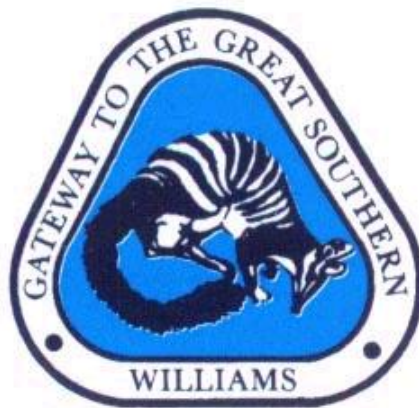


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY
15TH OCTOBER 2014***



COUNCIL DIARY

WEDNESDAY 15TH OCTOBER 2014

1.00pm

Ordinary Meeting

WEDNESDAY 19TH NOVEMBER 2014

1.00pm

Ordinary Meeting



MINUTES – ORDINARY MEETING OF COUNCIL HELD 15TH OCTOBER 2014

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1. Minutes
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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 15th October 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 Greg Cavanagh

Cr Richard Johnstone

Cr Natalie Major

Cr Jarrad Logie (from 1.17pm)

Cr Peter Paterson

Cr Moya Carne

Ryan Duff Chief Executive Officer

Cara Ryan Manager of Finance

Heidi Cowcher Economic Development Officer (1.28pm to 1.46pm)

Tony Kett Works Supervisor (1.47pm to 2.19pm)

Steve Friend Environ. Health Officer/Building Surveyor (2.20pm to 3.00pm)

Apologies

Cr Gilbert Medlen

Cr David Earnshaw Deputy President

Visitors

Ian Cocks (3.49pm to 4.06pm)

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	8.4.10 WAPC Applications 150730 – Lot 801 Albany Hwy
Type of Interest	Impartiality

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 17TH SEPTEMBER 2014

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 17th September 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 17th September 2014, as previously circulated, be confirmed as a true and accurate record.

**Carried 6/0
Resolution 76/15**

6.2 RECREATION ADVISORY COMMITTEE MEETING HELD 6TH SEPTEMBER 2014

Officer's Recommendation

That the Minutes of the Recreation Advisory Committee Meeting of Council held on 6th September 2014, as previously circulated, be received.

Council Resolution

Major/Carne

That the Minutes of the Recreation Advisory Committee Meeting of Council held on 6th September 2014, as previously circulated, be received.

**Carried 6/0
Resolution 77/15**



6.3 BUSH FIRE BRIGADES AGM HELD 6TH SEPTEMBER 2014

Officer's Recommendation

That the Minutes of the Bush Fire Brigades Annual General Meeting held on 6th September 2014, as previously circulated, be received.

Council Resolution

Major/Paterson

That the Minutes of the Bush Fire Brigades Annual General Meeting held on 6th September 2014, as previously circulated, be received.

**Carried 6/0
Resolution 78/15**

Council Resolution

Johnstone/Major

That Council support that the following Williams Fire Control Officers be considered as Dual Fire Control Officers and applications be made to the respective Shires:

Gilbert Medlen	Shire of Wagin and Shire of West Arthur
Ross Major	Shire of Narrogin
Lewis Johnstone	Shire of Boddington
Stuart Rintoul	Shire of Wandering

**Carried 6/0
Resolution 79/15**

Cr Logie entered the meeting 1.17pm.

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS



8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

Economic Development Officer Heidi Cowcher attended the meeting at 1.28pm to discuss her report.

8.1.1 GENERAL PROJECTS UPDATE

File Reference	Varied	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	14 th October 2014

A. Sport and Recreation Ground Project

All components, with exception of the hockey oval, are now completed. The hockey oval is due for completion by the end of 2014.

CLGF 11/12 funding has been acquitted and the Department has released the Shire of Williams from its financial obligations. A final report detailing achievements against all outcomes, is to be submitted by December 2014 on completion of the hockey oval.

The final, audited report was submitted to Newmont on 30th September. All other reporting is now completed for this project.

An MOU between all users of the Ram Shed was circulated for comment at the Sport and Recreation Advisory Committee meeting on 6th October and was subsequently endorsed. It will now be signed by all users and then retained on file. It is not designed to be a legally binding document, but rather, an informal agreement highlighting all users respective areas of responsibility when using/hiring the facility to ensure that all users' needs are met as required.

B. Williams War Memorial

Three funding applications have been submitted for this project, all of which have now been approved (although no formal written advice has been received for the Anzac Centenary Grants but a media release was made on 6th October).

Department of Veterans' Affairs *Saluting their Service* has approved \$3300 unconditionally.

Lotterywest has approved \$8257 conditional on confirmation of project viability (ie all funding secured and/or shire cash contributing the balance and/or project sized according to funds received). LW will now be advised that the remaining funding has been secured and this will release their funding unconditionally.

Anzac Centenary Local Grants Program - \$3300 has been approved.

The CEO has met with community representatives to discuss the project further on 13th October and has advised them that we have now been successful with all 3 grants and the project can progress. If possible, it would be ideal for the project to be completed by Anzac



Day 2015 in commemoration of the 100 year anniversary. The CEO has commenced planning towards the installation of the required components as approved. Quotes are currently being sought.

C. Local Government Tobacco Control Grant Application

Application was made for butt out bins and signage for around our community facilities. An application for \$4650 was applied for in July 2014. Outcome is pending.

D. DSR Community Pools Revitalisation Project Funding

Application was made for \$30,000 towards maintenance costs for season 2014/15. Outcome is pending.

E. FRRR Rural Education Australia Program – REAPing Rewards Funding

Application was for \$8331 which was completed by the Playgroup committee. Outcome is pending.

F. Williams Light Industrial Project – CLGF 2012/13 Funding

Funding of \$260,104 has been approved for this project, with funds committed to the construction of the shed. No expenditure has been made to date.

Annual Reporting has been completed and submitted to the Department. The quarterly report (July-September) is due 31st October 2014.

G. Williams Expo 2015

An application was completed in Expo's name totalling \$15,000 was completed and submitted on 6th October. Outcome should be advised within 4 months.

Officers Recommendation

For information only.



8.1.2 4WDL WELL AGED HOUSING PROJECT

File Reference	EDO Files
Statutory Reference	N/A
Author & Date	Heidi Cowcher 14 th October 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 (all funding has been expended)
- R4R Regional Community Services Funding (construction of 14 units)
 - \$5,023,646 (\$2,693,890.25 remains to be spent plus interest)
- CLGF Regional Funding 2012/13 (construction of 7 units)
 - \$1,972,409 (\$1,079,501.09 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 allocation of \$1,972,409 (plus interest) has all been expended as at 30th September. 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.

The quarterly report for July-September is due 31st October and is currently being prepared. The final report and auditors report is due 31st December. Once this report is submitted, this will complete the reporting requirements for the 2011/12 CLGFR funding, and therefore the first stage of the project being the construction of 10 units funded from the 2010/11 CLGFR and the 2011/12 CLGFR combined.

The RCSF funding is due for completion 10th May 2015. The final instalment (\$1,507,094) is due when evidence can be shown to the Department that construction is at 70% complete. It is anticipated that this could be before the end of 2014, dependent on progress of expenditure across the 7 shires. The quarterly report for July-September is due 31st October and is currently being prepared.



Update on RDC expenditure:

Shire	Funds allocated	Remaining	% complete	Units to be built
West Arthur	\$415,100	\$246,798.14	40.74%	2 (under construction)
Williams	\$715,000	\$11,284.13	98.43%	2 (complete)
Wagin	\$688,130	\$351,680.24	49.06%	2 (under construction)
Dumbleyung	\$664,400	\$433,077.57	35.03%	2 (under construction)
Lake Grace	\$978,930	\$534,260.06	45.60%	3 (1 completed in LG, 2 under construction in Newdegate)
Woodanilling	\$707,600	\$259,491.38	63.45%	2 (under construction)
Kent	\$854,486	\$854,486.00	0%	2 (project has commenced)
TOTAL	\$5,023,646 + interest	\$2,693,890.25 inc interest	46.55%	

The 2012/13 CLGFR funding (\$1,972,409 to construct 7 units) is due for completion 11th February 2016. The quarterly report for July-September is due 31st October and is currently being prepared.

Update on 2012/13 expenditure:

Shire	Funds allocated	Remaining	% complete	Units to be built
West Arthur	\$608,082.25	\$325,296.27	46.71%	2 (under construction)
Williams	\$183,162.25	\$389.66	99.79%	1 (complete)
Lake Grace	\$538,082.25	\$447,166.31	17.22%	2 (under construction)
Woodanilling	\$643,082.25	\$306,648.85	52.50%	2 (under construction)
TOTAL	\$1,972,409 + interest	\$1,079,501.09 inc interest	45.7%	

Williams has 5 units that have been completed to practical completion – two funded by CLGF 10/11-11/12 and two funded by RCSF and one funded by CLGF 12/13. The final components are currently being undertaken – road, drainage, landscaping and fencing. It is anticipated that this will all be completed by December so that tenants can move in early 2015.

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 REGIONAL BICYCLE NETWORK GRANTS 2015-2016

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	14 th October 2014

Background

The Shire of Williams updated the *Shire of Williams Local Bike Plan 2005-2014* in November 2011. The pathway networks as identified in the plan have all been completed, with exception of the link to the Recreation Ground via the Lions Park that has been postponed in anticipation of a possible pedestrian underpass that may be constructed when the bridge is replaced and an extension of the pathway network from Brooking Street along Richmond Street as this possibly may not be required.

Comment

The Department of Transport's Regional Bicycle Network Grants 2015-16 have been released and applications close 31st October 2014. The RBN is a State funding initiative to assist local governments within Regional WA with the planning and implementation of the regional component of the WA Bicycle Network. The intention is to fund projects that deliver the greatest benefit for the community and in particular, those that reduce barriers to additional people cycling to specific destinations. Projects that will have a demonstrated positive impact in the community and with strong community support.

\$1 million is available for path and on-road projects in 2015/16. The number one priority area is connections to schools.

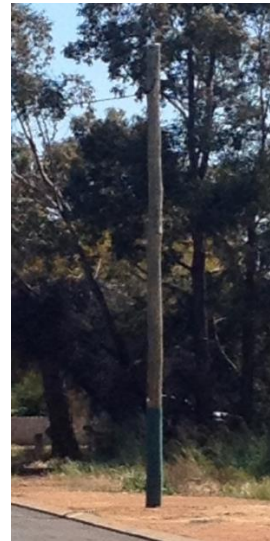
It has been identified that a pathway along the eastern side of Growse St between Richardson and Piesse St and then on the southern side of Piesse St between Growse and Rosselotty St would complete the pathway connection for the residential areas to the school, ensuring safety of children travelling to school. The pathway totals a length of 390m, at an estimated total cost of \$62,500 (including cost of relocating WP power pole), of which 50% funding could be applied for totalling \$31,250.



Growse St looking north



Growse St looking south



WP power pole to be relocated



Piesse St looking east



Piesse St looking west

Financial Implications

\$31,250 would need to be budgeted in 2015/16 for the work to be completed. Evidence of budget allocation will need to be made if the application is successful.

