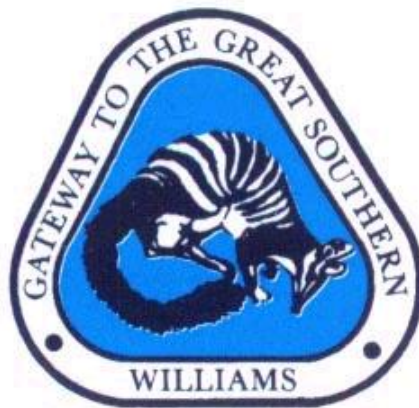


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON
WEDNESDAY 19TH OCTOBER 2016***



COUNCIL DIARY

WEDNESDAY 19TH OCTOBER 2016

1.00pm

Ordinary Meeting

WEDNESDAY 16TH NOVEMBER 2016

1.00pm

Ordinary Meeting

6.00pm

Annual Electors Meeting



MINUTES – ORDINARY MEETING OF COUNCIL HELD 19TH OCTOBER 2016

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Separate Documents

1. Minutes – Council; HWEDA; LEMC; Williams Bushfire Brigades AGM; Audit Committee
2. CEO General Report
3. CEO Appendices
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 19th October 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 1.06pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher President

Cr Greg Cavanagh Deputy President

Cr David Earnshaw (from 1.42pm)

Cr Richard Johnstone

Cr Gilbert Medlen (from 1.10pm)

Cr Natalie Major

Cr Jarrad Logie

Cr Peter Paterson

Cr Moya Carne

Geoff McKeown Chief Executive Officer

Cara Ryan Manager of Finance

Heidi Cowcher Economic Development Officer (1.44pm to 2.02pm)
(4.40pm to 5.15pm)

Tony Kett Works Supervisor (2.03pm to 2.26pm)

Gordon Tester Environ. Health Officer/Building Surveyor (2.28pm to 2.32pm)

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Cr Jarrad Logie / Councillor
Item No. / Subject	8.4.4 / Planning Application Lot441 (3) Marjidin Way, Williams
Type of Interest	Proximity



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

DECLARATION OF INTEREST	
Name / Position	Cr Jarrad Logie / Councillor
Item No. / Subject	8.4.9 / Proposed Seed Cleaning Business – Lot 1161 Playle Road, Williams
Type of Interest	Closely Associated Person

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 28TH SEPTEMBER 2016

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 28th September 2016, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Cavanagh/Paterson

That the Minutes of the Ordinary Meeting held on 28th September 2016, as previously circulated, be confirmed as a true and accurate record.

**Carried 7/0
Resolution 64/17**



6.2 HOTHAM WILLIAMS ECONOMIC DEVELOPMENT ALLIANCE (HWEDA) MEETING HELD 11TH OCTOBER 2016

Officer's Recommendation

That the Minutes of the Hotham Williams Economic Development Alliance (HWEDA) Meeting held on 11th October 2016, be received.

Council Resolution

Major/Logie

That the Minutes of the Hotham Williams Economic Development Alliance (HWEDA) Meeting held on 11th October 2016, be received.

**Carried 7/0
Resolution 65/17**

Cr Medlen entered the meeting at 1.10pm.

6.3 WILLIAMS LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MEETING HELD 12TH OCTOBER 2016

Officer's Recommendation

That the Minutes of the Williams Local Emergency Management Committee (LEMC) Meeting held on 12th October 2016, be received.

Council Resolution

Carne/Johnstone

That the Minutes of the Williams Local Emergency Management Committee (LEMC) Meeting held on 12th October 2016, be received.

**Carried 8/0
Resolution 66/17**

6.4 WILLIAMS BUSHFIRE BRIGADES ANNUAL GENERAL MEETING HELD 12TH OCTOBER 2016

Officer's Recommendation

That the Minutes of the Williams Bushfire Brigades Annual General Meeting held on 12th October 2016, be received.



Council Resolution

Major/Medlen

That the Minutes of the Williams Bushfire Brigades Annual General Meeting held on 12th October 2016, be received.

**Carried 8/0
Resolution 67/17**

6.5 AUDIT COMMITTEE MEETING HELD 17TH OCTOBER 2016

Officer's Recommendation

That the Minutes of the Audit Committee Meeting held on 17th October 2016, be received.

Council Resolution

Paterson/Cavanagh

That the Minutes of the Audit Committee Meeting held on 17th October 2016, be received.

**Carried 8/0
Resolution 68/17**

Cr Earnshaw entered the meeting at 1.42pm.

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 1.44pm to discuss her report.

