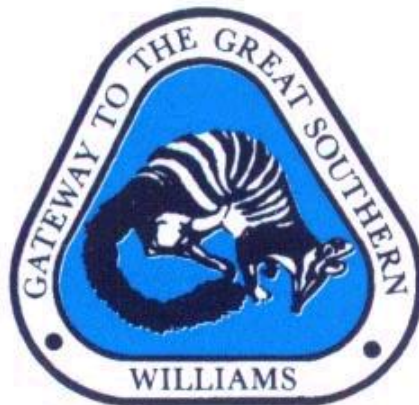


SHIRE OF WILLIAMS

***MINUTES - ORDINARY MEETING HELD ON WEDNESDAY
17TH AUGUST 2016***



COUNCIL DIARY

WEDNESDAY 17TH AUGUST 2016

1.00pm

Ordinary Meeting

WEDNESDAY 21ST SEPTEMBER 2016

1.00pm

Ordinary Meeting



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MINUTES – ORDINARY MEETING OF COUNCIL HELD 17TH AUGUST 2016

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Separate Documents

1. Minutes – Council; 4WDL, HWEDA incl. AGM
2. Appendices
3. CEO General Report
4. Payment Listing
5. Financial Statements
6. Status Report
7. 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 17th August 2016.

Yours faithfully

Geoff McKeown
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, Cr John Cowcher declared the meeting open at 1.00 pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher President

Cr Greg Cavanagh Deputy President

Cr Richard Johnstone

Cr Natalie Major

Cr Moya Carne

Cr Gilbert Medlen

Cr Peter Paterson

Geoff McKeown Chief Executive Officer

Cara Ryan Manager of Finance

Tony Kett Works Supervisor (1.37pm to 1.55pm)

Steve Friend Environ. Health Officer/Building Surveyor (1.56pm to 2.37pm)

Heidi Cowcher Economic Development Officer (1.22pm to 1.36pm)

Apologies

Cr David Earnshaw

Cr Jarrad Logie

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.0 DECLARATIONS OF INTEREST

| DECLARATION OF INTEREST | |
|-------------------------|---|
| Name / Position | Greg Cavanagh / Deputy President |
| Item No. / Subject | 8.4.2 / Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Hwy and Lot 17 Playle Rd |
| Type of Interest | Impartiality |



| DECLARATION OF INTEREST | |
|--------------------------------|---|
| Name / Position | Richard Johnstone / Councillor |
| Item No. / Subject | 8.4.2 / Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Hwy and Lot 17 Playle Rd |
| Type of Interest | Indirect Financial |

| DECLARATION OF INTEREST | |
|--------------------------------|---|
| Name / Position | Peter Paterson / Councillor |
| Item No. / Subject | 8.4.2 / Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Hwy and Lot 17 Playle Rd |
| Type of Interest | Indirect Financial |

| DECLARATION OF INTEREST | |
|--------------------------------|---|
| Name / Position | Gilbert Medlen / Councillor |
| Item No. / Subject | 8.4.2 / Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Hwy and Lot 17 Playle Rd |
| Type of Interest | Indirect Financial |

| DECLARATION OF INTEREST | |
|--------------------------------|---|
| Name / Position | Moya Carne / Councillor |
| Item No. / Subject | 8.4.2 / Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Hwy and Lot 17 Playle Rd |
| Type of Interest | Proximity and Indirect Financial |



| DECLARATION OF INTEREST | |
|--------------------------------|--|
| Name / Position | Greg Cavanagh / Councillor |
| Item No. / Subject | 8.4.3 / Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy |
| Type of Interest | Impartiality |

| DECLARATION OF INTEREST | |
|--------------------------------|--|
| Name / Position | Richard Johnstone / Councillor |
| Item No. / Subject | 8.4.3 / Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy |
| Type of Interest | Indirect Financial |

| DECLARATION OF INTEREST | |
|--------------------------------|--|
| Name / Position | Peter Paterson / Councillor |
| Item No. / Subject | 8.4.3 / Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy |
| Type of Interest | Indirect Financial |

| DECLARATION OF INTEREST | |
|--------------------------------|--|
| Name / Position | Moya Carne / Councillor |
| Item No. / Subject | 8.4.3 / Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy |
| Type of Interest | Proximity and Indirect Financial |



| DECLARATION OF INTEREST | |
|-------------------------|--|
| Name / Position | Gilbert Medlen / Councillor |
| Item No. / Subject | 8.4.3 / Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy |
| Type of Interest | Impartiality |

| DECLARATION OF INTEREST | |
|-------------------------|--|
| Name / Position | Moya Carne / Councillor |
| Item No. / Subject | 8.4.5 / Williams Bowling Club – Synthetic Green Upgrade Tender |
| Type of Interest | Impartiality |

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 20TH JULY 2016

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held on 20th July 2016, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Cavanagh/Johnstone

That the Minutes of the Ordinary Council Meeting held on 20th July 2016, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0
Resolution 30/17**

6.2 HWEDA AGM & MEETING HELD 9TH AUGUST 2016

Officer's Recommendation

That the Minutes of the HWEDA AGM & Meeting held on 9th August 2016, as previously circulated, be received.



Council Resolution

Medlen/Johnstone

That the Minutes of the HWEDA AGM & Meeting held on 9th August 2016, as previously circulated, be received.

**Carried 7/0
Resolution 31/17**

6.3 4WDL MEETING HELD 9TH AUGUST 2016

Officer's Recommendation

That the Minutes of the 4WDL Meeting held on 9th August 2016, as previously circulated, be received.

Council Resolution

Johnstone/Medlen

That the Minutes of the 4WDL Meeting held on 9th August 2016, as previously circulated, be received.

**Carried 7/0
Resolution 32/17**

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS



8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer, Heidi Cowcher, entered the meeting at 1.22pm to discuss her report.

8.1.1 4WDL WELL AGED HOUSING PROJECT

| | | |
|----------------------------|---------------|------------------------------|
| File Reference | EDO Files | |
| Statutory Reference | N/A | |
| Author & Date | Heidi Cowcher | 11 th August 2016 |

Background

The Shire of Williams, as lead agency on behalf of the 4WDL Regional Group, has secured funding to construct a total of at least 45 units across seven local governments from various sources since 2010. To date five separate funding streams have financed the construction, four of which are now complete. The most recently completed Final Reports & Acquittal - RCSF and 2012/13 CLGFR – have had their reports accepted by the Department of Regional Development. No further reporting is required. The final funding stream (SII) is underway and due for completion 2018.

Comment

Funding totalling \$5,023,648 has been secured to construct an additional 14 units across 6 shires. Confirmation has been received that additional units are being built, which will bring the total to 18. These are being funded in part by the SII funding, and the balance by contributions from the Wagin Cottage Homes (in Wagin) and Shires respectively through loan and reserve funds. An approval for a project variation for the additional units to be built is currently with the WDC. In each Shire the project is progressing reasonably well.

Summary of claims processed to date:

| Shire | Total Funded | Total claimed to 11.8.16 |
|-------------------------|----------------------------------|--------------------------|
| West Arthur (3 units) | \$717,664 (+ interest) 2 units | \$54,798.00 |
| Williams (2 units) | \$717,664 (+ interest) 2 units | \$295,464.61 |
| Wagin (4 units) | \$1,076,496 (+ interest) 3 units | \$51,870.00 |
| Dumbleyung (3 units) | \$717,664 (+ interest) 2 units | \$6,011.01 |
| Lake Grace (3 units) | \$1,076,496 (+ interest) 3 units | \$166,134.70 |
| Woodanilling (3 units) | \$717,664 (+ interest) 2 units | \$191,377.60 |
| TOTAL (18 units) | \$5,023,648 (14 units) | \$765,655.92 |

Financial Implications

Project Management and Audit expenses attributed to this project are funded from the interest earned on the investment of the funding. The Shire of Williams does not incur any additional expenditure on this project that is not funded from the project interest.



Voting Requirements

Simple Majority

Officer's Recommendation

The report on progress of the 4WDL Well Aged Housing Project is received.

Council Resolution

Cavanagh/Major

The report on progress of the 4WDL Well Aged Housing Project is received.

**Carried 7/0
Resolution 33/17**

8.1.2 GENERAL PROJECTS UPDATE

| | | |
|----------------------------|---------------|------------------------------|
| File Reference | EDO Files | |
| Statutory Reference | N/A | |
| Author & Date | Heidi Cowcher | 11 th August 2016 |

Background

The EDO manages and supports the management of a variety of projects that are either currently being implemented, in the final stages of delivery/reporting or awaiting outcome advice on potential funding.

Comment

Williams Aged Units – Lots 67 & 68 New Street

Construction is progressing well, with two claims from the builder made to date. The frames and brickwork is complete, together with some of the cladding. Roof structures are currently being completed.

HWEDA

HWEDA held its AGM on 9th August, with Cr Greg Cavanagh returned as Chair of the group. The implementation of the self-drive trail project is the main project being focused on, with funding to be actively sought in the next few months from Worsley/South32 and WDC/PDC Community Chest Fund. It is hoped that should funding be secured, that the project will commence in early 2017.

DSR Community Pool Revitalisation Program

The 2016/17 funding round has recently opened and will close at the end of August. An application for \$32,000 will be submitted that, if successful, will see the installation of heat pumps at the Williams Swimming Pool to heat the water utilising some of the power generated by the solar panels that were installed this season.