Voting Requirements

Simple Majority

Officers Recommendation

That Council endorses an application to the DoT Regional Bicycle Networks Grants 2015-16 for a 390m shared use pathway Growse and Piesse Streets and an update to the Local Bike Plan to reflect this.



Council Resolution

Logie/Paterson

That Council endorses an application to the DoT Regional Bicycle Networks Grants 2015-16 for a 390m shared use pathway Growse and Piesse Streets and an update to the Local Bike Plan to reflect this.

**Carried 7/0
Resolution 80/15**

8.1.4 NATIONAL STRONGER REGIONS FUND

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	14 th October 2014

Background

NATIONAL STRONGER REGIONS FUNDING

The Federal Government launched its flagship funding program on 1st October and is being managed by the Department of Infrastructure and Regional Development.

Round one has opened and closes 28th November 2014, with announcements anticipated in May 2015.

Round two opens 1st May 2015 and closes 31st July 2015 with announcements anticipated December 2015.

The funding program has \$1 billion over 5 years to fund priority infrastructure in local communities, with decisions on further rounds to be determined by the Government subject to the outcomes of round one and two. It is noted that the priority project areas should be as noted in the Regional Development Australia Wheatbelt's Strategic Plan.

Grant amounts range from \$20,000 to \$10 million. **The applicant must match the NSRF grant request on at least a dollar for dollar basis.**

Comment

The objective of the NSRF is to fund investment ready projects which support economic growth and sustainability of regions across Australia, particularly disadvantaged regions, by supporting investment in priority infrastructure.

The desired outcomes of the program are:

- Improved level of economic activity in the regions;
- Increased productivity in the regions;



- Increased employment and a more skilled workforce in the regions;
- Increased capacity and improved capability of regions to deliver major projects, and to secure and manage investment funding;
- Improved partnerships between local, state, and territory governments, the private sector and community groups; and
- More stable and viable communities, where people choose to live.

It is expected that not all projects will be able to contribute to each desired outcome, however collectively the projects will meet the NSRF objectives and desired outcomes.

NSRF funding will be provided for capital projects which involve the construction of new infrastructure, or the upgrade, extension or enhancement of existing infrastructure.

Applications are to be appraised against each of the following assessment criteria, with all claims to be supported by evidence:

1. The extent to which the project contributes to economic growth in the region (and must extend beyond construction) – weighting 50%
 - a. *Economic benefit relates to those benefits generated from new or improved infrastructure, and can be described in terms of the ability to generate additional income through more efficient use of resources and improved trade opportunities. Economic growth also delivers social and community benefits and applicants may describe how their project will provide these benefits, but they should be supported and quantified by evidence. A Cost-Benefit analysis supporting the Applicant's case will be highly regarded, particularly for projects seeking grant funding of more than \$1 million.*
2. The extent to which the project supports or addresses disadvantage in the region – weighting 16.66%
 - a. *Projects should support disadvantaged regions or areas of disadvantage within the region. Applicants need to demonstrate that both their region is disadvantaged AND how the project will address this disadvantage. There must be a direct relationship between the project seeking funding and the identified region or area of disadvantage. Evidence to demonstrate both the relationship and benefits of the project is encouraged.*
3. The extent to which the project increases investment and builds partnerships in the region – weighting 16.66%
 - a. *Partner contributions of at least 50% matching cash required.*
4. The extent to which the project and proponent are viable and sustainable – weighting 16.66%
 - a. *Applicants financial position; quality of supporting documentation; whether necessary approvals are in place; whether project is investment ready and could commence within 12 months of securing funding; applicants history in managing funding and any risks associated with project delivery and ongoing management are all to be considered as part of this criteria assessment.*



MINUTES – ORDINARY MEETING OF COUNCIL HELD 15TH OCTOBER 2014

The 4WDL meeting at its meeting on 14th October resolved to submit an application for the construction of the final stage of the Well-Aged Housing project of 14 units totalling a request of \$5,023.646 across the 7 shires.

Consideration/Discussion as to whether the Shire of Williams should submit a funding request to Round 2 for additional industrial units at Lot 440 Marjidan Way, Williams.

Financial Implications

4WDL Well Aged Housing Project – in-kind land and project management

Industrial project – to be determined. It is noted that the 50% cash contribution required could be based on Stage one of the project (the current project).

Voting Requirements

Simple Majority

Officers Recommendation - 1

That Council endorses an application by the Shire of Williams on behalf of the 4WDL consortium to the National Stronger Regions Fund (Round 1) for the construction of 14 units across 7 shires totalling \$5,023,646.

Officers Recommendation - 2

That Council considers an application by the Shire of Williams to the National Stronger Fund (Round 2) for the construction of additional industrial units on Lot 440 Marjidan Way, Williams.

Council Resolution

Cavanagh/Major

- 1 That Council endorses an application by the Shire of Williams on behalf of the 4WDL consortium to the National Stronger Regions Fund (Round 1) for the construction of 14 units across 7 shires totalling \$5,023,646.
- 2 That Council considers an application by the Shire of Williams to the National Stronger Fund (Round 2) for the construction of additional industrial units on Lot 440 Marjidan Way, Williams.

**Carried 7/0
Resolution 81/15**



8.1.4 EDO REPORT ACCEPTANCE

Voting Requirements

Simple Majority

Officers Recommendation

That the EDO's report as presented be received.

Council Resolution

Logie/Major

That the EDO's report as presented be received.

**Carried 7/0
Resolution 82/15**

Ms Cowcher left at 1.46pm.



8.2 WORKS SUPERVISOR'S REPORT

Works Supervisor Mr Tony Kett attended the meeting at 1.47pm to discuss his report.

File Reference 12.15.36
Statutory Reference N/A
Author & Date Tony Kett 9th October 2014

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (kms)
Kennedy Rd	2.7
Dardadine Rd	21.5
Hurley Rd	13.8
Medlen Rd	8.2
Zilkos Rd	19.3
Mundays Rd	8.7
Extracts Rd	12.2
Pingelly Rd	8.1
Total Length for the Month	94.5km

8.2.2 ROAD MAINTENANCE WORKS

- Shoulder grading on Darkan Rd completed, white posts are back up
- Spread out burnt tree heaps at Culbin Siding and Taylor Rd
- Fire breaks put in at refuse site

8.2.3 UPCOMING WORKS & ITEMS ON ROAD CONSTRUCTION PROGRAM

Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Status	Comment
York-Williams Rd [19.50km]	Shoulder widening and Seal from 6m to 7m.	11.60	18.60	7.00		Not started.
York-Williams Rd (19.50km) 2013-14RRG Funding.	Shoulder widening and Seal from 6m to 7m	4.60	11.60	7.00		All Gravel in. To be mixed and sealed.



Brooking St ROW	Seal and Kerb.					Not started.
Tarwonga-Dardadine (21.50km)	Clearing, gravel sheeting	7.60	10.60	3.00		Not Started
Bowling club Car Park	Seal and Kerb					Some earthworks commenced
Aged Homes	Drainage, seal and kerb					Commenced drainage.
New Hockey Oval	Install lights and reticulation and plant grass.					Lights up. Reticulation in. Planting grass 21\10\14.

8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Kms June 2014	Works Completed this month
Ford FG G6E Sedan	Light Vehicles	Cara Ryan	July 2011	91,600 km	
Toyota Kluger		Ryan Duff	10 Sep 14	100 km	
Holden Rodeo Dual Cab Utility		Maintenance	5-Nov-04	211,086 km	
Isuzu D-Max		Tony Kett	9 –Sep 14	150 km	
Kia 2 Tonne Truck		Jeff Cowan	9-Oct-07	106,323 km	
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	Replaced drum rubbers
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	
John Deere 315SE4 Backhoe		Trevor Palframan	17-Sep-01	2000hr	
John Deere MFWD Tractor		Works	21-Oct-97	10,545 hr	Serviced



MINUTES – ORDINARY MEETING OF COUNCIL HELD 15TH OCTOBER 2014

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)		James Lenehan	24-Aug-94	233,450 km	
Isuzu FVZ1400 Tip Truck				31-Dec-03	257,680 km
Mercedes Benz Actross Prime Mover	Trucks & Trailers	Phil Reed	21-Dec-05	249,205 km	
Isuzu Giga CXZ Tip Truck		Justin Murdock	10-Dec-08	158,830km	Serviced
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	

8.2.5 STAFF

- Nil to report

8.2.6 TOWN AND FACILITIES REPORT

- Nil to report

8.2.7 PRIVATE WORKS

- Nil to report

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

Major/Paterson

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

**Carried 7/0
Resolution 83/15**



Council Resolution

Carne/Cavanagh

That Council instruct the Works Supervisor to repair the Cowcher Rd culvert to a safe standard and schedule works to reinstate the road surface over the culvert back to its original width albeit a single lane width.

**Carried 7/0
Resolution 84/15**

LATE ITEMS

Council Resolution

Cavanagh/Logie

That the following late item be accepted for discussion.

**Carried 7/0
Resolution 85/15**

8.2.9 LATE ITEM – BUNBURY FIBRE EXPORTS – ROCCIS RD

File Reference	12.15.36
Statutory Reference	N/A
Author & Date	Ryan Duff 15 th October 2014

Background

Email received from Bunbury Fibre Exports:

"I am seeking endorsement from your Shire to use network 3 vehicles long vehicles (<27.5 metres) on 4.00 km of Roccis Road and 3.94 km of Plank Road to access the property of Scott and Melanie Ewen.

This is to facilitate the haulage of blue gum logs and chips which we may harvest during the summer/autumn season of 2015.

