, vibration, waste production, smoke, odour or otherwise shall not be affected, any complaint will be investigated and this permit may be revoked.*
- *Transportation of material from the site shall not occur during school bus hours or during or after significant rain. The applicant is to ensure that all efforts are made not to adversely affect the roads because of their activities. Should the road be damaged other than fair wear and tear then renewal of the permit may not be granted.*
- *Erection of signs in conjunction with the Shire Works Supervisor clearly indicating the access point to the site*
- *No Blasting or Crushing to be carried out without prior approval from the Council*
- *The permit is non-transferable unless written approval is granted by Council*
- *Council reserves the right to cancel an extractive industry approval at any time without redress where it is of the view that any of the above conditions are not being complied with.*

Financial Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council approve the extension of the Extractive Industry Licence for Lot 10126 Bates Road for a further 12 months with no changes to the previous conditions.

Council Resolution

Earnshaw/Logie

That Council approve the extension of the Extractive Industry Licence for Lot 10126 Bates Road for a further 12 months with no changes to the previous conditions.

**Carried 6/01
Resolution 20/15**

LATE ITEMS

Council Resolution

Logie/Paterson

That the following late items be accepted for discussion.

**Carried 6/0
Resolution 21/15**



8.4.9 REGIONAL WASTE SITE – MEMORANDUM OF UNDERSTANDING

File Reference	10.10.30
Statutory Reference	N/A
Author & Date	R.N. Duff 22 nd July 2014

Brief Summary

An item setting out the proposed timeframes and conditions for a new Memorandum of Understanding between member Councils and the landowners of the proposed new refuse site at Nebrikinning Road, Cuballing.

Background

The Great Southern Regional Waste Group has been working together for some six years to establish a regional waste site that would service the member Councils and enable the refuse sites in each individual Shire to act as a transfer station to forward their waste to a central refuse site.

An item concerning the funding arrangements for each local authority for the kerbside and bulk bin removal and maintenance of the new site went to Council in May 2014.

Another item about the capital contribution towards the purchase and establishment of the new site went to Council in March 2014.

The group has been meeting on a regular basis and at the last meeting (23rd June 2014) it was resolved that a new memorandum of Understanding (MOU) be negotiated with the land owners as the original one had expired.

Comment

As mentioned above, the previous MOU with the land owners expired as none of the conditions of the MOU had been completed within the timeframes stipulated (Copy attached).

The original MOU was dated 11th June 2013 and was signed by the Shires of Wagin, Wickepin, Narrogin, Pingelly, Williams, Cuballing, Wandering, Dumbleyung and the Town of Narrogin.

The MOU required the Group to have a **Works Approval** with the Department of Environment Regulation (DER), an approval for **Subdivision /Amalgamation** and **Development Approval** for the operation of landfill site within 180 days of signing of the MOU (11th December 2013).

The MOU allowed for an extension of 90 days (11th February 2014) should some of the approvals mentioned above be still continuing.

The MOU has not been met as none of the approvals mentioned have been received, or in fact at the expiration of the MOU, had been applied for.

In addition, the Shires of Wandering and Dumbleyung have since withdrawn from the group.

As the funding arrangements have been worked out and each local authority has resolved to budget funds for the purchase of the land and establishment of the site in the 2014/15 year, the



group has consolidated and is moving on with obtaining the necessary approvals.

In order to have the land “reserved” for the group by the owners, for the purposes of a refuse site, a new MOU needs to be entered into.

The last meeting of the Group (23rd June 2014) expressed a desire for the start date of the new MOU to be 31 August 2014 to allow for individual local governments to finish their budget processes.

It was also thought that the wording could stay the same as the original MOU, with the start date changed and the 180 days approval period changed to 12 months and a further 180 days if required. This would bring the date for the approvals to be in place by 31 August 2015 with a further 180 days, 31st February 2016.

The reason for the substantially longer timeframe is because it was felt that the original MOU was unrealistically short and gave the land owners an unfair expectation that the approvals could be in place and the land sold to the group when it was really impossible to achieve this so soon.

The Group’s executive officer has met with the land owners who have agreed that the MOU could start on the 31st August 2014 and could run for 12 months as requested.

However they would not agree to an extension of 180 days after the expiration of the 12 months as they believe that should be sufficient time to get the approvals in place.

If there is an outstanding approval at the expiration of the 12 month period, they will be willing to negotiate a further period of time.