Williams Tennis & Hockey Clubs

The Stronger Communities funding of \$5,000 from the Federal Department of Infrastructure and Regional Development has been officially approved. The funding agreement is pending, but once



received the project will commence. The joint project will see the installation of café blinds around the outside patio area; purchase of outdoor chairs; purchase of two patio heaters; the installation of a garden shed for the storage of tennis & hockey equipment and a new fence around the children's play area. The total project cost is estimated at \$10,814, with the hockey and tennis clubs each committing a cash contribution of \$2,210 with the in-kind costs shared between the two clubs. This is a fantastic initiative of the clubs to improve the facility into a shared use facility.

LGIS & Sponsors Inter-Municipal Golf Day 2016

As reported previously, the Shire of Williams won this event when they attended in Bruce Rock in 2015. This gave the Shire and the Williams Golf Club the opportunity to host the event in Williams in 2016. The organising is well underway, with a small sub-committee in place to oversee the planning of Geoff, Tony, Heidi from the Shire and Ryan and Jim from the Golf Club. Nominations have now closed, with 82 players registered for Thursday and 109 players registered for the Friday event. Sponsorship has been secured from LGIS (\$6,000) for Friday and various sponsors for the Thursday event (\$6,500).

Consideration of Future Project – Solar Power for Williams CRC and Willi Wag Tails Childcare Centre

Currently we are considering options and seeking indicative quotes for the installation of solar power at the Williams Community Resource Centre and Willi Wag Tails Childcare Centre. It is envisaged that suitable funding options will be considered to support the installation. Current thoughts are to discuss the project with Lotterywest and WDC for a future round of Community Chest Funding.

At the time of the report being prepared, one quote has been secured, from Solargain, and the estimations are that the cost of install at the CRC would be \$15,349 (ex GST) for 42 panels and a 10.92kW system and \$8,829 (ex GST) for 22 panels and a 5.72kW system at Willi Wag Tails.

Financial Implications

Project based, budgeted for as appropriate.

Voting Requirements

Simple Majority

Officer's Recommendation

That the General Projects update is received.

Council Resolution

Medlen/Major

That the General Projects update is received.

**Carried 7/0
Resolution 34/17**

Ms Cowcher left the meeting at 1.36pm.



8.2 WORKS SUPERVISOR'S REPORT

Works Supervisor Tony Kett attended the meeting at 1.37pm to discuss his report.

File Reference 12.15.36
 Statutory Reference N/A
 Author & Date Tony Kett 8th August 2016

8.2.1 MAINTENANCE GRADING ACTIVITY

| Road Name | Length Graded (kms) |
|-----------------------------------|---------------------|
| Wangeling Gully Rd | 8.8 |
| Deep Dene Rd | 5.7 |
| Nash Rd | 5.8 |
| Gillett Rd | 1.1 |
| Old Soldiers Rd | 3.9 |
| Bates Rd | 3.5 |
| Cowcher Rd | 4.4 |
| Tin Shed Rd | 2.5 |
| Top End Rd | 1.2 |
| Chapman Rd | 2.1 |
| Pingelly Rd | 8.1 |
| Congelin – Narrogin Rd | 6.1 |
| Extracts Rd | 12.2 |
| Total Length for the Month | 65.4 Kms |

8.2.2 ROAD MAINTENANCE WORKS

- Culverts cleaned on Zilko and Munday's Roads.

8.2.3 2015/16 ROAD CONSTRUCTION PROGRAM

| Road Construction Program 2016-17 | | | | | | | | |
|-----------------------------------|-------------------------|---------------------|-----------|---------|-------|------------|-------------|----------|
| Road No | Road Name (Road Length) | Description of Work | Start SLK | End SLK | Total | Start Date | Finish Date | Comments |
| 128 | Williams Darkan Rd | Reseal | 22.52 | 25.52 | 3 kms | | | |
| 9 | Dardadine Road | Seal | 00 | 2.00 | 2 kms | | | |
| 10 | Pingelly Road | Seal to 7m | 0.05 | 3.50 | 3 kms | | | |



MINUTES – ORDINARY MEETING OF COUNCIL HELD 17TH AUGUST 2016

| | | | | | | | | |
|----|--------------------------|--|-------------------------|------|----------|--|--|-----------------------|
| 1 | York-Williams | Reseal | 0.0 | 3.00 | 3 kms | | | |
| 7 | Clayton Road | Widen Shoulders | 0.0 | 2.00 | 3 kms | | | |
| 11 | Marradong Road | Clear vegetation and drainage, repair failures | Various slks | | | | | |
| 12 | Zilko Road | Clear vegetation and gravel sheet | Various slks | | | | | Completed. |
| 2 | Darkan Quindanning | Tree trimming south end | Cross roads to Boundary | | 15kms | | | Started tree trimming |
| 54 | Kennedy Road | Gravel sheet | 0.00 | 2.74 | 2.74kms. | | | |
| 88 | Curteis Road | Clear sections and gravel sheet 1km. | | | 1 km. | | | |
| 99 | Wilkie road | Reconstruct culvert floodway | | | | | | |
| 5 | Fourteen Mile Brook Road | Reconstruct culvert floodway. | | | | | | |

8.2.4 MECHANICAL REPORT

| Plant Description | | Driver | Date Purchased | Hours/Kms July 2016 | Works Completed this month |
|---|----------------|-----------------|----------------|---------------------|----------------------------|
| Mazda CX5 WL 16 | Light Vehicles | Cara Ryan | 23 Sep 15 | 32,156 km | |
| Toyota Kluger 16 WL | | Geoff McKeown | 10 Sep 14 | 53,000 km | |
| Holden Rodeo Dual Cab Utility WL5499 | | Maintenance | 5-Nov-04 | 234,466 km | |
| Isuzu D-Max WL 19 | | Tony Kett | 9 –Sep 14 | 60,245 km | |
| Kia 2 Tonne Truck WL 5414 | | Jeff Cowan | 9-Oct-07 | 136,312 km | |
| Holden Colorado Crew Cab Ute WL 742 | | Andrew Wood | 5-Oct 15 | 190,142 km | |
| Holden Rodeo Crew Cab Utility WL842 | | Outside staff | 15-Nov-06 | 299,130 km | |
| Holden Rodeo Single Cab Utility WL 826 | | James Lenehan | 20-Nov-06 | 113,149 km | |
| Mitsubishi Triton Single Cab Utility WL 430 | | Stewart Cowcher | 22-Sep-99 | 227,032 km | |



| | | | | | |
|---|------------------------|---------------------|-------------|------------|---|
| Skid Steer Track Loader. 1EV.V725 | Construction Equipment | Outside works crew. | Sep 2015 | 274 hr | |
| Multipac Multi-Tyre Road Roller WL49 | | Ray Scobie | 21-Oct-04 | 6,223 hr | |
| Vibromax Roller WL 126 | | | 29-Sep-04 | 4,094 hr | |
| Caterpillar 12M Grader WL61 | | Richard Hewitt | Dec 2011 | 4,300 hr | |
| Caterpillar 12m Grader WL361 | | Andrew Wood | 15-10-2014 | 1,560 hr | |
| 721E Case Loader WL 5639 | | Roger Gillett | May 2012 | 5,767 hr | Front wheel seal, brakes and bearings. Back wheel seal, brakes and bearings done. |
| Volvo EC210BLC Excavator WL 499 | | Phil Reed | 18-Jul-07 | 6,640 hr | |
| John Deere 315SE4 Backhoe WL 745 | | Trevor Palframan | 17-Sep-01 | 2,560 hr | |
| Toro Reelmaster SP mower WL5502 | | Works | Aug-09 | 953 hr | |
| Kubota Generator | | Parks & Gardens | Refuse Site | | 3201 hr |
| Toro Z597 Ride on Mower WL 731 | Jeff Cowan | | 1-Oct-06 | 1,1782 hr | |
| Toro Z400 Kholer Ride on Mower WL5302 | Jeff Cowan | | 8-Aug-05 | 583 hr | |
| Honda TRX Four Wheel M/Cycle WL 429 | Jeff Cowan | | 20-Mar-00 | 1,367 hr | |
| Toyota DA115 Tip Truck (Water Truck) WL 595 | James Lenehan | | 24-Aug-94 | 235,100 km | |
| Isuzu FVZ1400 Tip Truck WL 093 | Trucks & Trailers | | 31-Dec-03 | 291,920 km | |
| Mercedes Benz Actross Prime Mover WL91 | | Phil Reed | 21-Dec-05 | 297,080 km | |
| Isuzu Giga CXZ Tip Truck WL 128 | | Justin Murdock | 10-Dec-08 | 200,853 km | Rear brakes and bearings done. Serviced. |
| Isuzu NPR 300 Truck WL 016 | | Ray Scobie | 21-Jan-13 | 66,006 km | |
| SFM Side Tipping Trailer WL 3730 | | Works | 21-Dec-05 | 135,500 km | |
| Howard Porter Low Loader WL ITIF 238 | | Works | 31-Aug-07 | 128,500km | |
| | | | | | |



| | | | | | |
|-------------------------------------|--|--------------------|-----------------|------------|--|
| Howard Porter Pig Trailer WL3792 | | Justin Murdock | 10-Dec-08 | 140,300 km | All brakes and wheel bearings done. Rear spring leaf replaced. |
| Nissan Patrol Fire Ute 1CXV788 | | BFB Fast attack | 23- Feb 2016 | 167,500 km | |

8.2.5 STAFF

- Ray Scobie has handed in his resignation and will finish at the end of September.

8.2.6 TOWN AND FACILITIES REPORT

- Rose pruning finished.