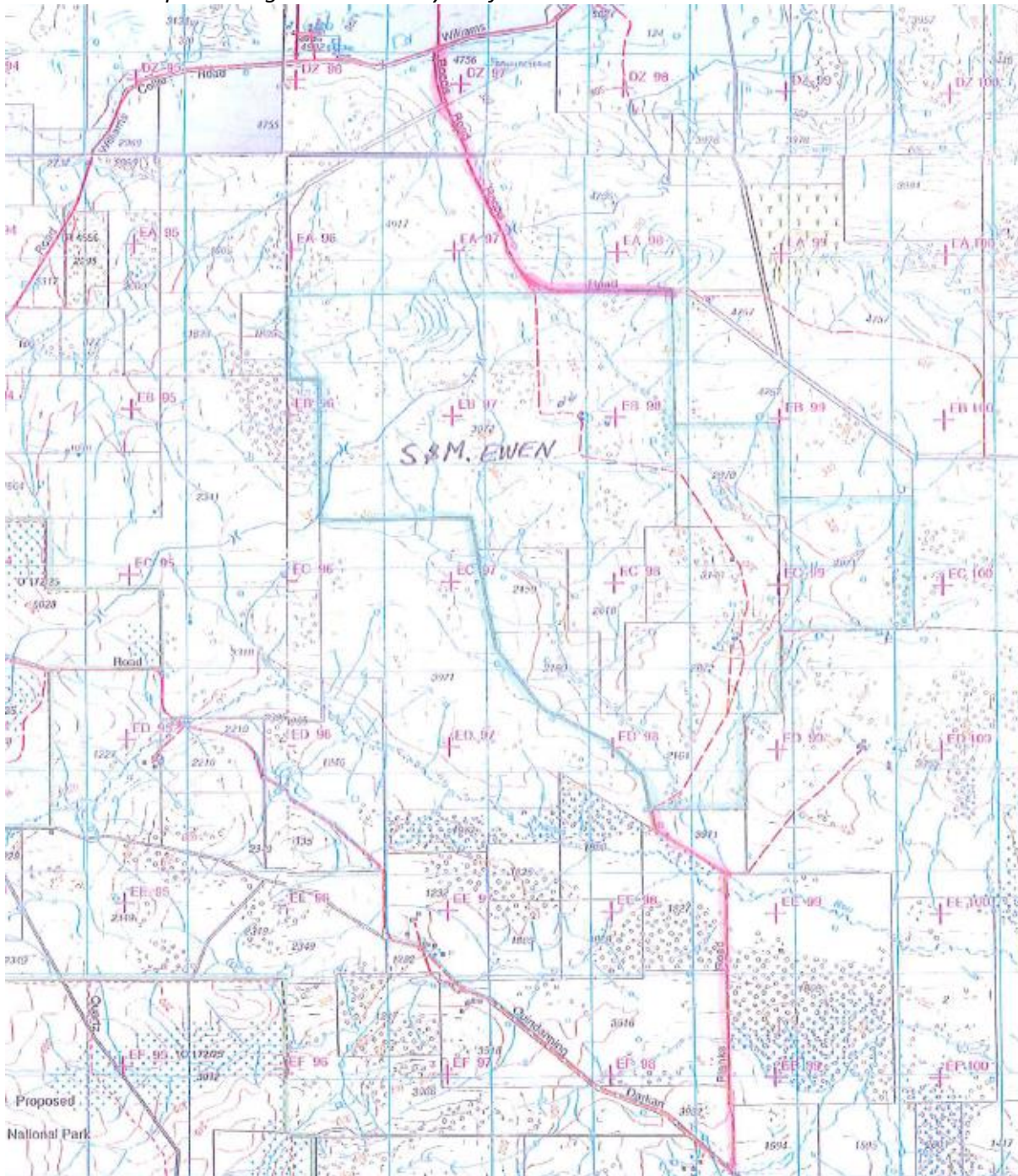
Please see the attached map.

The total volume of product to be removed may be at least 20,000 tonnes which may take more than one summer to complete. It comprises of approximately 170 hectares of plantings across the whole property.

I envisage that once we commence we would cart approximately 8 loads per day (400 tonnes) maximum which gives the operation a duration of 50 to 75 working days.

I would not be planning a start-up until late February to ensure all crops are harvested and stubbles are grazed heavily before putting an operation into the farm.

It would be the plan to use Roccis Road as it is shorter distance to market and less un-sealed road to maintain however in case of major failure the option of Planks Road would be nice to have available. I am aware the school bus uses Planks Road and we would avoid using it if it's an option. I am sure Main Roads will classify Roccis Road as a "Low Volume" Type B Road and apply the conditions pertaining to that as they did for Redman Road"





Comment

Roccis Rd is a very narrow road of basic formation with limited gravel material on the road. The road also has several waterlogged areas which the Works Supervisor has identified and these will need rectifying whether Council approved the application or not.

The Work Supervisor has met with Tom Rouse of Bunbury Fibre exports and discussed the possible work required. However Main Roads Heavy Vehicle Services will have to inspect the road and outline the works required to lift the road to a standard suitable for the use by Restricted Access Vehicles.

Low Volume Condition Type A:

- current written approval from Local Government, permitting use of the road, must be carried and produced on demand;
- school bus curfews, as specified in the Local Government approval letter, must be observed;
- headlights must be switched on at all times;
- operation only during daylight hours;
- no operation on unsealed road segment when visibly wet; and
- direct radio contact must be maintained with other RAVs to establish their position on or near the road (suggested UHF channel 40).

Low Volume Condition Type B:

- all of the above conditions for type A roads above; and
- single lane road. Road not to be entered until driver has established by radio contact that there is no other RAV on the road travelling in the oncoming direction,
- and maximum speed 40 km/h.

Financial implications

Any improvement works would have to be at a cost to Bunbury Fibre Exports and inadvertently S & M Ewen who would have the costs taken out of their proceeds of timber sales to Bunbury Fibre Exports.

The Works Supervisor can give an estimate of what is required at the meeting.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council provide a letter of endorsement for Roccis Rd to be included on the Restricted Access Vehicle network from the Ewen Plantation as advised, with the following conditions:

1. That Bunbury Fibre Exports be responsible for improvement and repairs from damage to the road and road structures caused by logging operations



2. That Main Roads Heavy Haulage be advised that Council approves these routes for Network 3 type vehicles as a “Low Volume” Type B Road, where not already in place
3. That the type A and Type B conditions above be applied
4. All signage and Traffic Management Plans to be provided to Council
5. That Bunbury Fibre Exports be responsible for the maintenance and grading of the gravel roads on which the cartage is taking place

Council Resolution

Johnstone/Paterson

That Council provide a letter of endorsement for Roccis Rd to be included on the Restricted Access Vehicle network from the Ewen Plantation as advised, with the following conditions:

1. That Bunbury Fibre Exports be responsible for improvement and repairs from damage to the road and road structures caused by logging operations
2. That Main Roads Heavy Haulage be advised that Council approves these routes for Network 3 type vehicles as a “Low Volume” Type B Road, where not already in place
3. That the type A and Type B conditions above be applied
4. All signage and Traffic Management Plans to be provided to Council
5. That Bunbury Fibre Exports be responsible for the maintenance and grading of the gravel roads on which the cartage is taking place

**Carried 7/0
Resolution 86/15**

Mr Kett left the meeting at 2.19pm.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

Environmental Health/Building Surveyor Mr Steve Friend attended the meeting at 2.20pm to discuss his report.

8.3.1 BUILDING PERMITS

File Reference 13.34.10
Statutory Reference N/A
Author & Date Steve Friend 9th October 2014

Comment

The following building licenses have been issued under delegation by the EHO/BS:
No building permits issued in the last month

Financial Implication

Fees: Shire \$00.00; BSL \$00.00; BCF \$00.00

Voting Requirements

Simple Majority Required

Officers Recommendation

For information only.

8.3.2 FOOD PREMISES INSPECTION

File Reference 7.40.41
Statutory Reference N/A
Author & Date Steve Friend 9th October 2014

Comment

Plum Tree and Ivy –

Premises cleanly maintained. Cleanly maintained.

Williams Hotel –

Cleanly maintained. Department of Racing, Gaming and Liquor has placed a couple of work orders on the hotel for things such as smoke alarms etc.

Voting Requirements

Simple Majority Required



Officers Recommendation

That the Food Premises Inspection report be endorsed by Council

Council Resolution

Johnstone/Major

That the Food Premises Inspection report be endorsed by Council

**Carried 7/0
Resolution 87/15**

8.3.3 RECYCLED WATER SAMPLING

File Reference	19.1.40
Statutory Reference	Health Act 1911
Author & Date	Steve Friend 9 th October 2014

Comment

The Water Corporation which runs the sewerage scheme in Williams and manages the effluent recycling scheme, where treated effluent is pumped from the sewerage works behind the cemetery to the 300,000l tank at the Shire depot before being pumped through the sprinklers at the oval has been pumping excess effluent to the Railway dam immediately behind the cemetery during winter as the final holding pond is not large enough to store all the effluent generated.

This scenario occurred last winter and unless the ponds are enlarged, will most likely occur every winter.

As both the Water Corporation ponds and the Railway dam were approaching full capacity, the Shire has been receiving effluent from the railway dam and from the final pond and irrigating onto the oval.

This effluent has to be tested by myself for residual chlorine levels to ensure there is sufficient chlorine to disinfect the effluent to a level where it does not pose a threat to human health.

Accordingly I have been testing the effluent in the morning either on the way to another Shire or when at Williams Shire.

The Water Corporation has been supplying chlorine tablets to boost the chlorine levels at the storage tank.

Although the Shire does not need to irrigate at this time of the year, the Shire is doing so now to assist the Water Corporation manage the excess effluent.



Voting Requirements

Simple majority required.

Officers Recommendation

That the advice provided by the Environmental Health Officer regarding effluent recycling be accepted.

Council Resolution

Major/Johnstone

That the advice provided by the Environmental Health Officer regarding effluent recycling be accepted.

**Carried 7/0
Resolution 88/15**

8.3.4 PROPOSED AMENDMENT 18 TO THE SHIRE OF WILLIAMS TPS NO 2 TO RE-ZONE LOT 200 ALBANY HIGHWAY, WILLIAMS FROM 'RURAL' TO 'INDUSTRIAL'

File Reference	14.25.26
Statutory Reference	Shire of Williams Town Planning Scheme
Author & Date	Liz Bushby, Gray & Lewis Landuse Planners, 7th October 2014
Attachments	Appendix 1 (Scheme Amendment map)

Background

Existing Zoning

Lot 200 Albany Highway is zoned 'Rural' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme').

Scheme Amendment request

The Shire has received a request to re-zone Lot 200 so that it can be developed in conjunction with adjacent Lots 16, 17 and 18 Albany Highway to accommodate a building for steel fabrication to be operated by Prices Erections. The business is currently operating in Narrogin and the owners wish to relocate to Williams.

The business entails making mostly custom made sheds which are constructed at the customers property once fabricated. The type of machinery used for steel fabrication includes welders, punch and shear, and drills.



It will also include the supply and sale of Pioneer Water Tanks. The water tanks will not be constructed at Lot 200 as they will be delivered to the lot (on demand) in a kit form and then assembled at the customer's premises.

Relevant Council resolution

At the Ordinary Meeting held on the 20th August 2014 Council resolved to 'agree to the request to initiate rezoning of Lot 200 Albany Highway, Williams subject to any costs associated with the rezoning being borne by the applicant'.

Comment

Officer Assessment

The scheme amendment will facilitate future development of Lot 200 and adjacent Lots 16-18 for industrial purposes.

The purpose of this report is to formally initiate Scheme Amendment No. 18 with a Council resolution that is consistent with the Planning and Development Act 2005 and associated Town Planning Regulations 1967.

Gray & Lewis also recommends that Lot 15994 be rezoned as part of this Amendment from 'Farming' to 'No Zone' (shown as 'white' representative of road reserves) – refer Attachment 1.

Lot 15994 forms the road shoulder truncation on the corner of Albany Highway and Narrogin Road which has been ceded to the State of WA as crown land. It is likely zoned 'Farming' under the Scheme as it formed part of Lot 200 historically.