An extension should be possible if demonstrable objectives have been met or can be shown to be substantially underway.

If the approvals have not been applied for, or there is a lack of effort to obtain the required approvals, at the expiration of the 12 month period, any further negotiation could involve a financial penalty to purchase the land.

It is felt that all approvals will have been applied for and hopefully approved within the 12 month period.

A submission to the Department of Health seeking the Governor’s approval for the land to be gazetted as a refuse site has already been submitted.

The Works Approval application is waiting on the site to be surveyed for contour information – this should be completed by the end of this month (July 2014). This will enable the application to be made hopefully by September/October 2014 with a result known by early 2015.



Should a Works Approval be granted and the Governor grant approval for the land's use, a subdivision application will be submitted straight away.

A result of a subdivision application would be known within 90 days of the application.

Obviously there can be no guarantees, however two of the application will be made prior to the end of 2014, with the third (subdivision) hopefully made by early 2015.

The endeavour of the group will be shown so that if there is a holdup along the way, it is hoped that any further extension will be forthcoming.

A copy of the proposed second MOU is attached for consideration by Council. If all Councils agree to this MOU, it will be arranged for it to be signed by the land owners and each local government President/Mayor and CEO.

It should also be pointed out that two local authorities have pulled out of the previous MOU without penalty.

As the applications for approval are currently being lodged, it should be each local governments understanding that there can be no withdrawal from the second MOU without some financial penalty as the remainder of the Group will have to cover the financial implications of proceeding to purchase the land.

Consultation/Communication

CEO's of participating local governments remaining in the Group and the landowners.

Statutory/Legal Implications

I am unsure of the legal ramifications of an MOU, however some advice from the lawyer who drew up the first MOU is attached.

The advice is there is no option for "opting out"....

If the MOU is signed by the present members of the Group, and the approvals being sought are forthcoming, the land will be required to be purchased.

If at a later stage one member wishes to withdraw, the purchase will have to continue at a disadvantage to the remaining members.

Each local government must be aware of the implications of this proposed second MOU.

Policy Implications

N/A



Financial Implications

So far, in the last 6 years there has not been an extraordinary amount of funds spent on the process of establishing a new refuse site.

However, the Group is now engaging a Town Planner to make submissions (Department of Health), a Surveyor to plot the contours and formulate a guide plan ready for subdivision and a contractor to make a Works Approval application to the DER.

The Group is also expected to make a budget allowance in 2014/2015 of \$80,000 each towards the cost of the land purchase and establishment of the new site so the financial implications are becoming more apparent.

There should be no expectation that a withdrawal from the Group could be made without some penalty.

Strategic Implications

It is no good “ploughing on” with approval applications if there is no “contract” with the landowners to be able to purchase the land for the use of a refuse site.

It is imperative that a new MOU be entered into with a clear understanding of each member of the Group’s, and the landowners, obligations.

An MOU should satisfy the Group and the landowners to enable the Group to keep proceeding.

Voting Requirements

Simple Majority

Officers Recommendation

That Council agrees to the terms and conditions of the proposed MOU between the Wagin Group of Councils and the owners of Lot 23 (3118) Wandering Narrogin Road Cuballing to formalise the agreement to purchase a portion of the property for the use of a regional refuse site, provided the approvals required to do so are in place by no later than 31st August 2015, or that every endeavour has been made to secure the necessary approvals.

Council Resolution

Johnstone/Paterson

That Council agrees to the terms and conditions of the proposed MOU between the Wagin Group of Councils and the owners of Lot 23 (3118) Wandering Narrogin Road Cuballing to formalise the agreement to purchase a portion of the property for the use of a regional refuse site, provided the approvals required to do so are in place by no later than 31st August 2015, or that every endeavour has been made to secure the necessary approvals..

Carried 6/0
Resolution 22/15



8.5 MANAGER OF FINANCE'S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	16 th July 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 104181 - 104191, EFT Transfers and Direct Debits totalling \$201,502.02, CLGF Regional Funding EFT transfers totalling \$649,695.26 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 104192 - 104204 totalling \$29,759.24 and Municipal Fund EFT Transfers totalling \$258,154.00 be approved for payment.



Council Resolution

Major/Earnshaw

That Municipal Fund cheques 104181 - 104191, EFT Transfers and Direct Debits totalling \$201,502.02, CLGF Regional Funding EFT transfers totalling \$649,695.26 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 104192 - 104204 totalling \$29,759.24 and Municipal Fund EFT Transfers totalling \$258,154.00 be approved for payment.