8.2.7 PRIVATE WORKS

- Nil to report.

8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE

Voting Requirements

Simple Majority Required

Officer's Recommendation

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

Council Resolution

Cavanagh/Paterson

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

**Carried 7/0
Resolution 35/17**

Mr Kett left the meeting at 1.55pm.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

Environmental Health Officer/Building Surveyor Steve Friend attended the meeting at 1.56pm to discuss his report.

8.3.1 BUILDING PERMITS

| | |
|---------------------|---|
| File Reference | 13.34.10 |
| Statutory Reference | N/A |
| Author & Date | Steve Friend 10 th August 2016 |

Comment

No building permits have been issued during the last month.

Financial Implication

Fees: Shire \$0.00; BSL \$0.00; BCF \$0.00

Voting Requirements

Simple Majority Required

Officer's Recommendation

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

8.3.2 FOOD PREMISES INSPECTION

| | |
|---------------------|---|
| File Reference | 7.40.41 |
| Statutory Reference | N/A |
| Author & Date | Steve Friend 10 th August 2016 |

Comment

Williams General Store – cleanly maintained. The store has an issue with floor boards buckling due to winter conditions. This will be taken up with the owner.

Voting Requirements

Simple Majority Required

Officer's Recommendation

That the Food Premises Inspection report be endorsed by Council.

Council Resolution

Carne/Johnstone

That the Food Premises Inspection report be endorsed by Council.

Carried 7/0
Resolution 36/17



8.3.3 DEVELOPMENT APPLICATION – LOT 21 PINJARRA WILLIAMS RD, QUINDANNING

| | |
|----------------------------|---|
| File Reference | 10.60.15 |
| Statutory Reference | Shire of Williams Town Planning Scheme No.2 |
| Author and Date | Steve Friend 10 th August 2016 |
| Attachment | EHO Appendix 1 |

Background

Application

A Development Application has been lodged by the owner of Lot 21 (21) Pinjarra Williams Road, Quindanning to be able to erect a 10m x 6m x 2.7m skillion roofed shed on the property.

The application does not comply with the Residential Design Codes (R Codes) and as such requires Council approval to proceed.

Comment

Description of Application

The application is for a 10 metre long, 6 metre wide by 2.7 metre high (60m²) skillion roofed shed to be built in the north east corner of the property.

There is an existing shed of 6m x 9m (72m²) on the property already (this was built without prior approval and needed to be “tidied up” by a subsequent owner).

The subject lot is zoned ‘Residential R2.5’ under the Shire of Williams Town Planning Scheme No 2 (‘the Scheme’).

The proposed development does not fit into the “Deemed to Comply” elements of the R Codes in several areas; therefore any non-complying application for development needs to be approved by Council.

The application does not comply in the following areas: R Codes sections being highlighted -

1. The lot is required to have 80% open space (**Table 1**)
2. Outbuildings should collectively not exceed 60m² or be more than 10% of the property size (**5.4.3**)
3. Outbuildings should not exceed a wall height of 2.4m (**5.4.3**)

1 The lot is 1,346m² in size, and would appear to be incorrectly zoned R2.5, as a property zoned R2.5 is required to be a minimum of 4,000m². This could be important because a lot of this size is perhaps more correctly zoned R10, which only requires open space of 60%.

80% of 1,346m² is 1,077m² which equates to being able to build up to 269m².

60% of 1,346m² is 808m² which equates to being able to build up to 538m², a huge difference.



2 The property already has an outbuilding (shed) of 72m² so it already exceeds the R Codes. If another shed of 60m² is added, the total outbuildings would be 132m², just over double the “Deemed to Comply” provisions.

3 The R Codes say a wall of an outbuilding should not exceed 2.4m – as this is proposed to be a skillion roof, one end will be 2.4m but the higher end will be 2.7m, which again exceeds the Deemed to Comply provisions.

With regards point 1, there is a house of 195m² on the property, plus a shed of 72m² (195 + 72 = 267m²), so if another shed of 60m² is added, it will total 327m². This exceeds the allowable 269m² as the property is zoned R2.5.

Point 2 is self- explanatory – the size will exceed the Deemed to Comply provisions by 72m².

Point 3 does not comply with the Deemed to Comply provisions as it will be a skillion roof, otherwise it would comply in this aspect.

It must be pointed out that this aspect of the R Codes (shed sizes) has in no way been keenly policed; this one is being brought to Council’s attention because it does not comply in three separate areas.

To approve the application it needs the approval of Council.

It should also be pointed out that the property is surrounded by lots that are zoned “Public Purposes”, so they are unlikely to be built on without a change in zoning. This means there will unlikely be any affected neighbours.

The property immediately to the west has a largish shed on that, without a house on the property, and if Council considers that they should be consulted, this can be done easily.

It is felt by the author that due to the relative remoteness of the property, and that it is sometimes better to house a person’s possessions in a shed that fill up a backyard, the application can be supported.

Voting Requirements

Simple Majority Required



Officer's Recommendation

That Council grants Development Approval to the owner of Lot 21 Pinjarra Williams Road, Quindanning to be able to erect a Colorbond clad, zinc roofed 10m x 6m x 2.7m skillion roofed shed at the rear of the property, subject to:

1. The issue of a Building Permit;
2. The development being undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.

Advice Notes

The development shall be substantially completed within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Williams having first been sought and obtained.

Council Resolution

Medlen/Johnstone

That Council grants Development Approval to the owner of Lot 21 Pinjarra Williams Road, Quindanning to be able to erect a Colorbond clad, zinc roofed 10m x 6m x 2.7m skillion roofed shed at the rear of the property, subject to:

1. The issue of a Building Permit;
2. The development being undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.

Advice Notes

The development shall be substantially completed within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Williams having first been sought and obtained.

**Carried 5/2
Resolution 37/17**

8.3.4 DEVELOPMENT APPLICATION – LOT 169 CHANNON STREET, WILLIAMS

| | |
|----------------------------|---|
| File Reference | 10.60.15 |
| Statutory Reference | Shire of Williams Town Planning Scheme No.2 |
| Author and Date | Steve Friend 10 th August 2016 |
| Attachment | EHO Appendix 2 |

Background

The owner of Lot 169 Channon Street, Williams has applied to be able to erect a 4 bedroom Hardieplank wall, zinc roof dwelling on the property.



The land the proponent wishes to build on is 1,341m² and is zoned Rural Residential in the Town Planning Scheme, and as such, requires Council approval to commence development.

Comment

The proposed house (a Ross Squire kit home), which will comprise 4 bedrooms, will be substantial in size (202m²) and will be Hardieplank clad with a zinc roof.

There are a couple of issues that Council will have to consider with this application:

1. Whether the house is appropriate for this area (size, bulk, shape, building materials);
2. Street and boundary setbacks;
3. The fact that the applicant is not proposing to connect reticulated water or power; and
4. There is no constructed road servicing this property.

1 The proposed dwelling is single storey, Hardieplank wall and a zinc roof. The house is not “out of the ordinary” – there are three other dwellings in this subdivision, two of them being Hardieplank clad with zinc roofs.

2 The proposed house will face Channon Street (northwest) and will have a front setback of 26.9m, with a rear setback of 22m.

The side setbacks are more constrained due to the lot being only 20.16m wide: the western side setback is proposed to be 1.12m with the eastern side setback of 1m.

The Shire of Williams Town Planning Scheme (TPS) does not mention setbacks in a Rural Residential area, so all setbacks (front, rear and sides) are at the discretion of Council.

Rural Residential areas generally try and keep as much separation from each property because as the name suggests, although not truly Rural, there is a rural feel to the properties.

This subdivision only has narrow blocks so any decent sized house will always battle to fit onto the property and still leave larger distances from side boundaries.

It should be noted that if this property was situated in a Residential zone, the side boundary of 1.12m (western side) would not be permitted as this side wall has an opening to a habitable room, which requires a setback of 1.5m.

If Council considered the setback to be too small, the house would have to be redesigned, with perhaps the carport being placed in front of the dwelling, not to the side as shown on the plan. However this is a fairly major thing to require if Council doesn't feel strongly about a side setback of 1.12m.

3 The applicant is proposing to not put reticulated water or power onto the property (i.e. electricity provided by Western Power or water provided by the Water Corporation).



He is instead proposing to erect a solar electricity setup on Lot 3, the property immediately to the west, which he also owns. The same applies for water; he is proposing to place rain water tanks on this property (Lot 3) and pipe water from the gutters on the proposed house to the tanks on Lot 3, then pump it back to the house on Lot 169.

This is a most unusual situation – technically as the two properties have individual titles, either can be sold off separately. This could leave the property that has the dwelling on it having no power or water: the dwelling would be uninhabitable and would have to be declared so.

It is also possible that Council could refuse to give approval to a solar power setup and rain water tanks on Lot 3, as no application has been made for this as yet, although the owner is aware that planning approval is required.

So, just as Council might give planning approval to the application before it (dwelling on Lot 169), it could possibly reject a subsequent application for the solar setup and rain water tanks, which could still make the house uninhabitable, or require the owner to try and obtain permission to place those two services on this property.

Due to the unusual nature of this matter, I referred it to Gray and Lewis, Council's consultant Town Planners, who believed there was possibly no mechanism to prevent what is proposed as it was believed my request related to Rural zoned land (it is in fact zoned Rural Residential so the Shire can control most matters pertaining to the application), but the advice also said it was possibly a case of buyer beware if the lots were to be sold.