Above: Location Plan showing Lot 15994

There are a number of planning considerations associated with the amendment as discussed in detail below:

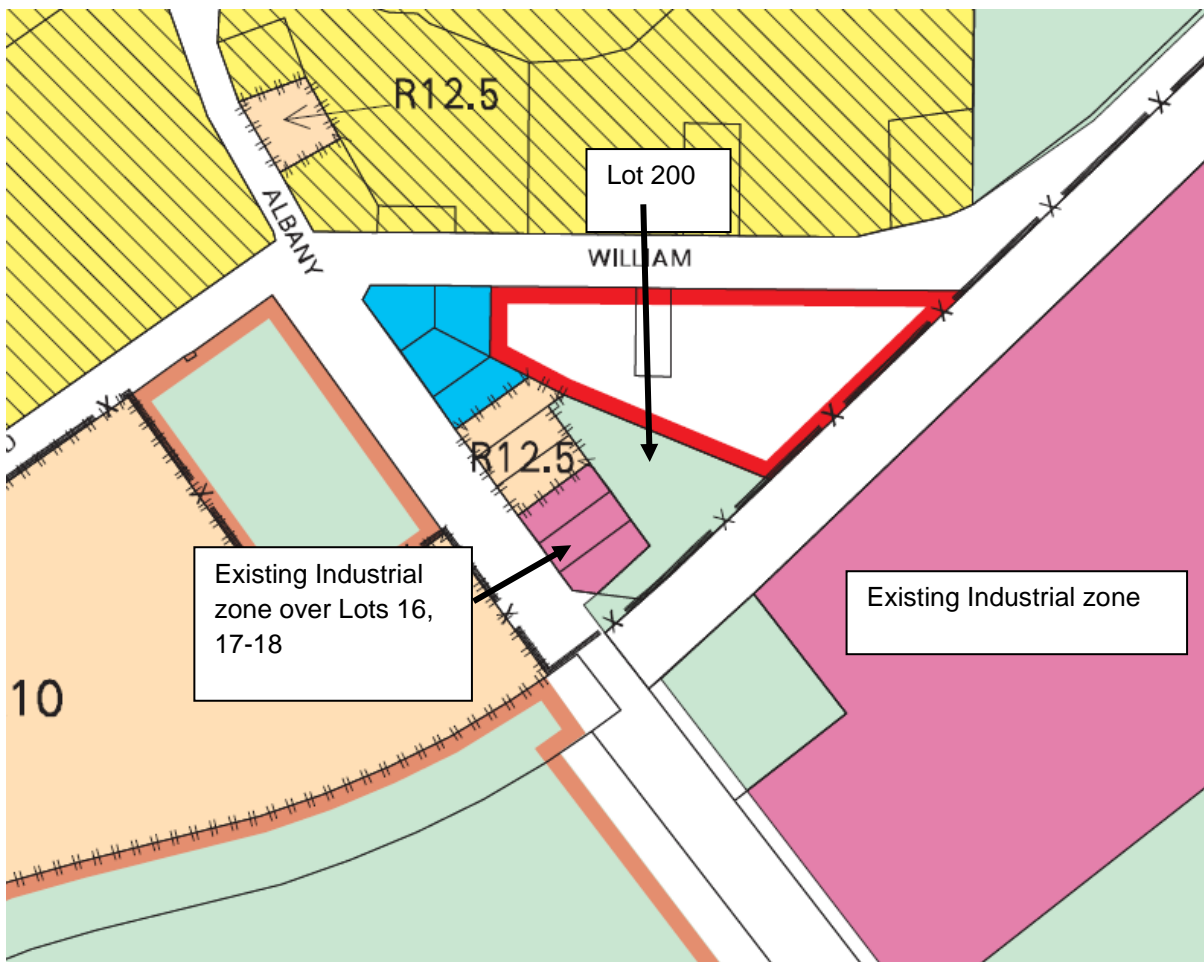
1. Surrounding zoning and Existing Scheme Requirements

An Industrial zone has already been established in the Williams townsite on Lots 16, 17 and 18 Albany Highway.

The Scheme already contains the following objectives for the Industrial zone:

- To encourage Industrial development and particularly those that may provide employment opportunities and benefits to the local district.
- To cater for a range of Industrial uses and encourage quality development.

Re-zoning of Lot 200 will simply be an expansion of the existing Industrial zone and will facilitate future amalgamation of the four lots into one land parcel resultant in a larger lot size more conducive to Industrial development.



Above: Plan showing existing Industrial zones (purple)

Future development and operation of a steel fabrication business by Prices Erections will create some employment opportunities.

2. Landuse Separation

There are recommended general buffers between any industrial landuse and sensitive premises (such as residential) under the Environmental Protection Authority Guidance Statement No 3.

Lot 200 shares a common boundary with residential zoned lots fronting Albany Highway therefore there will be minimal separation between industrial activities and those lots. There is a sensitive premises located to the north in the form of a motel.

The EPA Guidelines recommend a 500 – 100 metre buffer between Metal Fabrication industries and sensitive premises. Industrial activities on Lot 200 would not comply with the buffer however the following factors are relevant:

- The sensitive premises are already within 500 metres of existing Industrial zones along Albany Highway and south east of Narrogin Road. Re-zoning Lot 200 will simply be an extension of the existing Industrial zone.



- The developers are also purchasing Lot 15 which is zoned 'Residential'.
- The proposed steel fabrication is small scale and will not involve metal coating or galvanising.
- The applicant has indicated that the dongers at the adjacent caravan park are occupied by CBH workers and are only occupied for a limited December period. During that time the planned industrial business will mainly be closed for the Christmas / New Year break.

The applicants have lodged a land capability report by Land Assessment which examines surrounding land-uses and buffers. The generic recommended EPA buffers are considered excessive to apply to this small fabrication business.

3. Supply and Demand

Part of the justification provided for the Industrial zone located to the south east of Narrogin Road was that the existing Industrial zones were at capacity and only had smaller lot sizes. Lot 200 is not identified in the Shire of Williams Townsite Expansion Plan as 'Industrial'.

Notwithstanding the above the Strategy recognised that the Industrial zone to the south of Narrogin Road would have strong links to Williams Townsite.

Expansion of the existing Industrial zone on Lots 15-17 Albany Highway will further strengthen the links to the larger Industrial zone further south on Albany Highway.

The fact that there is an existing business seeking to relocate to Lot 200 demonstrates demand.

4. Land Capability

The Land Capability report generally supports the scheme amendment as follows:

- The topography of Lot 200 ranges from approximately 263 to 261 metres AHD. The surface has been filled and compacted to provide a level lot.
- The land is well drained with low probability of any significant land degradation as a result of the proposed industrial use.

5. Streetscape and visual amenity

The applicant has submitted a preliminary elevation of future development of Lots 16-18 and Lot 200 which, if it proceeds, will improve the existing streetscape.

Under the existing Scheme any new development in the Industrial zone is required to provide landscaping, car parking, loading areas, on site effluent disposal and cannot be constructed out of zincalume or reflective materials.

POLICY REQUIREMENTS

N/A



LEGISLATIVE REQUIREMENTS

Shire of Williams Town Planning Scheme No 2 ('the Scheme'): Clause 4.6 (4) outlines development controls for the Industrial zone.

Planning and Development Act 2005 and the Town Planning Regulations 1967 outline the statutory requirements for Scheme Amendments.

It is a statutory requirement that all amendments be referred to the Environmental Protection Authority (EPA) for advice prior to any formal advertising. Advertising must be for a minimum of 42 days and can only commence once the EPA confirms that no environmental assessment is required.

Final approval of the amendment is required by the Minister for Planning and is subject to assessment by the Western Australian Planning Commission.

STRATEGIC IMPLICATIONS

The Shire may in the future consider alternative zonings for existing Lots 13, 14 and 15 Albany Highway which are zoned 'Residential'.

The lots will have lower residential amenity as they are located on a major Highway, and are adjacent to non-residential zones being commercial to the North West and Industrial to the south east. If Lot 200 is re-zoned then the 3 residential lots will be completely surrounded by non-residential land uses.

SUSTAINABILITY IMPLICATIONS

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

The Shire pays planning consultancy fees to Gray & Lewis for planning advice.

The applicant will be required to pay Scheme Amendment fees to the local government. The fees are charged at an hourly rate and calculated based on officer's times in accordance with Planning Bulletin 93/2013.

VOTING REQUIREMENTS

ABSOLUTE MAJORITY REQUIRED: No



STAFF (CONSULTANT PLANNER) RECOMMENDATION

That Council:

1. Initiate Amendment 18 to the Shire of Williams Town Planning Scheme No. 2 pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of re-zoning;
 - A. Lot 200 Albany Highway, Williams from 'Rural' zone to 'Industrial' zone and
 - B. Lot 15994 Albany Highway, Williams from 'Farming' zone to 'No Zone' as depicted on the Scheme Amendment map (Attachment 1).
2. Authorise the Chief Executive Officer and Shire President to execute the 'adoption' sections of three hardcopy Scheme Amendment 18 documents (to be provided by Gray & Lewis).
3. Authorise Gray & Lewis to lodge Amendment 18 with the Environmental Protection Authority on behalf of the Shire of Williams seeking written confirmation that no formal environmental assessment is required under Part IV Division 3 of the Environmental Protection Act 1986. The referral will include a completed EPA Scheme Amendment checklist and spatial data.
4. Note that formal advertising of the Amendment will be organized by the Shires Chief Executive Officer in liaison with Gray & Lewis on receipt of formal advice from the EPA (confirming that no environmental assessment is required). Advertising shall include public notices in an official local newspaper, individual letters to surrounding landowners and letters to relevant authorities (such as Department of Agriculture and Food WA).
5. Note that a further report will be referred to a future Council meeting to consider any submissions received during public advertising, and to determine whether to adopt the amendment for final approval (with or without modifications).

Council Resolution

Johnstone/Major

That Council:

1. Initiate Amendment 18 to the Shire of Williams Town Planning Scheme No. 2 pursuant to Section 75 of the *Planning and Development Act 2005* for the purposes of re-zoning;
 - A. Lot 200 Albany Highway, Williams from 'Rural' zone to 'Industrial' zone and
 - B. Lot 15994 Albany Highway, Williams from 'Farming' zone to 'No Zone' as depicted on the Scheme Amendment map (Attachment 1).
2. Authorise the Chief Executive Officer and Shire President to execute the 'adoption' sections of three hardcopy Scheme Amendment 18 documents (to be provided by Gray & Lewis).



3. Authorise Gray & Lewis to lodge Amendment 18 with the Environmental Protection Authority on behalf of the Shire of Williams seeking written confirmation that no formal environmental assessment is required under Part IV Division 3 of the Environmental Protection Act 1986. The referral will include a completed EPA Scheme Amendment checklist and spatial data.

4. Note that formal advertising of the Amendment will be organized by the Shires Chief Executive Officer in liaison with Gray & Lewis on receipt of formal advice from the EPA (confirming that no environmental assessment is required). Advertising shall include public notices in an official local newspaper, individual letters to surrounding landowners and letters to relevant authorities (such as Department of Agriculture and Food WA).

5 Note that if no adverse submissions are received during the public advertising/comment period, the CEO and Shire President be authorised to adopt the amendment for final approval.

5. Note that if any adverse submissions are received during the public advertising/comment period, a further report will be referred to a future Council meeting to consider those submissions received, and to determine whether to adopt the amendment for final approval (with or without modifications).

**Carried 7/0
Resolution 89/15**

LATE ITEMS

Council Resolution

Major/Logie

That the following late items be accepted for discussion.