**Carried 6/0
Resolution 23/15**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	16 th July 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 30th June 2014 be received.

Council Resolution

Johnstone/Earnshaw

That the financial statements presented for the period ending 30th June 2014 be received.

**Carried 6/0
Resolution 24/15**



8.5.3 ADOPTION OF THE 2014/2015 BUDGET

File Reference	4.23.10	
Statutory Reference	N/A	
Author & Date	Cara Ryan & Ryan Duff	21st July 2014

Purpose

To consider and adopt the Municipal Fund Budget for the 2014/15 financial year together with supporting schedules, including striking of the municipal fund rates, adoption of fees and charges, establishment of new reserve funds, setting of elected members fees for the year and other consequential matters arising from the budget papers.

Background

The draft 2014/2015 budget has been compiled based on the principles contained in the Strategic Community Plan and Corporate Business Plan. The 2014/15 draft budget has been prepared in accordance with the presentations made to Councillors at the Special Budget meeting held on 18th June 2014.

Details

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The main features of the draft budget include:

- The budget has been prepared with a **GRV 5%** rate increase and **UV 5%** rate increase which is higher than originally estimated in the forward financial plans contained in the Corporate Business Plan.
- Fees and charges have also been increased by 3%, with the exception of the changes resolved at the Special Budget meeting held on 18th June 2014. These are itemised in the draft budget.
- Household and commercial waste charges and charges for depositing refuse at the Shire of Williams Refuse Site are proposed to increase by 3% and are itemised separately in the draft budget.
- The recurrent operating budget includes an overall increase in estimated expenditure of 3% (although individual line items may vary from this based on specific factors affecting each of these) and continues the focus on improved service delivery to the community.
- There is no planned increase in staff members as indicated in the Shire of Williams Workforce Plan.
- A capital works programme totalling **\$2,176,044** for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on



road infrastructure is a major component of this **\$648,820** in line with Council's strategy to increase the investment in road and associated assets. An amount of **\$803,551** is provided for land and buildings of which **\$353,511** is for the Regional Housing Project and **\$450,000** is for the new Industrial Units.

- An estimated surplus of **\$272,457** is anticipated to be brought forward from 30 June 2014. However this is unaudited and may change. Any change will be addressed as part of a future budget review.

Principal additional grant funding for the year is estimated from:

- | | |
|---|------------------|
| • Regional Development Council Strategic Projects - | \$68,627 |
| • Royalties for Regions Regional Funding - | \$81,344 |
| • Roads to Recovery - | \$143,000 |

Consultation

While no specific consultation has occurred on the draft 2014/15 budget, community consultation has previously occurred on several of the major projects planned. The Community has been involved in extensive consultation with the development of the Strategic Community Plan, *Williams 2022*. Previous Community Surveys have also directed Council on the level of service expected to be delivered by the Shire.

Extensive internal consultation has occurred between all senior employees and through discussions with elected members.

Statutory Environment

Section 6.2 of the *Local Government Act 1995* requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. *The Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2014/15 budget as presented is considered to meet statutory requirements.

Policy Implications

The budget is based on the principles contained in the Strategic Community Plan and the Corporate Business Plan.

Financial Implications

Specific financial implications are as outlined in the Detail section of this report and as itemised in the draft 2014/15 budget attached for adoption.



Strategic Implications

The draft 2014/15 budget has been developed based on existing strategic planning documents adopted by council.

Absolute Majority required: Yes for some of the parts of the recommendations.

TRIPLE BOTTOM LINE ASSESSMENT

Economic Implications

The draft 2014/15 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community.

Social Implications

The draft 2014/15 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Environmental Implications

The draft 2014/15 budget supports key environmental strategies and initiatives adopted by the council.