The applicant advised me verbally that he was going down this route because WAPC would not amalgamate the properties because they had no services. Gray and Lewis does not support this assertion (Advice attached).

So just as Council could make the proponent place the carport at the front of the dwelling to give larger side setbacks, or redesign the house altogether, Council could possibly require all the services be located on the one Lot if it felt this was a better or "safer" option.

4 The property/ies do not have a constructed road servicing them, which technically means it does not have access to the property.

5

The Town Planning Scheme says:

"5.6 Development of Lots Abutting Unconstructed Roads:

Notwithstanding anything elsewhere appearing in the Scheme where an application is made for approval of development including a single house in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council shall either:

(1) *Refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or*



- (2) *Grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose.”*

There are clearly two options here – refuse the application until a road has been made to service the property or approve the application and stipulate what amount is required as a contribution towards the cost of the construction of the road.

The contribution could be anywhere from 0% - 100%.

The Works Manager has estimated the road could cost \$7,700 to construct to a rural road standard; this includes removing long grass, provision of culvert pipes, gravel and machinery and plant.

It will be recommended that the applicant pays 50% of the cost of the road.

Voting Requirements

Simple Majority Required

Officer’s Recommendation

That Council grants Planning Approval to the owner of Lot 169 Channon Street, Williams to erect a Hardieplank and zinc roofed dwelling on the property, with a side setback of 1.12m on the side of the house facing southwest, subject to:

1. The applicant contributing 50% of the cost of constructing Channon Street to a rural road standard to service Lot 169 and Lot 3;
2. The applicant obtaining a Building Permit prior to construction of the dwelling; and
3. The development being undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.

Advice Notes

The development shall be substantially completed within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Williams having first been sought and obtained.



Council Resolution

Cavanagh/Medlen

That Council grants Planning Approval to the owner of Lot 169 Channon Street, Williams to erect a Hardieplank and zinc roofed dwelling on the property, with a side setback of 1.12m on the side of the house facing southwest, subject to:

1. The applicant contributing 50% of the cost of constructing Channon Street to a rural road standard to service Lots 169 and Lot 3;
2. The applicant obtaining a Building Permit prior to construction of the dwelling; and
3. The development being undertaken in a manner consistent with the information and plans submitted in support of the application unless otherwise approved by Council.

Advice Notes

The development shall be substantially completed within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period the approval will lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the Shire of Williams having first been sought and obtained.

**Carried 7/0
Resolution 38/17**

Mr Friend left the meeting at 2.37pm.



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 | Geoff McKeown | 11 th August 2016 |
| Attachment | Nil | |

Background

The Chief Executive Officer's 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 August 2016 be received by Council.

Council Resolution

Cavanagh/Major

That the Chief Executive Officer's General Report for August 2016 be received by Council.

Carried 7/0
Resolution 39/17

Afternoon Tea

The President adjourned the meeting for afternoon tea at 3.14pm and resumed the meeting at 3.49pm.

Cr Richard Johnstone, Cr Peter Paterson, Cr Gilbert Medlen, Cr Moya Carne and Cr Greg Cavanagh declared interests in the following item 8.4.2– Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Highway and Lot 17 Playle Road Williams.

Cr Johnstone, Cr Paterson and Cr Medlen declared indirect financial interest on the basis that, if approved, it may result in an indirect financial gain or benefit.

Cr Moya Carne declared an indirect financial interest on the basis that, if approved, it may result in an indirect financial gain or benefit and a proximity interest as a property owner adjacent to the proposed development.

Cr Greg Cavanagh declared an impartiality interest as a share/debenture holder of Co-operative Bulk Handling Limited.

The President declared that the following item will need to be deferred as a quorum cannot be achieved in order to debate and vote on the matter.

8.4.2 PROPOSED RURAL INDUSTRY (BULKHEADS AND ASSOCIATED ACCESS) ON LOT 15 ALBANY HIGHWAY AND LOT 17 PLAYLE ROAD WILLIAMS

| | |
|----------------------------|---|
| File Reference | 10.60.15 |
| Statutory Reference | Shire of Williams Town Planning Scheme No 2 |
| Author & Date | Liz Bushby, Gray & Lewis Landuse Planners: 14 July 2016 |
| Attachment | Submission from Kelvin Hawtin, Lot 18 Albany Highway |

Background

Co-Operative Bulk Handling (CBH) has an established operation on Lot 15 Albany Highway, Williams.

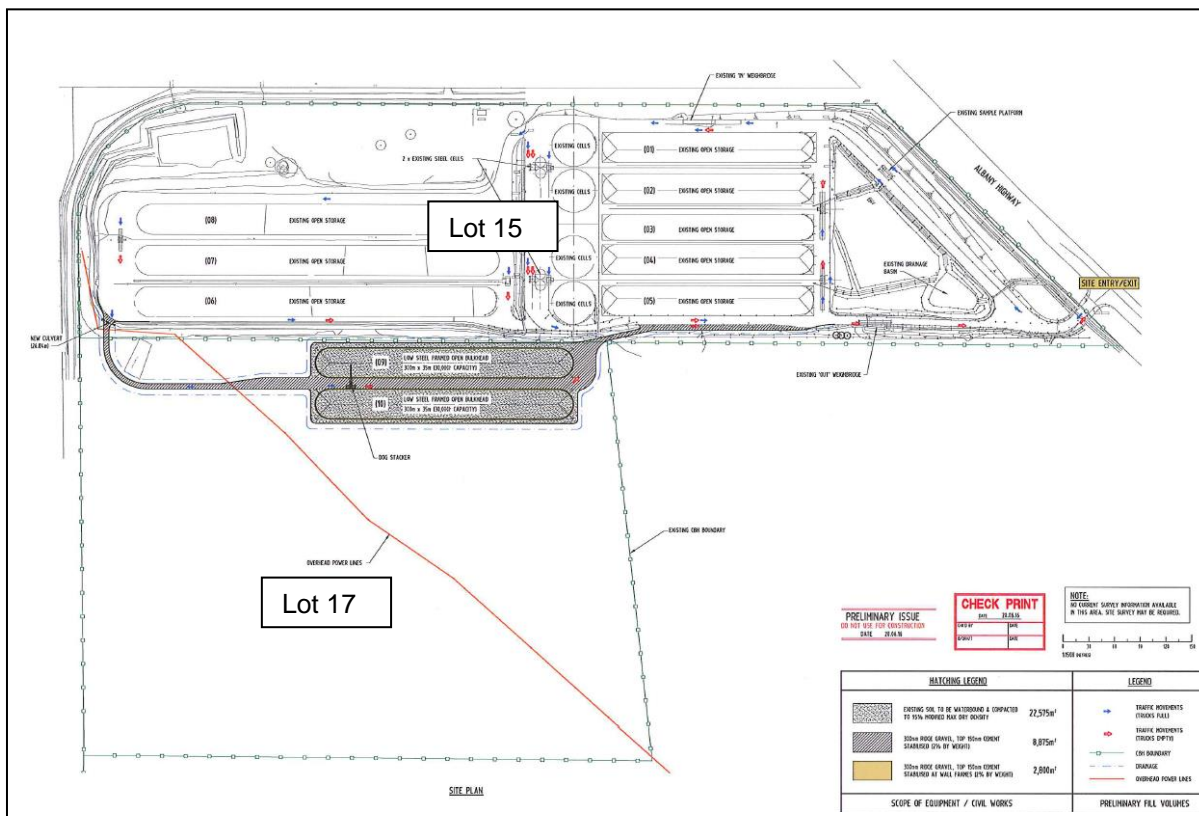


Comment

➤ **Description of Application**

An application has been lodged by CBH to develop two open bulkheads on Lot 17 Playle Road in Williams. The bulkheads will have capacity to accommodate an additional 60,000 tonnes of grain storage.

Lot 17 is located to the immediate south of the existing CBH facility on adjacent Lot 15. All vehicular access will be from the existing crossovers to Lot 15 from Albany Highway. Access from Lot 15 will be extended into Lot 17.



➤ **Zoning**

Lot 15 and 17 are zoned 'Rural' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme'). The Scheme does not list any specific objectives for the Rural zone.

➤ **Landuse definitions / Permissibility**

The landuse is construed as a 'rural industry' defined in the Scheme as 'means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant and equipment used for rural purposes in the locality.'

A 'Rural Industry' is listed as an 'AA' use in the Rural zone under 'Table 1 – Zoning Table' of the Scheme. The 'AA' symbol means that the Council may, at its discretion, permit the use.



The proposed development is simply an extension to the existing CBH rural industry which was approved by the Shire in 2002.

➤ **Consultation**

The application was referred to Main Roads WA as the new development continues to rely on existing access to and from Albany Highway (which falls under Main Roads' jurisdiction).

Main Roads WA has confirmed *'they have determined from the information provided that the proposed development will not have an adverse impact on the MRWA network and therefore advises no objection to the proposal'*.