**Carried 7/0
Resolution 90/15**

8.3.5 EHO LATE ITEM - REQUEST FOR TEMPORARY ACCOMMODATION

File Reference	13.20.30
Statutory Reference	Caravan and Camping Ground Regulations
Author & Date	Steve Friend 15 th October 2014
Attachments	Appendix 1

Background

The owners of Lot 13312 (33) Williams Street have applied to the Shire to be able to reside in a shed/caravan whilst building a dwelling on the property. See e-mail below:



"Hi Steve ,I spoke to on Friday in Williams regarding temp accommodation (shed plus caravan) on my property at 33 Williams street whilst my home is being built. I have been told the house will take approx 4-5 months to complete, currently there is power, water and gas and a portable toilet on site which will be using. We have fitted shed with internal insulation and sheeting for protection from the elements, we believe that this will be fine for the duration of this build. I have also spoken to shire and they cant see any issues with this arrangement. If you have any question at all please contact me on 0427949611 thanx again Phillip beary."

Comment

The owners have indicated that the shed has power, water and gas connected and they have a portable toilet for their use.

The owners of the property have engaged a Registered Builder (McGrath Homes) to build them a kit home which should take approximately 5 months to complete.

The Caravan and Camping Ground regulations state:

. Camping other than at a caravan park or camping ground

- (1) A person may camp —
 - (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval;
 - (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area;
 - (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other road users or contravene any other written law with respect to the use of the road reserve;
 - (d) on any land which is —
 - (i) held by a State instrumentality in freehold or leasehold; or
 - (ii) dedicated, reserved, or set apart under the *Land Administration Act 1997* or any other written law, and placed under the care, control or management of a State instrumentality,in accordance with the permission of that instrumentality; or
 - (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the *Land Administration Act 1997*, or a person authorised by the Minister to give permission under this paragraph.
- (2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —
 - (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months;



- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
- (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a building licence issued to that person in respect of the land is in force.

(3) In this regulation —

building licence means a building licence under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;

emergency means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;

road side rest area means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —

- (a) resting;
- (b) stopping; or
- (c) camping,

in a vehicle;

State instrumentality has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unallocated Crown land has the same meaning as it has for the purposes of the *Land Administration Act 1997*;

unmanaged reserve has the same meaning as it has for the purposes of the *Land Administration Act 1997*.

[Regulation 11 amended in Gazette 16 Jul 1999 p. 3202-4; 25 Aug 2000 p. 4911.]

The Regulations allow a Local Government to approve such a request for a period of up to 12 months provided a building permit to erect a dwelling is in force.

This is the case in this instance.

Council can approve the request or can disallow the request.

The owners land is within a kilometre of the caravan park which has all the facilities required for mid-term occupation, however as they also have enough facilities for temporary occupation, their preference is to stay on site.



The owners are currently living in a Shire house that is required for a new outside staff member; otherwise the request might not be made.

The fact that the house is being built by a Registered Builder is in their favour as the builder will get on with the job and finish it as soon as possible, whereas an “owner builder” tends to meander on and take forever to finish the house, therefore delaying the move from the temporary accommodation.

The slab has been poured and the wall and roof framing have been installed, indicating the builder’s willingness to complete the project.

Officers Recommendation

That Council approves the request by the owners of Lot 13312 (33) Williams Street Williams to be able to reside on site for a maximum period of 12 months whilst their house is being built as per section 11 (2) (c) of the Caravan and Camping Ground Regulations.

Council Resolution

Cavanagh/Paterson

That Council approves the request by the owners of Lot 13312 (33) Williams Street Williams to be able to reside on site for a maximum period of 12 months whilst their house is being built as per section 11 (2) (c) of the Caravan and Camping Ground Regulations.

**Carried 7/0
Resolution 91/15**

8.3.6 EHO REPORT ACCEPTANCE

Voting Requirements

Simple Majority

Officers Recommendation

That the EHO’s report as tabled be received.

Council Resolution

Paterson/Logie

That the EHO’s report as tabled be received.

**Carried 7/0
Resolution 92/15**

Mr Friend left the meeting at 3.00pm.

Afternoon Tea

Council adjourned for afternoon tea at 3.00pm and resumed the meeting at 3.39pm.



8.4 CHIEF EXECUTIVE OFFICER'S REPORT

8.4.1 CHIEF EXECUTIVE OFFICER'S GENERAL REPORT

File Reference	4.1.20
Statutory Reference	N/A
Author & Date	Ryan Duff 9 th October 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 October 2014 be received by Council.

Council Resolution

Paterson/Carne

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

Carried 7/0
Resolution 93/15

Mr Ian Cocks entered the meeting at 3.49pm as an observer.



Council Resolution

Paterson/Johnstone

That Council adjourn the order of proceedings to attend to Item 8.4.7 M & I Iredell – Proposed Plan of Subdivision

**Carried 7/0
Resolution 94/15**

8.4.2 2013/14 ANNUAL REPORT

File Reference	4.1.20
Statutory Reference	N/A
Author & Date	R.N. Duff 9 th October 2014
Attachments	Appendix 1 – 2013-14 Annual Report

Background

A local government must prepare an Annual Report each financial year. The Annual Report includes:

- The President's report & CEO's report
- Compliance statements/reports relating to the Plan for the Future, National Competition Policy, Disability Services Plan and Records Keeping Plan
- Financial Statements & Auditor's report

Statutory Reference

Local Government Act 1995 s5.54 – 5.55 &

The Local Government Act 1995: Section 5.53 states a local government must prepare an annual report and details the items that should be included.

- Section 5.54 specifies that the Annual Report must be accepted by the local government no later than 31 December after the financial year or if the Auditor's report is not available by this date no later than 2 months after the Auditor's report becomes available.
- Section 5.55 requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted.
- Section 5.27 - Electors' general meetings
 - (1) A general meeting of the electors of a district is to be held once every financial year.
 - (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
 - (3) The matters to be discussed at general electors' meetings are to be those prescribed.



Comment

In order to have an Electors meeting which is relevant to the financial year in which it is being discussed it is recommended that the Electors meeting be held after the November Council meeting.

The 2013/14 Annual Report is attached at **APPENDIX 1**.

Financial Implications

Nil.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopt the Annual Report for the year ended 30th June 2014.

Council Resolution

Major/Johnstone

That Council adopt the Annual Report for the year ended 30th June 2014.

**Carried 7/0
Resolution 96/15**

Council Resolution

Cavanagh/Logie

That Council schedule the 2013/2014 Annual Electors Meeting for 6.00pm on the 19th November 2014.

**Carried 7/0
Resolution 97/15**



8.4.3 WORKS SUPERVISOR CONTRACT

File Reference	4.20.10
Statutory Reference	Local Government Act 1995 – S5.39
Author & Date	R.N. Duff 9 th October 2014

Background

The Work Supervisor been employed in the position since 2008 on a 3 year contract. A further 3 year contract was granted in 2011 which expires in December 2014.

In June 2014 the Council resolved to renew the Works Supervisor's Employment Contract for a further 3 years expiring December 2017 with the final employment terms to be finalised.

Comment

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

Excerpt from the Works Supervisor's Contract:

2. EMPLOYMENT

2.1 Term

The Local Government shall employ the Officer in the Position for the Term upon the terms and conditions set out in this document.

2.2 Extension of Term

There is no compulsion on either the Local Government or the Officer to agree to an extension of the Term, however:

(a) the Local Government shall invite the Officer in writing no later than 6 months prior to the expiry of the Term to discuss the possibility of the parties entering into a new Agreement for a further term with the intent of finalising those discussions not later than 2 months prior to the expiry of the Term; and

(b) in the event that the Local Government and the Officer agree to an extension of the Term, this document shall continue to apply unless varied in writing by the parties.

The Shire President has held discussions with the CEO and Works Supervisor regarding the Works Supervisors Contract. The Works Supervisor has requested some alteration to the salary package which will be presented to Council for consideration as a separate confidential attachment.

Financial Implications

The Annual Budget makes an allowance for all salaries and wages for Council staff. This contract expires at the end of December which is half way through the 2014/15 financial year and any alteration to the salaries and wages budget would be subject to a budget amendment if required, otherwise the new employment conditions could take place as at the 1st July 2015.

Voting Requirements

Simple Majority



Officer's Recommendation

That Council authorise the Chief Executive Officer to offer the Works Supervisor, Tony Kett, a new contract with the salary package as described by Council.

Council Resolution

Major/Logie

That Council authorise the Chief Executive Officer to offer the Works Supervisor, Tony Kett, a new 3 year contract with the salary package to be the same as is in the current contract.

**Carried 5/2
Resolution 98/15**



8.4.4 THE HON. WARREN TRUSS MP - ROADS TO RECOVERY PROGRAMME 2014-2019

File Reference	12.15.35
Statutory Reference	N/A
Author & Date	Ryan Duff 9 th October 2014

Background

Correspondence received from the Hon. Warren Truss MP

I am writing to advise you of your Council's funding allocation under the Roads to Recovery Programme from 1 July 2014 to 30 June 2019.

In addition to our commitment to maintain roads to recovery funding at the current level of \$350 million per annum, the 2014 Budget announced that a further \$350 million will be provided in 2015-16. This brings total funding for the programme to \$2.1 billion over the five years to 2018-19 and the additional funding in 2015-16 means that each council will receive the equivalent of one extra year's Roads to Recovery funding.

A total of \$307.2m has been allocated to WA, which has been divided between the councils in the State on the basis of the 2014-15 recommendations of the Local Government Grants Commission for the roads component of the Financial Assistance Grants. This methodology is consistent with the allocation of Roads to Recovery funding for previous programmes.

Your Council's life of programme allocation for the period 1 July 2014 to 30 June 2019 will be \$844,052. This amount includes the double payment in 2015-16 and is allocated as follows:

<i>Financial Year</i>	<i>Allocation</i>
<i>2014-15</i>	<i>\$140,675</i>
<i>2015/16</i>	<i>\$281,351</i>
<i>2016-17</i>	<i>\$140,675</i>
<i>2017-18</i>	<i>\$140,675</i>
<i>2018-19</i>	<i>\$140,675</i>

Councils will be able to enter projects for Roads to Recovery funding and provide a quarterly report during October and the first payment of the new programme will be made in November 2014.

Councils must have submitted a satisfactory 2013-14 Roads to Recovery Annual report by 31 October 2014 to be eligible for a payment in November 2014.

The programme will continue to run under simple administrative arrangements with councils free to decide the projects to be funded under the programme. My Department will advise you of the formal funding conditions in the coming weeks.



This funding will greatly assist all councils to deliver the better, safer local roads and streets their communities need and I look forward to continuing the successful relationship between the Australian government and your council over the coming years.

Comment

The Roads to Recovery Programme operates uniformly across Australia. Under current arrangements, each council is guaranteed a share of the total available funding. Under simple administrative procedures whereby spending decisions are made locally and reported to the government, money is paid directly from the Australian Government to each council. Much of the administration is via the internet.

Money provided under the Roads to Recovery Programme is not intended to replace council spending on roads or State and Territory Government assistance to councils for local road construction or maintenance.