8.2.1 4WDL WELL AGED HOUSING PROJECT

File Reference	EDO Files	
Statutory Reference	N/A	
Author & Date	Heidi Cowcher	14 th October 2016

Background

The Shire of Williams, as lead agency on behalf of the 4WDL Regional Group, has secured funding to construct a total of up to 50 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 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 has been granted. In each Shire the project is progressing reasonably well.

The quarterly reporting process has changed and now only requires financial reporting and no progress reporting. This simplifies the reporting process significantly. The Annual and Final Reports will still require a report against the outcomes and objectives of the funding.

Summary of claims processed to date:

Shire	Total Funded	Total claimed to 14.10.16
West Arthur (3 units)	\$717,664 (+ interest) 2 units	\$230,787.16
Williams (2 units)	\$717,664 (+ interest) 2 units	\$397,570.71
Wagin (4 units)	\$1,076,496 (+ interest) 3 units	\$345,423.35
Dumbleyung (3 units)	\$717,664 (+ interest) 2 units	\$6,011.01
Lake Grace (3 units)	\$1,076,496 (+ interest) 3 units	\$269,004.44
Woodanilling (3 units)	\$717,664 (+ interest) 2 units	\$370,364.94
TOTAL (18 units)	\$5,023,648 (14 units)	\$1,619,161.61

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

Officers Recommendation

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

Council Resolution

Earnshaw/Logie

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

**Carried 9/0
Resolution 69/17**

8.2.2 GENERAL PROJECTS UPDATE

File Reference	EDO Files
Statutory Reference	N/A
Author & Date	Heidi Cowcher 14 th October 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 three claims from the builder made to date. The frames and brickwork is complete, roof is on and the tiling and painting starts next week. It is anticipated that the construction will be completed by Christmas.



In the next month, the Aged Housing Committee will be convened to discuss fencing and landscaping requirements. These are works that the Shire will undertake outside of the building contract.

HWEDA

A Project Plan for the Marradong Country Self-Drive Trail has been completed in support of funding applications that will enable this project to be implemented. Funding applications have



been submitted to the Wheatbelt and Peel Development Commission's Community Chest Fund for \$15,000 respectively and Worsley/South32 for \$30,000. The outcome of these requests are not likely to be known until early 2017.

DSR Community Pool Revitalisation Program

The 2016/17 funding round closed at the end of August 2016. An application for \$32,000 was 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. The pool will open on the 19th October 2016. Early morning swimming will be advertised and expressions of interest sought from the community. The CEO has discussed the closure of the pool at 6pm for October-November and then open til 7pm for December-February and return to a 6pm closure March-April.

Watering WA Towns

Watering WA is a \$30million state government initiative, led by the Department of Water and made possible by Royalties for Regions, to create the actions and infrastructure needed for farms and towns to expand the use of non-potable drinking water. The program seeks to improve public amenity and the productivity, sustainability and resilience of regional communities by increasing the availability and reliability of non-drinking water supplies. The program aims to ensure that regional areas remain desirable, attractive places to live, work and invest.

Up to \$2million is available for each project with a minimum grant value of \$25,000. All funds must be acquitted within 2 years of approval. Applications for Round 1 are due 30th November 2016 and Round 2 on 28th April 2017.

To be eligible for funding, a project must be consistent with the aims and objectives of the Watering WA program; be technically and economically sound; and environmentally and socially acceptable.

The first two rounds will focus on the dryland areas of the state – those that receive less than 600mm of average annual rainfall in a year – Williams is in that category.

For a project to be considered it must provide clear benefits to the community. The priority funding objectives for the program are provision of non-potable water supplies for:

- Increasing public amenity through the irrigation of ovals, gardens and parks;
- Establishing or upgrading emergency farm water supplies;
- Responding to fires;
- Reducing reliance on scheme water;
- Increasing economic development opportunities.

Applicants are expected to contribute a minimum of 30% of the total project cost. Greater contributions will be highly regarded. For local government, the contribution may include in-kind funding.



Possible projects for discussion at the meeting include (subject to stakeholder engagement):

- Installation of tanks and associated infrastructure at the Depot to catch water from the sheds (and use for fire-fighting purposes or irrigation of town parks);
- Installation of tanks and associated infrastructure at the Ram shed (and use for fire-fighting purposes or irrigation of town-parks);
- Installation of pump and/or tanks and/or fast fill unit at dams at CBH (and use for fire-fighting purposes)
- ? other suggestions

All of these will meet the following benefits (as noted in the guidelines as being highly regarded):

- Contribution to water security of the town now and into the future
- Reduction of reliance on scheme water supplies and associated cost benefits
- Improvement to emergency water supplies for farms and fire-fighting
- Contribution to public amenity including the watering of parks, gardens and public open space
- Environmental benefits
- Value for money

For discussion.