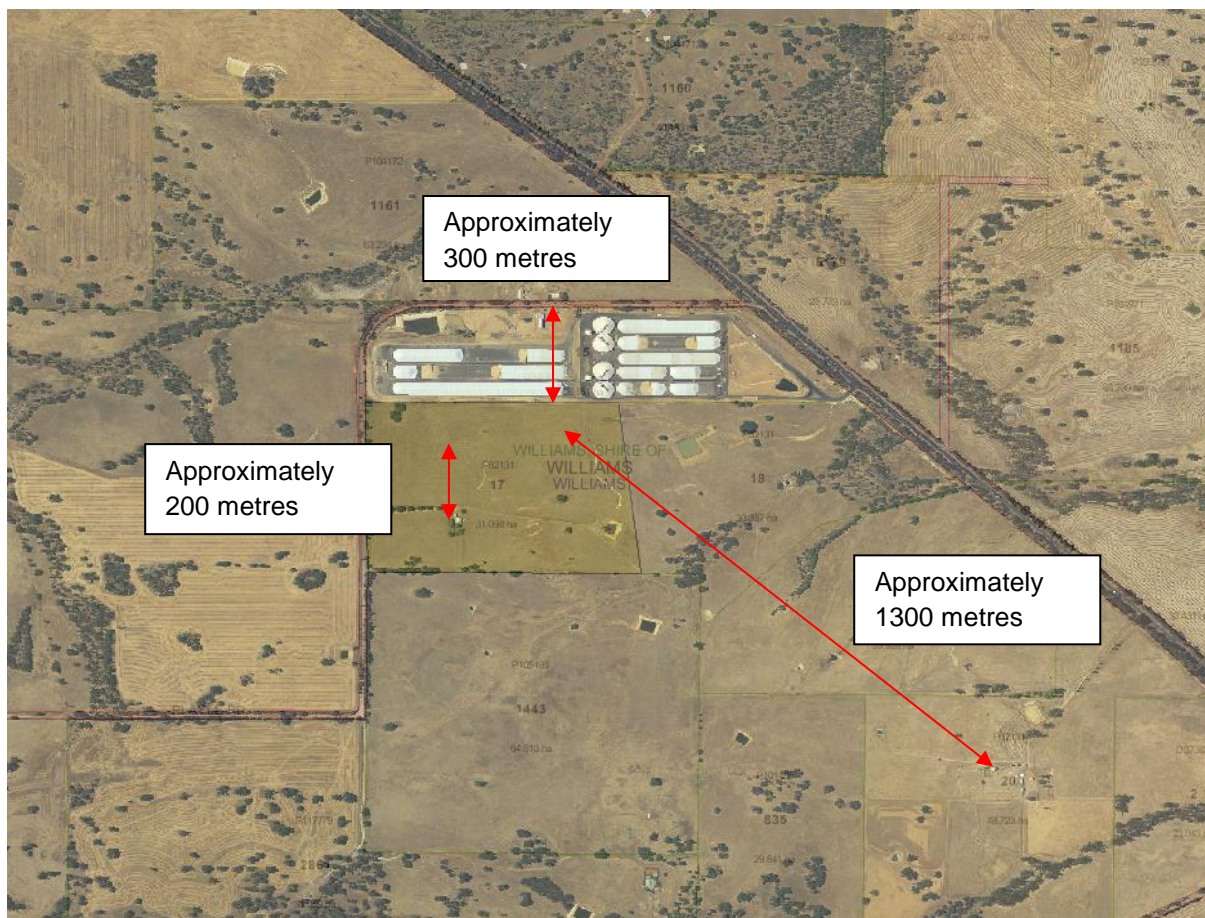
The application has been advertised for public comment, with letters being sent to nearby and adjacent landowners. The closing date for submissions was Thursday, 11th August. By the closing date one submission was received from Mr Kelvin Hawtin who owns Lot 18 Albany Highway. A copy of his submission is attached for information.

➤ **Landuse compatibility and EPA *'Guidance for the assessment of environmental factors – separation distances between Industrial and Sensitive Landuses'*.**

Under EPA guidelines a 500 metre generic buffer is recommended to any grain elevator. The Guidelines do not define 'elevators'.

The 500 metre buffer does not strictly apply however Gray & Lewis would recommend that Council have regard for normal planning considerations such as dust, noise, and landuse compatibility.

A desktop assessment (based on aerial) has been undertaken however it is difficult to distinguish between outbuildings and dwellings.



Outside of Lots 15 and 17, it appears there is one dwelling to the north within 500 metres of the proposed development. However the dwelling is separated from the new development by the existing CBH facility.

The proposed development is simply an extension of the existing landuse, however it is recommended that a condition be imposed requiring lodgement of a Dust Management Plan, and a Water Management Plan to address issues of surface water runoff from the CBH property.

Policy Requirements

Not applicable

Legislative Requirements

Planning and Development (Local Planning Schemes) Amendment Regulations 2015

The Regulations include ‘deemed provisions’ which automatically apply to the Shire, without the need to amend the Shires Scheme.

Regulation 67 of the deemed provisions outlines ‘*matters to be considered by Council*’ including but not limited to orderly and proper planning, the compatibility of the development with its setting including the relationship to development on adjoining land, the amenity of the locality,



the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Regulation 64 (3) outlines that the local government may advertise an application for 14 days.

Shire of Williams Town Planning Scheme No 2 – discussed in the body of this report.

Strategic Implications

There are no known strategic implications associated with this proposal.

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 Landuse Planners for advice.

Voting Requirements

Simple Majority

Consultant Planner's Recommendation

That Council:

1. Approve the application lodged by Co-Operative Bulk Handling (CBH) for a Rural Industry (bulkheads and internal access) on Lot 15 Albany Highway and Lot 17 Playle Road, Williams subject to the following conditions:
 - (i) The operation is to be conducted in accordance with a Dust Management Plan and Water Management Plan to be lodged to the Shire for separate written approval by the Shire Chief Executive Officer.
 - (ii) All development shall be in accordance with the approved plans (Drawing No 2016-551-0070A & S-056-A0000) unless otherwise approved in writing by the Chief Executive Officer.
 - (iii) All truck and heavy vehicular access (ingress and egress) associated with the Rural Industry shall be via the existing crossover to Albany Highway as shown on the approved plan.
 - (iv) The internal access road within Lot 15 shall be extended and constructed to a trafficable standard to accommodate truck movements into Lot 17 in accordance with the approved plans.



- (v) The development approved is to substantially commence within 2 years after the date of the planning consent issued in writing by the Shire. The approval lapses if the development is not substantially commenced before expiry of the nominated two year period.
- 2. The following footnotes to be included as advice to the applicant:
 - (a) In regards to Condition (iii) no access for vehicles associated with the operation of CBH are permitted to egress or enter from Playle Road. Only vehicles associated with the existing dwelling and farming activities on Lot 17 can utilize the existing driveway to Playle Road for access.
- 3. Note that Main Roads WA has no objection to the proposed development.

Cr Richard Johnstone, Cr Peter Paterson, Cr Moya Carne and Cr Greg Cavanagh declared interests in the following item 8.4.3 Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy, Williams.

Cr Johnstone and Cr Paterson declared indirect financial interest on the basis that, if approved, it may result in an indirect financial gain or benefit.

Cr Moya Carne declared an indirect financial interest on the basis that, if approved, it may result in an indirect financial gain or benefit and a proximity interest as a property owner adjacent to the proposed development.

Cr Greg Cavanagh and Cr Gilbert Medlen declared an impartiality interest as a share/debenture holder of Co-operative Bulk Handling Limited.

The President declared that the following item will need to be deferred as a quorum cannot be achieved in order to debate and vote on the matter.

8.4.3 PROPOSED TRADE SUPPLIES (LIME SAND STORAGE AND SALES) ON LOT 15 ALBANY HIGHWAY WILLIAMS

| | |
|----------------------------|--|
| File Reference | 10.60.15 |
| Statutory Reference | Shire of Williams Town Planning Scheme No 2 |
| Author & Date | Liz Bushby, Gray & Lewis Landuse Planners: 3 August 2016 |
| Attachment | Nil |

Background:

Co-Operative Bulk Handling (CBH) has an established operation on Lot 15 Albany Highway, Williams.



CBH has advised that earlier this year they participated in a trial with growers in the Narrakine area by stockpiling lime sands available for sale. CBH advises the aim was to explore back loading opportunities in conjunction with out loading of grain from the site to the metro area.

For 12 weeks between January and April this year, CBH's contracted transport operators out loaded grain from the Narrakine grain receival site to the Kwinana Port Terminal and Metro Grain Centre in Forrestfield. CBH advises that approximately 16,500 tonnes of lime sand was back loaded from the Lancelin pit of Aglime of Australia, a registered member of the Lime Industry of WA, and an area known for its quality product.