Local councils nominate the projects to be funded. Councils have so far used the money to repair and upgrade more than 44,700 road sites. *Department of Infrastructure website*
http://investment.infrastructure.gov.au/funding/r2r/r2r_funding_conditions.aspx

Any amount of the outcomes below must be achieved under R2R funding:

1. Regional economic development
2. Achievement of asset maintenance strategy
3. Improved access for heavy vehicles
4. Promotion of tourism
5. Improvements of school bus routes
6. Access to remote communities
7. Access to intermodal facilities
8. Traffic management
9. Improved recreational opportunities
10. Amenity of nearby residents
11. Equity of access (remote areas)

The Roads to Recovery Programme Funding has been included in the *Shire of Williams 10 Year Road Construction Program 2010-2020* at a funding level of \$143,052 per year (Reduces to \$140,675 per year) until the end of this programme in 2019. The additional amount of \$140,675 to be received in 2015-16 has not been allocated at this stage.

PROJECT CRITERIA

3.1 Eligibility of projects

Payments under the Program may be used on any project for the construction or maintenance of a road. As defined by the Act, the term 'roads', includes each of the following when in association with a road:



- (a) traffic signs and control equipment;
- (b) street lighting equipment;
- (c) vehicular ferries;
- (d) bridges or tunnels, including pedestrian bridges or tunnels;
- (e) bicycle paths;

A bicycle path 'associated with a road' is one that:

- (a) is located within the road reservation; or
- (b) where removed from the road reservation, provides a route between points on the road that is shorter than or broadly similar in distance to the road route.

To list a bicycle path on your work schedule, you must contact the Departmental contact officer as detailed in Section 1.6.

Footpaths are fundable under the program only where they are part of a wider road project. A project to solely upgrade a foot path will not be considered.

Drainage projects are allowed where the purpose of the project is connected with the road, e.g. to stop flooding in wet weather or to stop pooling of water which affects the road's sub-structure. Projects will not always be in the road reserve. Where a project has several objectives, only one of which is the road, it can be partially funded. The project would need to be entered as a jointly funded road with an appropriate proportion listed against the road.

The purchase of land for compensatory habitat, where required by an environmental permit, is an allowable expense but should be listed against the project to which it relates and not shown as a separate item.

3.2 Excluded items

For further advice about whether an intended project can be funded by the program, the LGA should contact the contact officer detailed in Section 1.6. Examples of items that cannot be funded under this program include:

- (a) transport planning studies (except road planning studies relating to a specific project);
- (b) street sweeping;
- (c) rehabilitation studies;
- (d) general administrative overheads and staff salaries not connected with specific projects funded under the program;
- (e) road building plant or other capital equipment especially moveable equipment (e.g. graders). However, note that bores for water for road building in remote areas have been allowed in association with complying projects;
- (f) training;
- (g) footpaths which are not part of the construction or upgrade of the road itself;
- (h) off road car parks;
- (i) street furniture;
- (j) public liability insurance;
- (k) fringe benefits tax;



- (l) LGA expenses such as light, power, stationery, IT support, telephone, cleaning and all other expenses which the LGA would have incurred anyway, regardless of whether or not the Roads to Recovery program was underway;
- (m) finance leases on equipment;
- (n) operating lease charges where the rental expense cannot be directly linked to the Roads to Recovery project, e.g. a grader may be hired for a period for a variety of tasks. Only the component that relates specifically to Roads to Recovery jobs can be charged against Roads to Recovery funds; and
- (o) depreciation, except for depreciation of plant and equipment directly attributable to a Roads to Recovery funded project.

The decision that Council needs to make is mainly around what to do with the additional allocation in 2015-16 but generally consider the projects previously identified for Roads to Recovery Funding. The Chief Executive Officer will be required to enter a works program on the Roads to Recovery Programme website to be eligible for the new funding round.

Legislative Requirements

National Land Transport Act 2014

Financial Implications

As listed above

Voting Requirements

Simple Majority

Officer's Recommendation

That the Shire of Williams reviews the projects allocated Roads to Recovery Funding 2014-2019.

Council Resolution

Major/Johnstone

That the Shire of Williams reviews the projects allocated Roads to Recovery Funding 2014-2019.

Carried 7/0
Resolution 99/15



8.4.5 M LENEHAN – REQUEST FOR ROAD CLOSURE

File Reference	12.15.37
Statutory Reference	N/A
Author & Date	Ryan Duff 9 th October 2014

Background

Letter received from Manuela Lenehan

We are writing to express our interest in purchasing the block of land adjacent to our home on Lot 206, 171 Narrogin Rd. This block is currently an unmade, gazetted road (Martin Rd).

On the attached map (where Narrogin Rd is called William St) our home block has been marked green, the block we are interested in has been cross-hatched green. We also recently purchased Lot 205 Lavender Rd, but this has its own title and is separated from the home block by a laneway.

When we first purchased Lot 206 Narrogin Rd, Martin Rd was used by the Water Station as a disposal point for their cooling water. This had, over time, turned the area into a year-round swamp, too uneven and boggy to be mowed, breeding mosquitos, frogs, snakes and reeds. We applied to the Water Corporation to discontinue this and have turned the land back to a nice, flat paddock, which we now keep mowed and tidy. We have tentatively put a few decorative plants in the ground to give the area a cared-for look.

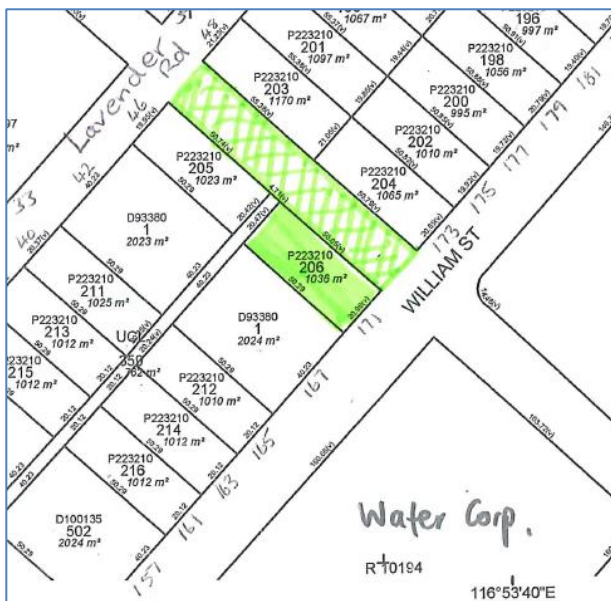
To enable us to continue caring for the land, and plant more vegetation in strategic spots, we would like to investigate the possibility of acquiring the land and annexing it to Lot 206. We envisage some fire-retardant, medium sized bushes and small trees near the Narrogin Rd end, and down the eastern side, to add a touch of privacy to the area.

We would be grateful if Council would consider our proposition. If you agree with our idea, we ask that you make the necessary enquiries to find out what the cost of this exercise to us would be, as we have been unable to do this on our own.

Comment

The simplified process is as follows:

1. Council resolves to seek comment on the closure of Jessie Martin Street
2. Write to neighbouring property owners and utility providers
3. Council formally resolves to close Jessie Martin St
4. S.58 Taking of Land
5. Request submitted to the Department of Regional Development and Lands – State Land Services



Financial implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

1. That Council resolve its intention to close the unmade road reserve named Jessie Martin St Williams, as shown at above and advertise, in accordance with Section 58 of the Land Administration Act 1997.
2. That in the event no objections are received at the end of the notice period, the closure of the portion of road reserve is recommended to the Minister for Planning.

Council Resolution

Cavanagh/Paterson

1. That Council resolve its intention to close the unmade road reserve named Jessie Martin St Williams, as shown at above and advertise, in accordance with Section 58 of the Land Administration Act 1997.
2. That in the event no objections are received at the end of the notice period, the closure of the portion of road reserve is recommended to the Minister for Planning.

**Carried 7/0
Resolution 100/15**



8.4.6 WAPC – APPLICATION 150689 LOT 809 PINJARRA WILLIAMS RD

File Reference	10.64.20
Statutory Reference	<i>Planning and Development Act 2005</i>
Author & Date	Ryan Duff 9 th October 2014
Attachments	Appendix 2 – Plan of Subdivision

Background

The Western Australian Planning Commission has received a planning application from PH & KE Gow Licensed Surveyors on behalf of the George and Kevin Lavender to subdivide Lots 102 and 809 Pinjarra Williams Rd. The purpose of the application is to excise a homestead lot from the area used for traditional broad acre agricultural purposes.

Lot 809 is 262 ha and Lot 102 is 114 ha and it is proposed to create 3 Lots

Proposed Lot A – Homestead Lot – 17.93 ha
Proposed Lot B – Broad acre Agricultural Lot – 250.1 ha
Proposed Lot C – Broad acre Agricultural Lot – 98.8 ha

The WAPC is seeking Councils comments and any recommended conditions pertinent to this application by the 4th November 2014.

Comment

In the letter to WAPC the application has written the following justification'

I wish to submit the attached application for a homestead lot subdivision of the above lots in the Shire of Williams on behalf of the owners.

The proposal is to create a 17.93ha lot around the existing house and sheds so that they can be retained on its own title separate to the balance of the farm. The farm has been in the same family for over a hundred years, and the creation of the homestead lot is part of the succession plan to enable the younger generation to stay on the farm.

The proposed homestead lot will have direct access to Pinjarra-Williams Rd via the existing driveway.

There is a reticulated water supply via the water meter shown on the sketch.

The proposed homestead lot has an area greater than 4ha to suit the landform by including an existing dam for non-potable water supply and to retain all the non-arable land surrounding the house and sheds on the same title.

I request that the proposed subdivision get approved as submitted.

Town Planning Context



The key statutory documents that guide the potential to subdivide rural land are the WAPC Development Control Policy 3.4 Subdivision of Rural Land (DC 3.4) and the Shire of Williams Town Planning Scheme No.2

Key elements of these documents and how this proposal meets the intent of these documents are outlined below;

Western Australian Planning Commission DC Policy 3.4 - Subdivision of Rural Land DC 3.4 was revised in February 2008 and sets out the principles which will be used by the WAPC in determining applications for the subdivision of rural land and seeks to achieve the overarching objectives of SPP2.S; Agricultural and Rural Land Use Planning.

Provision 4.9 of DC 3.4 provides for the establishment of Homestead Lots in order to enable an existing house on a farm continue to be occupied provided that -

1. The land is in the Wheatbelt Agricultural Policy Area;
2. The population in the locality is declining or relatively static;
3. The homestead lot has an area between 1 and 4ha, or up to 20ha where it is desirable to
4. respond to the landform or to include existing outbuildings or water sources;
5. There is an adequate water supply for domestic, land management and fire management purposes;
6. The homestead lot fronts a constructed public road;
7. The homestead lot contains an existing residence; and
8. A homestead lot has not been excised from the farm in the past

The Western Australian Planning Commission is the determining Authority on this matter however the application does not comply with the Shire of Williams Town Planning Scheme No.2 regarding the subdivision of "Rural Land"; however state planning policy would take precedence. This has occurred previously where Council did not support an application for a homestead but WAPC approved it under State Policy D.C 3.4.

With this application and other subdivision of Rural zoned lots where it is possible to sell the land as a lifestyle block it is suggested that Council consider requesting WAPC to place the following as a condition of subdivision approval;

Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that the lot is located in an existing agricultural area. Use of land may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.

The intention of the notification would be let potential purchasers of land in Williams know that agriculture is the main industry in the Shire and that this needs to be protected ensuring the viability of broad acre farming and the continuation of farming practices.



Financial Implications

Nil.