Comment

The draft 2014/15 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels. S4 – Page 29 Western Australian Local Government Accounting Manual – **Section 4 ‘The Budget Process’**

Voting Requirements

ABSOLUTE MAJORITY REQUIRED

Officer Recommendation to be debated and resolved by Council

That Council:

PART A – MUNICIPAL FUND BUDGET FOR 2014/15

Pursuant to the provisions of section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, the council adopts the Municipal Fund Budget as contained in the Attachment of this agenda and the minutes, for the Shire of Williams for the 2014/15 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type on page (2) showing a net result for that year of **\$742,571**
- Statement of Comprehensive Income by Program on page (3) showing a net result for that year of **\$742,571**



- Statement of Cash Flows on page (4)
- Rate Setting Statement on page (5) showing an amount required to be raised from rates of **\$1,461,616**
- Notes to and Forming Part of the Budget on pages (6 to 31)
- Schedule of Operating Revenue and Expenditure (32 to 46)
- Capital Income and Expenditure (47 to 48)
- Salaries & Wages Schedule on (Page 30) – Councillors Information only

Council Resolution

Earnshaw/Major

That Council adopt PART A – MUNICIPAL FUND BUDGET FOR 2013/14 as per Officers Recommendation.

**Carried 6/0
ABSOLUTE MAJORITY
Resolution 25/15**

Voting Requirements

ABSOLUTE MAJORITY REQUIRED

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. Raising Rates

For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

2. General Rates*

- Residential (GRV) **5.404 cents in the dollar**
- Commercial / Industrial (GRV) **5.404 cents in the dollar**
- Rural/Mining (UV) **0.060 cents in the dollar**

3. Minimum Rates

- Residential (GRV) **\$485**
- Commercial / Industrial (GRV) **\$485**
- Rural/Mining (UV) **\$485**

4. Installments



Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by installments:

- Full payment and 1st installment due date **5th September 2014**
- 2nd quarterly installment due date **7th November 2014**
- 3rd quarterly installment due date **9th January 2015**
- 4th and final quarterly installment due date **13th March 2015**

5. Installment Option Charge

Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an installment option of **\$8.33** for each installment after the initial instalment is paid.

6. Instalment Option Interest Rate

Pursuant to section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.

7. Interest rate on Overdue Rates

Pursuant to section 6.51(1) and subject to section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

Council Resolution

Johnstone/Logie

That Council adopt PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS as per Officers Recommendation.

**Carried 6/0
ABSOLUTE MAJORITY
Resolution 26/15**



Voting Requirements

ABSOLUTE MAJORITY REQUIRED

PART C – GENERAL FEES AND CHARGES FOR 2014/2015

Pursuant to section 6.16 of the *Local Government Act 1995*, council adopts the Fees and Charges included at pages 51 to 58 inclusive of the draft 2014/2015 budget included in the budget attachment of this agenda.

Council Resolution

Logie/Earnshaw

That Council adopt PART C – GENERAL FEES AND CHARGES FOR 2013/2014 as per Officers Recommendation.

**Carried 6/0
ABSOLUTE MAJORITY
Resolution 27/15**

Voting Requirements

ABSOLUTE MAJORITY REQUIRED

PART D – OTHER STATUTORY FEES FOR 2014/2015

1. Pursuant to section 53 of the *Cemeteries Act 1986* the council adopts the Fees and Charges for the Williams Cemetery included in the draft 2013/2014 budget included as attachment of this agenda.

2. Pursuant to section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, council adopt the following charges for the removal and deposit of domestic and commercial waste:

Residential Premises (including recycling)

- 240ltr bin per weekly collection **\$294pa**

Commercial Premises

- Privately Owned Bulk Bin collection **\$584pa**
- 240ltr bin per service Commercial General Waste (no recycling) **\$219pa**



3. Pursuant to section 67 of the Waste Avoidance and Resources Recovery Act 2007, and section 6.16 of the Local Government Act 1995 council adopt the following charges for the deposit of domestic and commercial waste:

SHIRE OF WILLIAMS FEES and CHARGES 2014/15 - DRAFT		
Refuse Site Charges (Inc GST) Refuse site opens 9am to 3pm Wed, Sat & Sun		
General Waste		
Cars, utes, trailers 1.8m x 1.2m or 1 cubic metre		\$ 19.75
1 Sulo bin (one third of a cubic metre)		\$ 8.00
2 Sulo bins (two thirds of a cubic metre)		\$ 14.00
Garden Waste - Ute or trailer		\$ 11.50
Garden Waste - Truck 3 tonnes or more		\$ 19.75
Vehicle Body - Car belonging to ratepayer		Free
Vehicle Body - Car by non ratepayer		\$ 279.75
Vehicle Body - Truck belonging to ratepayer		
Vehicle Body - Truck by non ratepayer		\$ 557.75
Asbestos waste	per m3	\$ 50.50
Tyres - Small (car etc.)	each	\$ 5.00
Tyres - Small truck	each	\$ 8.00
Tyres - Large truck	each	\$ 15.00
Animal Carcasses - Small animals (dogs, cats, sheep)	each	\$ 8.00
Animals Carcasses - Large animals (horses, cattle)	each	\$ 19.75
Septage	per load	\$ 55.75
Building rubble	per m3	\$ 24.75
Rural Household Pass (unlimited household waste)		\$ 205.50
Scrap metal and batteries from ratepayer		
New/Replacement Bins		\$ 100.00
Council resolved to:		
- Retain refuse site opening hours of 9.00am to 3.00pm for Wednesdays, Saturdays and Sundays		
- Issue of 6 refuse site passes for each townsite bin		
- Provide two (2) bulk rubbish pickups per year		
Kerbside Rubbish Collection (GST exempt)		
240lt General Waste & 240lt Recycling pickup		\$ 294.00
Commercial Bulk Recycling Bin		\$ 584.00
Commercial General Waste 240lt (No Recycling)		\$ 219.00

Council Resolution

Paterson/Logie

That Council adopt PART D – OTHER STATUTORY FEES FOR 2013/14 as per Officers Recommendation.

**Carried 6/0
ABSOLUTE MAJORITY
Resolution 28/15**



Voting Requirements

ABSOLUTE MAJORITY REQUIRED

Cr Cowcher declared an interest in the following item at 5.52pm, and left the council chambers.

Deputy President Cr Earnshaw assumed the chair.

PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2014/2015

Pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the meeting fee:

- President **\$4,000**

Council Resolution

Major/Logie

That Council adopt:

PART E – ELECTED MEMBERS’ FEES AND ALLOWANCES FOR 2013/2014

Pursuant to section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the meeting fee:

- President **\$4,000**

**Carried 5/0
Resolution 29/15**

Cr Cowcher returned at 5.54pm and resumed the chair.



Voting Requirements

SIMPLE MAJORITY REQUIRED

PART F – MATERIAL VARIANCE REPORTING FOR 2014/15

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2014/15 for reporting material variances shall be 5% or \$5,000, whichever is the greater.

Council Resolution

Major/Johnstone

That Council adopt PART F – MATERIAL VARIANCE REPORTING FOR 2013/14 as per Officers Recommendation.

**Carried 6/0
Resolution 30/15**

8.6 COUNCILLORS' REPORTS

No Councillors' reports received.

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN.

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

10.1 WALGA Annual General Meeting notice of Motions

File Reference	4.12.00
Statutory Reference	N/A
Author & Date	R.N. Duff 23 rd July 2014
Attachments	WALGA AGM Agenda

Background

The Executive and Member motions for the 2014 WALGA Annual Meeting to be held on Wednesday 6 August 2014 are attached for Council information.

Comment

At the June Ordinary meeting Cr Cowcher and Cr Johnstone were appointed as the delegates to attend the AGM. Both delegates will be attending the AGM.



The Current Agenda has five (5) motions, proposed to be moved by various Local Governments, relating to:

1. ESL Administration Fees paid to Local Governments (Shire of Dardanup)
2. Implications of Structural Reform (Shire of Dardanup)
3. Bushfire Management – Support Vehicles (Shire of Bridgetown-Greenbushes)
4. Contaminated Sites – Auditing Requirements (City of Bunbury)
5. Review of Section 6.28 of the Local Government Act 1995 – Valuation of Land (City of Bunbury)

Information regarding all 5 motions are contained in the agenda papers.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council review the motions for the WALGA Annual General Meeting at the meeting and vote on the proposed motions as presented:

- 5.1 ESL Administration Fees paid to Local Governments (Shire of Dardanup) - *Support*
- 5.2 Implications of Structural Reform (Shire of Dardanup) - *Support*
- 5.3 Bushfire Management – Support Vehicles (Shire of Bridgetown-Greenbushes) – *Listen to Debate*
- 5.4 Contaminated Sites – Auditing Requirements (City of Bunbury) – *Listen to debate*
- 5.5 Review of Section 6.28 of the Local Government Act 1995 – Valuation of Land (City of Bunbury) – *Listen to debate*

**Carried 6/0
Resolution 31/15**

11.0 APPLICATION FOR LEAVE OF ABSENCE

12.0 INFORMATION SESSION

13.0 CLOSURE OF MEETING

There being no further business for discussion the President declared the meeting closed at 5.57pm.