CBH has advised that:

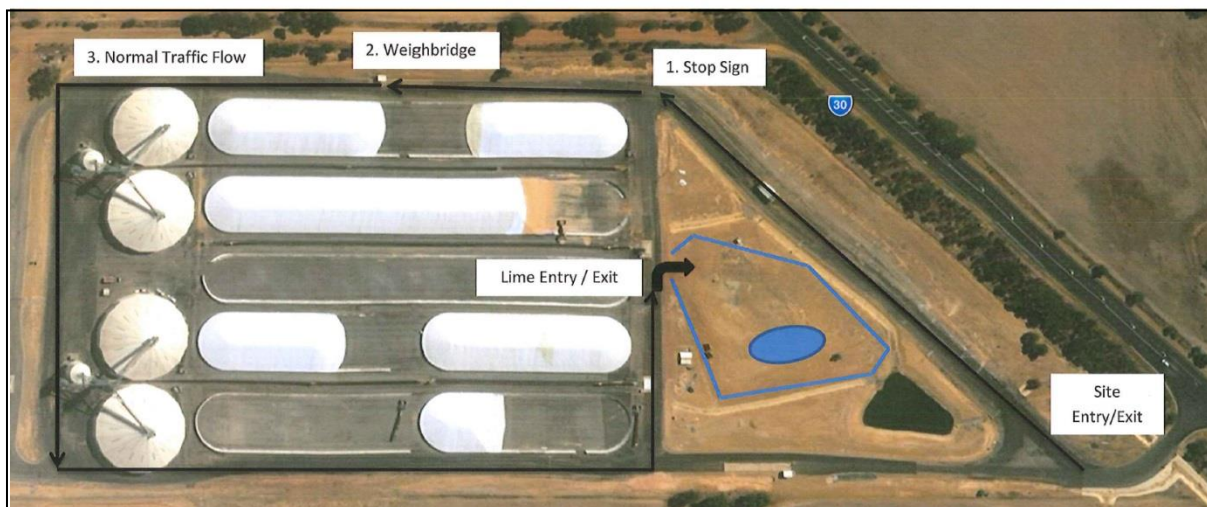
- Truck numbers did not increase during the trial and equated to approximately 290 trucks averaging about 24 trucks a week or 5 trucks per day.
- The net average capacity of trucks from the Narrakine grain receival site is 57 tonnes as Albany Highway is rated RAV Tandem Drive Network 4 – Level 1 AMMS/CWMMS only from Perth.
- The trial was successful in reducing freight rates and growers who purchased lime sand indicated they would again in the future.
- 10,000 to 15,000 tonnes of lime sand was available during the trial.
- Whilst growers support was strong, CBH advises that a number of local transport operators were concerned at the prospect of losing key lime sand carting business.
- CBH advises that they have addressed this issue at an information session held in June 2016 with growers and transport operators.

Comment:

➤ **Description of Application**

The application entails the following:

- For 10-12 weeks between August and September, CBH contracted transport operators will out load grain from the Narrakine grain receival site to Kwinana Port Terminal and Metro Grain Centre in Forrestfield and return from Lancelin with approximately 2,000 to 3,000 tonnes per week to build a stockpile of 10,000 to 15,000 tonnes of lime sand.
- The lime sand will be stockpiled approximately 3-4 metres high and has 5 to 6% moisture content.
- CBH staff load trucks from the stockpile by front end loader during daylight hours Monday to Friday, and if required on a Saturday.
- CBH has advised that a key difference from the trial is that local transport operators can cart lime sand to farms for growers on request. This option will be assessed by CBH on a case by case basis.
- Transport operators who deliver lime sand for CBH registered growers do not need to be registered or contracted to CBH.
- The stockpile of lime sand will be on the eastern portion of Lot 15. All access to the stockpile will be via internal roads – refer aerial below (provided by CBH).



A copy of CBH's supporting letter and site plan are included as Attachment 1.

CBH has also provided some photographs from the trial which assist to explain the extent of activities:



Loading from stockpile area



Delivery of stockpile area



Loader pushing stockpile



➤ **Zoning**

Lot 15 is zoned 'Rural' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme'). The Scheme does not list any specific objectives for the Rural zone.

➤ **Landuse definitions / Permissibility**

Part of the planning assessment involves determining which is the 'best fit' landuse definition for 'stockpiling and sale of lime sand'. The landuse does not comfortably fit within existing definitions in the Shire's Scheme.

Gray & Lewis recommends the landuse be construed as 'trade supplies' defined in the Schedule 6, Part 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as :

*'means premises **used to sell** by wholesale or **retail**, or to hire, assemble or manufacture **any materials**, tools, equipment, machinery or other goods used **for the following purposes** including goods which may be assembled or manufactured off the premises –*

- a) automotive repairs and servicing*
- b) **building** including repair and maintenance*
- c) industry*
- d) **landscape gardening***
- e) provision of medical services*
- f) **primary production***
- g) use by government departments or agencies, including local government.'*

Although CBH intends to sell lime sand to growers involved in primary production, the product itself can also be used in the building industry or for landscape gardening.

The landuse of 'trade supplies' is not listed in 'Table 1 – Zoning Table' in the Scheme.

There are two options available to Council in considering a 'use not listed' under Clause 4.3.2 of the Scheme as follows:

Option 1 – Determine the use is not consistent with the objectives and purposes of the Rural zone and is therefore not permitted.

Option 2 - Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 2.6 in considering an application for planning consent.

A technical difficulty arises because the Scheme does not specify any objectives for the Rural zone, therefore an assessment of consistency with objectives specified by the Scheme cannot be carried out.

In this unusual circumstance Gray & Lewis recommends a common sense approach is to consider the overarching purpose of the Rural zone which is essentially to cater for farming, extensive agriculture and general agricultural activities.



Council may also have regard for relevant objectives outlined in the Western Australian Planning Commission 'State Planning Policy 2.5 – Landuse Planning for Rural areas' as listed below:

- a) To protect rural land from incompatible uses by:
 - i) requiring comprehensive planning for rural areas;
 - ii) making land use decisions for rural land that support existing and future primary production and protection of priority agricultural land, particularly for the production of food; and
 - iii) providing investment security for the existing and future primary production sector.
- b) To promote regional development through provision of ongoing economic opportunities on rural land.
- c) To promote sustainable settlement in, and adjacent to, existing urban areas.
- d) To protect and improve environmental and landscape assets.
- e) To minimise land use conflicts.

It is recommended that Council pursue Option 2. The proposed stockpiling and sale of lime sand is ancillary to the primary use of Lot 15 by CBH for a 'rural industry'.

➤ **Consultation**

The application was referred to Main Roads WA as the new development continues to rely on existing access to and from Albany Highway (which falls under Main Roads jurisdiction).

Main Roads WA had not responded at the time of preparing this report.

The application has been advertised for public comment with letters being sent to nearby and adjacent landowners. At the time of writing this report no submission had been received. . The closing date for submissions was Friday, 12th August 2016.

➤ **Traffic and truck movements**

Based on the trial already conducted by CBH earlier this year, it is anticipated that the majority of lime sand deliveries will be conducted by trucks already accessing the lot for delivery of grain.

There is potential for some increase in traffic if customers seek to contract their own transport company to pick up lime sand from Lot 15, however this is not considered to be an impediment to the proposal.

CBH has provided in internal turnaround area for trucks picking up lime sand and will be using existing crossovers from Albany Highway.

➤ **Dust mitigation**

CBH has given a commitment to undertake dust mitigation measures including:

- Covering the stockpile with tarps during dry or windy weather; and
- Spraying the stockpile with stormwater from dams on site.



Notwithstanding the above it is recommended that a condition be imposed requiring lodgement of a Dust Management Plan.

Policy Requirements

Not applicable.

Legislative Requirements

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations include 'deemed provisions' which automatically apply to the Shire, without the need to amend the Shire's Scheme.

Regulation 67 of the deemed provisions outlines '*matters to be considered by Council*' including but not limited to orderly and proper planning, the compatibility of the development with its setting including the relationship to development on adjoining land, the amenity of the locality, the adequacy of proposed means of access to and from the site, the amount of traffic to be generated by the development, and any submission received.

Regulation 64 (3) outlines that the local government may advertise an application for 14 days.

Shire of Williams Town Planning Scheme No 2 – discussed in the body of this report.

Strategic Implications

There are no known strategic implications associated with this proposal.

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 Landuse Planners for advice.

Voting Requirements

Absolute Majority Required



Staff (Consultant Planner) Recommendation

That Council:

1. Determine by absolute majority that the proposed use of 'trade supplies' may be consistent with the objectives and purpose of the Rural zone and thereafter follow the advertising procedures of Clause 2.6 in considering an application for planning consent.
2. Note that advertising in accordance with Clause 2.6 of the Shire of Williams Town Planning Scheme No 2 has been completed, and no public submissions have been received.
3. Approve the application lodged by Co-Operative Bulk Handling (CBH) for 'Trade Supplies (stockpiling and sale of lime sand) on Lot 15 Albany Highway, Williams subject to the following conditions:
 - (i) The operation is to be conducted in accordance with a Dust Management Plan to be lodged to the Shire for separate written approval by the Shire Chief Executive Officer.
 - (ii) All development shall be in accordance with the approved plans (Drawing No 2016-551-0050 – Revision A) unless otherwise approved in writing by the Chief Executive Officer.
 - (iii) All truck and heavy vehicular access (ingress and egress) associated with the 'Trade Supplies' shall be via the existing crossover to Albany Highway as shown on the approved plan.
 - (iv) The internal access roads within Lot 15 shall be maintained to a trafficable standard to accommodate truck movements to and around the stockpile area.
 - (v) This approval is limited to the storage, stockpiling and sale of lime sand only.
 - (vi) The development approved is to substantially commence within 2 years after the date of the planning consent issued in writing by the Shire. The approval lapses if the development is not substantially commenced before expiry of the nominated two year period.



8.4.4 RENT REDUCTION – JAM TREE LANE UNITS

| | |
|----------------------------|---|
| File Reference | 9.20.85 |
| Statutory Reference | <i>Local Government Act 1995</i> , Section 6.12 |
| Author & Date | Geoff McKeown 8 th August 2016 |
| Attachment | Nil |

Background

The Department of Social Services (Federal) has provided information relating to the National Rental Affordability Scheme (NRAS) market index for 2016/17. The market index for Western Australia is based on the rental movement in Perth and it has been assessed as reducing by 2.9% for 2016/17.

Comment

The Jam Tree Lane Units are included in NRAS. The Department's letter states:

"NRAS has two rent components; market value rent and rent charged. Market value rent represents the full market value that is expected to be paid to reside in a dwelling, in respect to a time period. Rent charged is the amount of rent that an NRAS eligible tenant must pay to reside in a dwelling under the Scheme, which must not at any time during an NRAS year exceed 80% of the market value rent.