Voting Requirements

Simple Majority

Officers Recommendation

That the Shire of Williams advises the Western Australian Planning Commission that it does not have any objections to application 150689 and that the following conditions are applied

- *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that that the this lot is located in an existing agricultural area. Use of land may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.*

Council Resolution

Johnstone/Paterson

That the Shire of Williams advises the Western Australian Planning Commission that it does not have any objections to application 150689 and that the following conditions are applied

- *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that that the this lot is located in an existing agricultural area. Use of land may be affected by 24 hour operation of machinery, aerial spraying, use of agricultural chemicals and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.*

**Carried 7/0
Resolution 101/15**



8.4.7 M & I IREDELL – PROPOSED PLAN OF SUBDIVISION

File Reference	10.64.20
Statutory Reference	Planning and Development Act 2005
Author & Date	R.N. Duff 9 th October 2014
Attachment	Appendix 3 – Proposed Plan of Subdivision

Background

In February 2011 the Western Australian Planning Commission received an application from MK & AL Iredell to subdivide and adjust lot boundaries on Lots 10126, 13078, 50, 6977, 9896, 4982, 6976, 197, 502, 9895, 1045, 1835, 503 (13 titles).

The purpose of the subdivision was “to rationalise the main landholding by more equitably distributing land area and providing road access to landlocked lots (proposed lots 3 and 5 to 15), create two new lots south of Pinjarra Williams Rd that are divided by a significant man made feature (proposed lots 1 and 2) create a homestead lot (proposed lot 4) and create a lot that will conserve, existing remnant vegetation (proposed lot 16)”.

Council resolved not to support the application and gave the following reasons for their decision:

- The Shire of Williams Town Planning Scheme No.2 clause 4.7 (3) has a general presumption against subdivision of rural zoned land. The proponents have indicated that additional titles would be created, to which Council do not support.
- Council feels that if this application was supported in its current form it would set a precedent and other applications would come forward and therefore not retaining the rural character and agricultural landholdings that currently exists. Council fears the reduction of viable agricultural land should such an application be approved and the submission of similar future applications.
- Although not mentioned by the proponents the creation of the proposed road would enable more lots to be available to be sold, therefore increasing the possibility of conflicts between broad acre farmers and hobby farmers. The Shire of Williams has already been involved in such a conflict where the accepted practise of chemical spraying by a broad acre farmer is being questioned by a small land holder.

Comment

Mr Iredell has made contact with the Chief Executive Officer and presented a new plan of subdivision which is attached at **APPENDIX 3**. The purpose of the contact was to seek Council’s comment before lodging a formal subdivision application.

The proposed plan shows 11 existing lots having the boundaries adjusted to create 11 next lots with the majority of the lots being over 50ha.



General comments have been sought from Gray and Lewis Landuse Planners:

It generally complies with the WAPC Development Control Policy 3.4 which allows for re-alignment between lot boundaries without any increase in the number of lots (attached).

My only comments are:

- *The majority of the land is almost parkland cleared so fire risk is unlikely to be a major issue. The Shire could recommend a condition requesting lodgement of a fire management plan as the land is adjacent to a vegetated area in the north, proposed Lot 5 is well vegetated and there is vegetation along the River. Ultimately the WAPC will determine the final conditions to be imposed.*
- *Some of the lots are an awkward shape but given they are all in excess of 50 hectares there is no shortage of possible building envelopes.*
- *Recommend Council consider the following conditions:*
 1. *A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

“This lot is in a rural zone where broad acre farming occurs. The lots may be affected by normal agricultural activities and be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use.”
 2. *Reciprocal rights of access easements to be implemented over the battle-axe legs to proposed lots 1, 2, and 3 to enable the entire leg width to serve all three lots.*

The creation of 11 rural lots with road frontage will enable the lots to be sold, which on one hand would increase Council’s rate base but on the other potentially increase the required road maintenance on Bates Roads. The Shire of Williams adopted the *Subdivisional Development Guidelines* in February 2008. The document details Council’s requirements for engineering works associated with the subdivision and development of land within the Shire.

The guidelines address the roads standards as below:

2.2.9 Rural Roads

Rural roads shall comply with the standards prescribed in the Roads 2020 Strategy, and will be dependent on estimated AADT counts.

Council has identified minimum road standards, given known and/or estimated Annual Average Daily Traffic (AADT) counts.



MINUTES – ORDINARY MEETING OF COUNCIL HELD 15TH OCTOBER 2014

Type 1 Formed road constructed from surrounding local material: 10-20 AADT – 6m seal with 1.3m shoulders.

Type 2 Formed road paved with imported gravel material: 20-75 AADT – 6m seal with 1.3m shoulders.

Type 3 Sealed road (6m seal width): 75-500 AADT.

Type 4 Sealed road (7m seal width): 500-1000 AADT.

Type 5 Sealed road (8-9m seal width): 1000-4000 AADT.

Type 6 Sealed road with overtaking lanes: 2000+ AADT but lower volumes may be considered depending on the percentage of heavy vehicles and terrain conditions.

Type 7 Dual carriageway – divided rural road: 4500 +AADT.

For the purposes of determining the impact a subdivision will have on AADT counts for any particular road, Council will utilise eight vehicle movements per lot per day.

All rural roads shall be sealed with a two coat seal (2x10mm stone) with 1.3 metre shoulders, 1 coat seal (10mm stone), except at intersections which shall be kerbed with 25mm asphalt over a primer seal. The extent of the kerbing shall be as stipulated for “Rural Living Streets”.

Where existing rural roads are considered by Council to warrant sealing, the width of such sealing shall be a minimum of 6.0 metres, the maximum width being determined on the basis of AADT counts.

Based on the proposed plan of subdivision 8 lots would require access from Bates Rd and under the *Subdivisional Guidelines* this would equate to 64 vehicle movements per day which would warrant a Type 2 Road. The actual traffic would be significantly less in real terms and the current road would be suitable but Council should consider the impact to Bates Rd in its deliberations.

Financial Implications

Potential impact of Rate Base.

Current property rates as a single assessment are approximately \$4,400. Based on 11 separately valuated lots of the same parcel of land would yield \$9,600 in rates thus increasing Council's rate base.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council provide feedback to M & I Iredell on the proposed subdivision on Bates Rd.



Council Resolution

Cavanagh/Johnstone

Council support the application in principle providing there is a fire management plan put in place on the proposed lots. Council also wish to include on the notification placed on the Certificate of titles a reference to “agriculture chemicals”. The notification to read as follows:

- *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that that the this lot is located in an existing agricultural area. Use of land may be affected by 24 hour operation of machinery, aerial spraying, use of agricultural chemicals and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.*

**Carried 7/0
Resolution 95/15**

Mr Ian Cocks left the meeting at 4.06pm.

The order of the meeting resumed at 4.06pm commencing at 8.4.2 - 2013/14 Annual Report.

8.4.8 DRAFT LEASE – LOT 440 MARJIDIN WAY, WILLIAMS

File Reference	11.60.20
Statutory Reference	<i>Local Government Act 1995 - sect 3.58 Commercial Tenancy (Retail Shops) Agreements Act 1985.</i>
Author & Date	R.N. Duff 9 th October 2014
Attachment	Appendix 4 - Draft Lease – Lot 440 Marjidin Way

Background

In January 2014, the tender for the construction of the new Industrial Shed was advertised closing on 14th February 2014. The successful tenderer P & F Kulker was accepted in February to construct the new industrial unit to the Shire’s specifications for \$402,972 with a completion date of October 2014.

At the March 2014 Council meeting Council resolved the following:

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.

The Chief Executive Officer advertised for Expressions of Interest to lease the industrial unit in the Narrogin Observer (10th April 2014) and The Williams (7th & 22th April 2014).

At the close of the EOI period on the 28th April 2014 only one EOI was submitted. The Submission was received from PrimeAG Services of Williams.



At the July 2014 Council meeting it was resolved to set the annual lease payment at \$20,540 ex GST as the basis for the lease document to be drawn up with PrimeAG.

Comment

A Draft Lease document (**APPENDIX 4**) has been prepared by McLeod's Barristers and Solicitors for the Lease of Lot 440 Marjidin Way Williams to PrimeAg Services. The lease has been prepared in line with the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.

Several sections in the draft lease document have been highlight yellow and require Council input before the final draft is presented to the Lessee.

Legislative Requirements

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

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

1. That the Draft lease for Lot 440 Marjidin Way to PrimeAg be considered by Council and the final draft be presented to PrimeAG for acceptance.
2. That Council advertise the intention to lease Lot 440 Marjidin Way as per section 3.58 of the Local Government Act 1995.

Council Resolution

Johnstone/Paterson

1. That the Draft lease for Lot 440 Marjidin Way to PrimeAg be considered by Council and the final draft be presented to PrimeAG for acceptance.
2. That Council advertise the intention to lease Lot 440 Marjidin Way as per section 3.58 of the Local Government Act 1995.

**Carried 7/0
Resolution 102/15**

8.4.9 2013/14 INTEGRATED PLANNING AND REPORTING ASSESSMENT

File Reference	4.12.36
Statutory Reference	<i>Local Government (Administration) Regulations 1996</i>
Author & Date	R.N. Duff 9 th October 2014
Attachment	Appendix 5 - 2013/14 Integrated Planning and Reporting Assessment

Background

In 2011 an Integrated Planning Framework was introduced by the Department of Local Government. Through the amendment of the Local Government (Administration) Regulations 1996, the requirement for local governments to adopt a ten year Strategic Community Plan and a four year Corporate Business Plan was incorporated in legislation.

As part of the Integrated Planning Framework, shires are also encouraged to develop informing strategies such as the Asset Management Plan, Long Term Financial Plan and Workforce Plan.



The Shire of Williams adopted the following documents:

- Strategic Community Plan – Williams 2022 adopted 20th February 2014
- Shire of Williams Workforce Plan adopted 17th July 2013
- Shire of Williams Corporate Business Plan adopted 17th July 2013
- Shire of Williams Long Term Financial Plan 2013-2023
- Shire of Williams Asset Management Plans

Comment

All of the above documents have been submitted to the Department of Local Government for assessment. Feedback was recently received from the Department which is attached at **APPENDIX 5**.

In summary the Department has advised that the Shire of Williams meets the compliance criteria for the Integrated Planning and Reporting Framework however they have suggested that some minor modifications be made to the Strategic Community Plan to ensure it fully complies with the reporting standards.

Financial Implications

Nil.

Voting Requirements

Simple Majority

Officer's Recommendation

For Council information

The Chief Executive Officer has declared an interest in item 8.4.10 and left the meeting at 5.20pm



8.4.10 WAPC APPLICATION 150730 – LOT 801 ALBANY HIGHWAY

File Reference	11.60.20
Statutory Reference	<i>Planning and Development Act 2005</i>
Author & Date	Liz Bushby – Gray and Lewis 9 th October 2014
Attachments	Appendix 6 – Subdivision Application

The Western Australian Planning Commission (WAPC) has referred an application to subdivide Lot 801 Albany Highway, Williams into two lots. The Shire has an opportunity to provide recommendations to the WAPC.

Background

Zoning

Lot 801 Albany Highway is located south of Pinjarra Williams Road and is zoned 'Residential R10', 'Residential R2' and 'Rural Residential' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme').

Existing Subdivision Guide Plan

There is a 'Subdivision Guide Plan' to guide future subdivision of Lot 801 which has been endorsed by the local government and the WAPC.

Location and Existing Development

Lot 810 has three road frontages including Old Soldiers Road to the west, Pinjarra Williams Road to the north and Albany Highway to the east. There is an elevated water pipeline along Pinjarra Williams Road.

There is an existing residence located centrally on the lot which will be retained on proposed Lot 2.

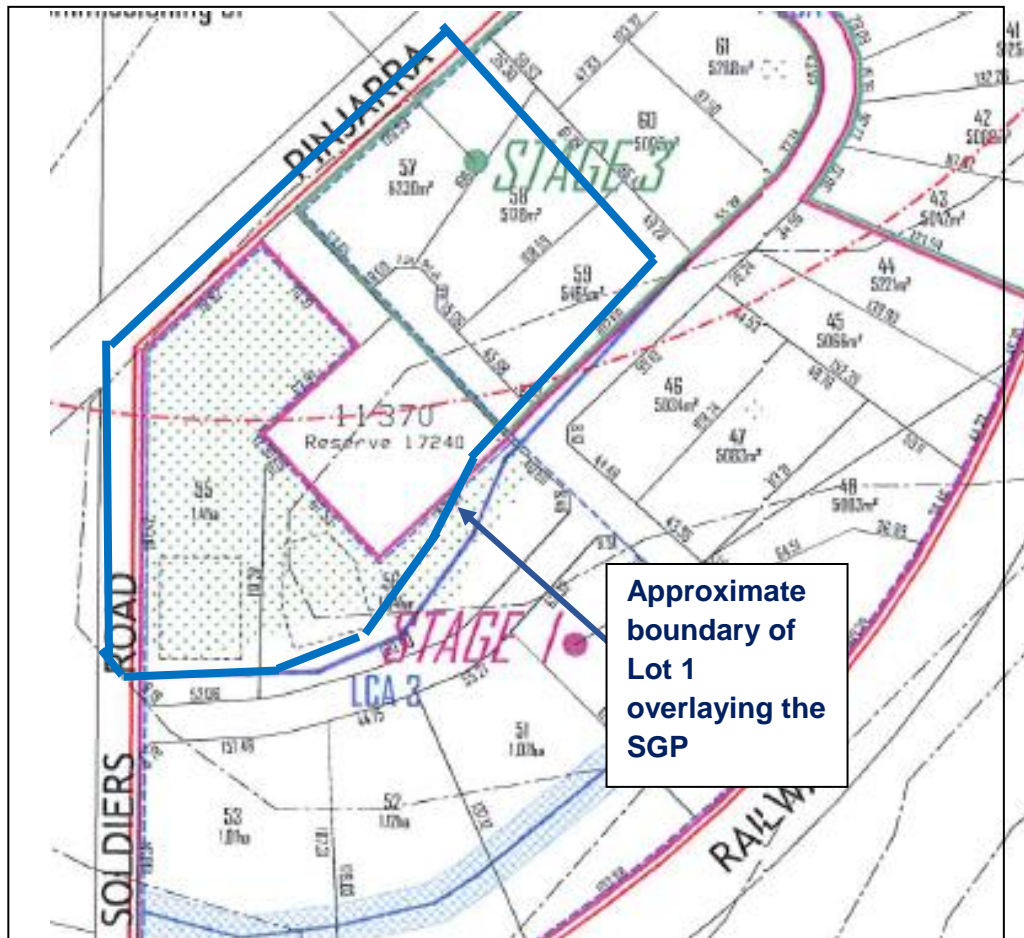
Comment

Description of Application

The application seeks to subdivide Lot 801 into two 'super lots' of 3.94 hectares and 26.77 hectares – **APPENDIX 6**. Each 'super lot' will be able to be subdivided in the future generally in accordance with the SGP.

Proposed Lot 1 with the area of 3.94 hectares generally accords with planned Lots 55-59 under the SGP with the exception that the southern lot boundary does not fully align with the proposed road layout – refer plan overpage.

The boundary of proposed Lot 1 under this subdivision may result in some minor redesign being required for the road layout in the south western portion of existing Lot 810.



Applicants Submission

Peter Webb and Associates (on behalf of Robert and Charmaine Duff) has advised that the super lot subdivision will not prejudice future subdivision occurring generally in accordance with the SGP at an appropriate time in the future.

Proposed Lot 1 will be used for development of a single house until future subdivision proceeds. The applicants advise that no vegetation will be removed as part of subdivision and the house will be constructed in the cleared portion of the land. Access is proposed from Old Soldiers Road.

They also confirm that the old Waste Water Treatment Plant north of Pinjarra Road has been decommissioned and therefore the land is no longer affected by a 500 metre odour buffer.



Officer Assessment

- Shire of Williams Town Planning Scheme No 2 ('the Scheme')

The application can be considered in context of Clause 5.9.3 of the Scheme which states '*any departure or alterations to outline development plans may, subject to the approval of the Commission, be permitted if the local government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area*'.

Gray & Lewis do not consider that the two lot subdivision will prejudice future further subdivision of the land occurring in an orderly and co-ordinated manner. At the most there may need to be some minor review of the entry road location from Old Soldiers Road.

- Fire Management

The majority of Lot 801 is parkland cleared and there is only limited vegetation in the western portion of proposed Lot 1 and within Reserve 17240.

The Western Australian Planning Commission has released a Draft State Planning Policy 3.7 'Planning for Bush Fire Risk Management'.

The Draft State Planning Policy takes the position that in the absence of either local or State Government maps, any land within 100 metres of an area of bushfire-prone vegetation equal to or greater than one hectare is a bush fire prone area. Identification of an area as being bushfire-prone is not in itself an indication of bushfire risk however it initiates the need for a landowner to assess the level of risk through either a bushfire hazard assessment and/or Bushfire Attack Level (BAL) assessment.

As the State Planning Policy is in Draft form Gray & Lewis is of the understanding that it is not yet operational.

The Shire can recommend that the WAPC impose a condition requiring preparation and lodgement of a Fire Management Plan which will assess the fire risk and identify whether there is a need for Building Protection Zones and Hazard Separations Zones to be established for any new dwelling on proposed Lot 1.

Given that the State Planning Policy 3.7 is only in Draft form, Gray & Lewis recommends that Shire simply request that the WAPC consider fire management as part of their assessment. As the subdivision is small scale and most of the land is cleared, the WAPC may not require a Fire Management Plan.

POLICY REQUIREMENTS

N/A



LEGISLATIVE REQUIREMENTS

Shire of Williams Town Planning Scheme No 2 ('the Scheme') – explained in the body of this report.

STRATEGIC IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Environment

There are no known significant environmental implications associated with this proposal.

Economic

There are no known significant economic implications associated with this proposal.

Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Gray & Lewis for planning advice.

VOTING REQUIREMENTS

ABSOLUTE MAJORITY REQUIRED: NO

STAFF (CONSULTANT PLANNER) RECOMMENDATION

That Council recommend that the Western Australian Planning Commission approve the subdivision application lodged by Peter Webb and Associates to create two super lots within existing Lot 810 Albany Highway, Williams (WAPC Reference : 150730), and request that the WAPC consider fire management as part of their assessment. A copy of this report can be sent to the WAPC as a record of the planning assessment of the subdivision proposal.

Council Resolution

Cavanagh/Major

That Council recommend that the Western Australian Planning Commission approve the subdivision application lodged by Peter Webb and Associates to create two super lots within existing Lot 801 Albany Highway, Williams (WAPC Reference : 150730), and request that the WAPC consider fire management as part of their assessment and that a notification on the Certificate of Titles as follows;

- *Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising*



that that the this lot is located in an existing agricultural area. Use of land may be affected by 24 hour operation of machinery, aerial spraying and generation of other noise, dust and odours arising from normal agricultural operations being carried out on surrounding land holdings.

A copy of this report can be sent to the WAPC as a record of the planning assessment of the subdivision proposal.

**Carried 7/0
Resolution 103/15**

The CEO returned to the meeting 5.26pm

LATE ITEMS

Council Resolution

Major/Carne

That the following late items be accepted for discussion.

**Carried 7/0
Resolution 104/15**

8.4.11 CEO LATE ITEM - AUDITOR'S MANAGEMENT LETTER FOR 2013/2014 FINANCIAL YEAR

File Reference	4.22.00
Statutory Reference	N/A
Author & Date	Ryan Duff 14 th October 2014
Attachments	Appendix 7 (Auditor Management Letter)

Purpose

To receive the management letter from the Councils auditors, Butler Settineri for the financial year ended the 30th June 2014.

Background

Pursuant to Councils audit specifications Butler Settineri has provided a Management Report received on the 14th October 2014 for Council's consideration.

Statutory Implications

Local Government Act 1995
Financial Management Regulation 1996

Comment

The Management Letter dated 13th October 2014 is a separate attachment to this agenda. Please refer to **CEO Appendix 7**.



Financial Implications

Nil

Voting Requirements

Simple Majority

Officers Recommendation

That the 2013/14 Management Letter for the financial year ended the 30th June 2014 be received.

Council Resolution

Logie/Major

That the 2013/14 Management Letter for the financial year ended the 30th June 2014 be received.

Carried 7/0

Resolution 105/15



8.4 MANAGER OF FINANCE'S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	8 th October 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 104251 -104258, EFT Transfers and Direct Debits totalling \$193,405.96, CLGF Regional Funding EFT transfer totalling \$545,628.90 and Trust transfer \$396.00 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 104242 - 104250 totalling \$4,599.25 and Municipal Fund EFT Transfers totalling \$147,916.81 be approved for payment.

Council Resolution

Johnstone/Major

That Municipal Fund cheques 104251 -104258, EFT Transfers and Direct Debits totalling \$193,405.96, CLGF Regional Funding EFT transfer totalling \$545,628.90 and Trust transfer \$396.00 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund



cheques 104242 - 104250 totalling \$4,599.25 and Municipal Fund EFT Transfers totalling \$147,916.81 be approved for payment.

**Carried 7/0
Resolution 106/15**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	8 th October 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 September 2014 be received

Council Resolution

Cavanagh/Paterson

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

**Carried 7/0
Resolution 107/15**



8.5 COUNCILLORS' REPORTS

Cr Cavanagh discussed the recent Hotham Williams Economic Development Alliance meeting held at Wandering on the 14th October 2014.

Cr Logie attended the Freight Review Forum held in Wickopin on the 9th October 2014.

Cr Johnstone attended the opening of Bunge Grain Facility at the Bunbury Port.

Cr Cowcher chaired the recent 4WDL meeting hosted by Williams on the 14th October 2014.

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 ELECTED MEMBERS.

10.2 OFFICERS.

11.0 APPLICATION FOR LEAVE OF ABSENCE

Cr Major requested leave for the Ordinary Council Meeting scheduled for the 19th November 2014.

Council Resolution

Paterson/Logie

That Cr Major is granted leave for the Ordinary Council Meeting scheduled for the 19th November 2014.

Carried 7/0
Resolution 108/15

12.0 INFORMATION SESSION

13.0 CLOSURE OF MEETING

The President declared the meeting closed at 6.17pm.