In circumstances where an approved participant is required to obtain a market rent valuation, the NRAS market index will have no implications for those dwellings. A market rent valuation is only undertaken in circumstances contemplated by Regulation 16(4) of the National Rental Affordability Scheme Regulations 2008. This is when the dwelling is:

- *First available for rent, or;*
- *At the end of the fourth year of the incentive period, or;*
- *At the end of the seventh year of the incentive period.*

If the above circumstances do not exist, approved participants are required to review market value rent against the NRAS market index of the immediately preceding NRAS year. Once market value rent has been determined, the maximum permissible rent charged can be calculated by reducing the market value rent by 20%."

A market value rent for the Units was obtained in February 2015 when they became available for occupancy. The market rent was valued at \$220 per week. The rent charged was set at 80%, or \$176 per week.

The Units were first occupied on the following dates:

- Unit 2 – 13th April 2015
- Unit 4 – 3rd March 2015
- Unit 8 - 27th April 2015
- Unit 10 - 17th March 2015
- Unit 12 – 30th April 2015



In setting the fees and changes for the 2016/17 financial year, Council did not vary the rents for the Jam Tree Lane Units. Given the reduction in the market index to apply in Western Australia, as advised by the Department, the Shire is obliged to pass on that reduction.

The *Local Government Act 1996* includes powers for the Council to defer, grant a discount, waive or write off debts. In this situation it can be considered that Council is waiving a portion of the rent charge to meet its NRAS obligations.

Section 6.12 of the Local Government Act 1995 states:

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money, which is owed to the local government.*

Applying the 2.9% market index reduction for 2016/17 will result in the rents being reduced to \$170 per week. Notice of this change will be given to the tenants.

Council is asked to approve the waiver.

Financial Implications

The reduction in rent will impact on rental income for 2016/17 to the value of approximately \$1,290 (based on 43 weeks at the new rental amount).

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council approve a reduction in the rent charge for the Jam Tree Lane Units, from \$176 to \$170 per week, to meet the Shire of Williams' obligations under the National Rental Affordability Scheme, with the reduction to be applied from the first available rental period for each unit.

Council Resolution

Cavanagh/Major

That Council approve a reduction in the rent charge for the Jam Tree Lane Units, from \$176 to \$170 per week, to meet the Shire of Williams' obligations under the National Rental Affordability Scheme, with the reduction to be applied from the first available rental period for each unit .

**Carried by Absolute Majority 7/0
Resolution 40/17**



Cr Carne declared an impartiality interest for the following item 8.4.5 Williams Bowling Club – Synthetic Green Upgrade Tender. The nature of her interest relates to her current involvement as a member of the Williams Bowling Club.

8.4.5 WILLIAMS BOWLING CLUB - SYNTHETIC GREEN UPGRADE TENDER

File Reference 11.70.30
Statutory Reference Local Government Act 1995, Section 3.57 and Local Government (Functions & General) Regulations 1996
Author & Date Geoff McKeown 8th August 2016
Attachment Tender information and criteria weighting

Background

The Williams Bowling Club is proposing the installation of a seven rink synthetic surface to replace one of the grass bowling greens at the Club.

At the July 2016 Ordinary Council Meeting the following resolution was passed:

“That Council invite tenders for the construction of a seven rink synthetic surface to replace one of the grass greens at the Williams Bowling Club.”

Comment

The original budget prepared for various funding applications had a total cost of the project in excess of \$200,000. As the value of the project exceeds the tender threshold of \$150,000 the Shire is required to proceed to tender.

Tender documentation was prepared in an advertisement that appeared in the West Australian on Wednesday, 27th July 2016. Included in the tender documentation was an evaluation criterion. It included the following components:

| Criteria | % Weighting |
|--|-------------|
| Tender Price | 60% |
| Performance and experience of Tenderer in completing similar projects | 20% |
| Capability and competence of Tenderer to perform the work required and compliance with recognised design performance standards | 15% |
| Consideration of local in-kind content | 5% |

A total of six companies tendered for the project. A number of those companies provided different product options in their tender.

An evaluation has been undertaken using the criteria in the table above. The weighted components have been assessed using a scoring table with the following limits:



1. **Tender Price** – 60 points for the lowest price. 40 points for the highest price and a score between these limits for other prices.
2. **Performance and experience of Tenderer in completing similar projects** – 20 points for undertaking similar work in rural WA. 18 points for similar work elsewhere. 15 points where no detail provided.
3. **Capability and competence of Tenderer to perform the work required and compliance with recognised design performance standards** - 5 points for polyethylene and 4 points for woven or other, 5 points for highest g/sqm and 2 points for lowest, 5 points for 7 year warranty and 4 points for 5 year warranty.
4. **Consideration of local in-kind content** - 5 points for maximum in-kind and 0 points for no amount specified.

The detail of the tenders has been provided to representatives of the Williams Bowling Club.

The following table shows the product, specifications and pricing of the options proposed. The attachment to this report includes this detail along with tender evaluation information.



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| SUPPLIER | PRODUCT | SPECIFICATIONS | | | | | PRICING | | |
|-----------------------------------|-----------------------------|--------------------|-------------|-------------|----------|----------------------|------------------|-------------|--------------|
| | | DESCRIPTION | Pile Height | Pile Weight | Warranty | Place of Manufacture | Exclusive of GST | GST | TOTAL |
| Tiger Turf Australia Pty Ltd | SuperGreen | Polyethylene | 15mm | 1,391 g/sqm | 7 years | New Zealand | \$228,900.00 | \$22,890.00 | \$251,790.00 |
| | BowlsWeave | Woven Polyethylene | Flat | 1,050 g/sqm | 7 years | United Kingdom | \$258,100.00 | \$25,810.00 | \$283,910.00 |
| Berry Bowling Systems Pty Ltd | Supergrass Pro Master Ultra | Polyethylene | 13mm | 1,491 g/sqm | 7 years | Australia | \$192,865.00 | \$19,286.50 | \$212,151.50 |
| | Dales pro weave 1000 | Woven Polyethylene | Flat | 1,000 g/sqm | 7 years | United Kingdom | \$213,212.00 | \$21,321.20 | \$234,533.20 |
| Green Planet Grass | Dry Max Pro | Polyethylene | 12mm | 1,737 g/sqm | 5 years | Australia | \$209,350.00 | \$20,935.00 | \$230,285.00 |
| | Monarch Pro | Polyethylene | 12mm | 1,890 g/sqm | 5 years | Australia | \$212,772.00 | \$21,277.20 | \$234,049.20 |
| Sports Base Constructions Pty Ltd | TD2000 Needle-punch Carpet | Textile fibre | Flat | 2,000 g/sqm | 5 years | | \$227,350.00 | \$22,735.00 | \$250,085.00 |
| Artificial Lawn Supplies | Greenmaster Pro | Polyethylene | 12mm | 1,785 g/sqm | 7 years | Australia | \$216,200.00 | \$21,620.00 | \$237,820.00 |
| Evergreen Synthetic Grass | Dry Max Pro | Polyethylene | 12mm | 1,737 g/sqm | 5 years | Australia | \$206,006.00 | \$20,600.60 | \$226,606.60 |
| | Ultra Plus | Polyethylene | 12mm | 2,043 g/sqm | 7 years | Australia | \$211,144.50 | \$21,114.45 | \$232,258.95 |

Financial Implications

A budget amount of \$212,969 has allowed for the installation of the synthetic surface.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council accepts the tender submitted by Evergreen Synthetic Grass for the installation of an Ultra Plus Synthetic Surface, replacing the seven rink grass surface at the Williams Bowling Club.



Council Resolution

Major/Medlen

That Council accepts the tender submitted by Evergreen Synthetic Grass for the installation of an Ultra Plus Synthetic Surface, replacing the seven rink grass surface at the Williams Bowling Club, subject to :

1. a self-supporting loan agreement being entered into with the Williams Bowling Club; and
2. a deed of guarantee and indemnity being entered into with the Williams Bowling Club for half the value of the self-supporting loan.

**Carried 6/1
Resolution 41/17**

The resolution differed from the recommendation as Council wished the project's financial arrangements for a self-supporting loan agreement, and a deed of guarantee and indemnity for half the value of the loan, be in place with the Williams Bowling Club prior to acceptance and progressing of the successful tender.



8.4.6 FRESH FISH VAN

| | |
|----------------------------|---|
| File Reference | 7.44.10 |
| Statutory Reference | Food Act 2008 and Local Government Act 1995 |
| Author & Date | Geoff McKeown 10 th August 2016 |
| Attachment | Nil |

Background

The February 2015 the Shire received a request from Ms Tracey McGowan for approval to sell fresh fish from a food van one day per week in Williams. The proposed site was Lot 21 (28) Albany Highway, between the Williams Hotel and Rustic Rainbow.

At the February 2015 Council Meeting the following resolution was passed:

“That the proposal by Tracy McGowan to be able to trade from Lot 21 (28) Albany Highway and sell fish and seafood products from a food van be permitted subject to:

- 1. The payment of \$300 per year fee*
- 2. The trading hours being restricted to one afternoon a week for three hours*
- 3. The food van being approved by the Local Authority where the van is housed*
- 4. No rubbish being deposited on the property*
- 5. The permission and fee to be reviewed annually.”*

Comment

Council’s Environmental Health Officer prepared a report at the time which included the following information:

The matter of selling anything from a van, including food, can be determined under the Health Act, Food Act, Local Government Act, Town Planning Scheme and planning policies.

Obviously when it involves food, the Food Act comes into play. The van will have to meet certain requirements to be able to sell food.

This request cannot be considered under the Health Act (Itinerant Food vendor) as the proposal is to park the van on private property, not drive around and stop when hailed or flagged down.

As the proposal is to park the van on Lot 21 Albany Highway, the matter can be considered under the Town Planning Scheme (TPS) as to whether the proposed land use is appropriate on that particular site.

The Lot in question is owned by Dolly Ford, who has been into the Shire office and explained that she has no opposition to the proposal, and in fact supports the opportunity for William’s residents to be able to purchase fresh fish.



The Lot is zoned Commercial in the TPS and is variously used as a parking lot for either the Rustic Rainbow or the Hotel. It is considered that the presence of the van won't cause any more traffic problems than what already exists.

Ms McGowan has requested permission to change the day and time that she trades from the site. She wishes to move from Thursday afternoon to Wednesday morning between 10.30am and 1.00pm.

As Council's previous approval was specific in reference to "one afternoon a week for three hours", it will be necessary to review this decision. As the original resolution included a clause allowing an annual review it is recommended that the approval be reissued with more flexibility should the hours change again.

Financial Implications

The imposition of a fee for a food van visiting on a regular basis is not included in the Shire's Fees & Charges Schedule. The proposed fee can be adopted by Council in accordance with Section 6.16 of the *Local Government Act 1995*.

Voting Requirements

Absolute Majority

Officer's Recommendation

1. That Council include in the Shire's Fees & Charges Schedule a fee of \$300 per annum for approval to trade from a food van where the application involves a minimum of a weekly attendance.
2. That Council approve the application from Ms Tracy McGowan to trade from Lot 21 (28) Albany Highway, Williams through the sale of fish and seafood products from a food van subject to:
 - i. The payment of an annual fee of \$300;
 - ii. The trading hours being restricted to three hours per day on one day per week;
 - iii. The food van being approved by the Local Authority where the van is housed;
 - iv. No rubbish being deposited on the property.

Council Resolution

Medlen/Major

1. That Council include in the Shire's Fees & Charges Schedule a fee of \$300 per annum for approval to trade from a food van where the application involves a minimum of a weekly attendance.
2. That Council approve the application from Ms Tracy McGowan to trade from Lot 21 (28) Albany Highway, Williams through the sale of fish and seafood products from a food van subject to:
 - i. The payment of an annual fee of \$300;
 - ii. The trading hours being restricted to one day per week;
 - iii. The food van being approved by the Local Authority where the van is housed; and



iv. No rubbish being deposited on the property.

Carried 7/0
Resolution 42/17

The resolution differed from the recommendation as Council did not wish to restrict Ms Tracey McGowan to selling seafood products from her van for three hours per day on one day per week, rather allow her to sell seafood products one day per week of the hours of her choosing.



8.4.7 Use of the Common Seal and Actions Performed Under Delegated Authority

| | |
|----------------------------|--|
| File Reference | 4.50.60 |
| Statutory Reference | Sections 5.42 and 9.49A <i>Local Government 1996</i> |
| Author & Date | Geoff McKeown 12 th August 2016 |
| Attachment | Nil |

Background

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

Council approved the updated Delegations Register at the December 2015 Ordinary Council Meeting. The procedure associated with the register is to report to Council the activities or actions that have been performed under the delegated authority. A report will be completed for Council at each meeting that identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Shire of Williams Delegations Register.

Comment

Actions performed under delegation during the month of June 2016 are provided below:

- **Investment of Shire Monies – Delegation LGA4**

Delegation - The Chief Executive Officer has delegated authority, subject to Part 3 of the *Trustees Act 1962*, to invest money held in the municipal fund or the trust fund that is not, for the time being, required by the local government for any other purpose.

Action - The Chief Executive Officer approved a transfer of:

1. \$80,000 from the Trust Fund to the Trust Fund Term Deposit to invest surplus funds; and
2. \$575,211.76 from the reserve Fund to the Term Deposit to invest surplus funds;

Financial Implications

Payments from the Municipal Fund and Trust Fund have been approved in the 2015/16 Annual Budget or by separate resolution of Council.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council accepts the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of July 2016.



Council Resolution

Johnstone/Paterson

That Council accepts the report “Use of Common Seal and Actions Performed under Delegated Authority” for the month of July 2016.

**Carried 7/0
Resolution 43/17**

LATE ITEM

Council Resolution

Cavanagh/Major

That the following late item be accepted for discussion.

**Carried 7/0
Resolution 44/17**

8.4.7 CEO’S REPORT LATE ITEM: FEE WAIVER – WILLIAMS PRIMARY SCHOOL FUNDRAISER

| | |
|----------------------------|---|
| File Reference | 6.20.70 |
| Statutory Reference | Section 6.12 <i>Local Government Act 1995</i> |
| Author & Date | Geoff McKeown 16 th August 2016 |
| Attachment | Nil |

Background

The item seeks Council approval to waive a fee intended to be raised for the hire of crockery and cutlery by parents of the Year 5-6 children at the Williams Primary School for a fundraising event to raise money for this year’s upper primary school camp.

Comment

Organisers of a fundraising event arranged for the hire of various items of crockery and cutlery for an event held on Friday, 12th August 2016. The venue was the Williams Club and there was an expectation that crockery and cutlery would be required. The Shire assisted in preparing these items and they were collected from the RSL Hall Kitchen. As it turned out the items were not used as there were sufficient items at the Williams Club.

The Shire has an approved fee for this hire, which in this instance amounts to \$220 incl. GST.

The organisers have asked if the fee can be waived on the basis that they did not actually use the items and the event was a fundraiser for the upper primary school camp.



There is limited delegation for the Chief Executive Officer to waive such a fee. The delegation only includes amounts up to \$50.

Section 6.12 of the *Local Government Act 1996* gives power to Council to waive or grant a concession, or write off an amount of money. The legislation states:

“6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money, which is owed to the local government.*

** Absolute majority required.”*

Financial implications

Waiving the fee reduces income by \$200 excluding GST.

Voting Requirements

Absolute Majority

Officer’s Recommendation

That Council waive the proposed fee of \$220, incl. GST, for the hire of crockery and cutlery on the 12th August 2016 by parents of the Year 5-6 children at the Williams Primary School for a fundraising event to raise money for this year’s upper primary school camp.

Council Resolution

Medlen/Paterson

That Council waive the proposed fee of \$220, incl. GST, for the hire of crockery and cutlery on the 12th August 2016 by parents of the Year 5-6 children at the Williams Primary School for a fundraising event to raise money for this year’s upper primary school camp.

Carried by Absolute Majority 7/0

Resolution 45/17



8.5 MANAGER OF FINANCE'S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

| | | |
|----------------------------|-----------|-----------------------------|
| File Reference | 4.23.15 | |
| Statutory Reference | N/A | |
| Author & Date | Cara Ryan | 8 th August 2016 |

Background

That the Chief Executive Officer be authorised to make payments from Councils Municipal Fund, Trust and Reserve Accounts 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

Officer's Recommendation

That Municipal Fund EFT, BPAY, Direct Debits and Cheques 104559 -104562, totalling \$407,933.06, SII Funding EFT payment totalling \$410,244.67 approved by the Chief Executive Officer be endorsed.

Council Resolution

Johnstone/Medlen

That Municipal Fund EFT, BPAY, Direct Debits and Cheques 104559 -104562, totalling \$407,933.06, SII Funding EFT payment totalling \$410,244.67 approved by the Chief Executive Officer be endorsed.

**Carried 7/0
Resolution 46/17**



8.5.2 FINANCIAL STATEMENTS

| | | |
|----------------------------|-----------|-----------------------------|
| File Reference | 4.23.15 | |
| Statutory Reference | N/A | |
| Author & Date | Cara Ryan | 8 th August 2016 |

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

Officer's Recommendation

That the financial statements presented for the period ending 31st July 2016 be received.

Council Resolution

Medlen/Carne

That the financial statements presented for the period ending 31st July 2016 be received.

Carried 7/0
Resolution 47/17

8.6 COUNCILLORS' REPORTS

Nil



9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

In accordance with section 5.4 of the *Local Government Act 1995* the President requested that a Special Council Meeting be held at 4.00pm, Wednesday, 24th August 2016 to deal with the following items:

- 8.4.2– Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Highway and Lot 17 Playle Road Williams; and
- 8.4.3 Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy, Williams.

Council Resolution

Medlen/Major

That a Special Council Meeting be held at 4.00pm Wednesday, 24th August 2016 to attend to the following items:

- 8.4.2– Proposed Rural Industry (bulkheads and associated access) on Lot 15 Albany Highway and Lot 17 Playle Road Williams; and
- 8.4.3 Proposed Trade Supplies (Lime Sand Storage and Sales) on Lot 15 Albany Hwy, Williams. That Council call a Special meeting to attend to items:

Further, the Chief Executive Officer is requested to make application to the Minister for Local Government under section 5.69 of the *Local Government Act 1995*, to ensure sufficient elected members are permitted to fully participate in the discussion and decision making of the items.

**Carried 7/0
Resolution 48/17**

10.1 ELECTED MEMBERS

10.2 OFFICERS

11.0 APPLICATION FOR LEAVE OF ABSENCE

12.0 INFORMATION SESSION

13.0 CLOSURE OF MEETING

There being no further business for discussion the President declared the meeting closed at 5.32pm.