Financial Implications

Project based, budgeted for as appropriate.

Voting Requirements

Simple Majority

Officers Recommendation

That the General Projects update be received.

Council Resolution

<i>Cavanagh/Earnshaw</i>

That the General Projects update be received.

Carried 9/0 Resolution 70/17

Ms Cowcher left the meeting at 2.02pm.



8.2 WORKS SUPERVISOR'S REPORT

Works Supervisor Tony Kett attended the meeting at 2.03pm to discuss his report.

File Reference 12.15.36
 Statutory Reference N/A
 Author & Date Tony Kett 11th October 2016

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Hurley Rd	13.8
Sattler Rd	5.4
Dardadine Rd	21.5
Coulter Rd	2.3
Culbin South Rd	2.4
Congelin-Narrogin Rd	6.1
Pingelly Rd	8.1
Rintoul Rd	1.6
Lyons Rd	1.7
Hamon Rd	0.8
Folland Rd	2.9
Martin Rd	3.8
Total Length for the Month	70.4 Km

8.2.2 ROAD MAINTENANCE WORKS

- Nil to report

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 km			
9	Dardadine Road	Seal	00	2.00	2 km			
10	Pingelly Road	Seal to 7m	0.05	3.50	3 km			
1	York-Williams	Reseal	0.0	3.00	3 km			
7	Clayton Road	Widen Shoulders	0.0	2.00	3 km			



MINUTES – ORDINARY MEETING OF COUNCIL HELD 19TH OCTOBER 2016

11	Marradong Road	Clear vegetation, drainage and 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			13.5 km both sides of the road completed
54	Kennedy Road	Gravel sheet	0.00	2.74	2.74km			Completed
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	Serviced
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	Serviced new front tyres
Holden Colorado Crew Cab Ute WL 742		Andrew Wood	5-Oct 15	190,142 km	4 New Tyres
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	Serviced
Mitsubishi Triton Single Cab Utility WL 430		Stuart 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	Serviced
Vibromax Roller WL 126			29-Sep-04	4,094 hr	Serviced



MINUTES – ORDINARY MEETING OF COUNCIL HELD 19TH OCTOBER 2016

Caterpillar 12M Grader WL61	Parks & Gardens	Richard Hewitt	Dec 2011	4,300 hr	
Caterpillar 12m Grader WL361		Andrew Wood	15-10-2014	1,560 hr	Serviced
721E Case Loader WL 5639		Roger Gillett	May 2012	5,767 hr	
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		Refuse Site		3201 hr	
Toro Z597 Ride on Mower WL 731	Parks & Gardens	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				31-Dec-03	291,920 km
Mercedes Benz Actross Prime Mover WL91	Trucks & Trailers	Phil Reed	21-Dec-05	297,080 km	New front tyres
Isuzu Giga CXZ Tip Truck WL 128		Justin Murdock	10-Dec-08	200,853 km	New front tyres
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	
Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	23- Feb 2016	167,500 km	Checked over ready for fire season

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

Officer's Recommendation

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

Council Resolution

Paterson/Logie

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

**Carried 9/0
Resolution 71/17**

Mr Kett left the meeting at 2.26pm.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

The Environmental Health Officer/Building Surveyor, Mr Gordon Tester attended the meeting at 2.28pm.

8.3.1 BUILDING PERMITS

File Reference	13.34.10	
Statutory Reference	N/A	
Author & Date	Gordon Tester	12th October 2016

Comment

No building licenses have been issued under delegation by the EHO/BS.

Financial Implication

Fees: Shire \$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	Food Act 2008	
Author & Date	Gordon Tester	12th October 2016

No Food premises inspected in the month of September 2016.

I'm Alert Food Handling Course

It is a legal requirement that all food handlers be able to demonstrate knowledge of food handling commensurate with their duties.

A large number of local authorities have purchased and linked the above course to their website and achieved a high standard of food handling amongst food handlers that have undertaken the course. This course is normally offered to residents for free and is generally well received. A food handler can either complete the course over a period of time or in approximately an hour and upon completion print a certificate that provides evidence of their food handling knowledge.

Financial Implications

The Course can be purchased as an annual subscription for \$300.00 plus an initial start-up fee of \$500.00



Officer's Recommendation

That the I'm Alert Food Handling Programme be purchased and linked to the Shire of Williams website.

Council Resolution

Cavanagh/Medlen

That the I'm Alert Food Handling Programme be purchased and linked to the Shire of Williams website.

**Carried 9/0
Resolution 72/17**

8.3.3 SWIMMING POOL SAMPLES

File Reference	11.20.20
Statutory Reference	Health Act 1911; Health (Aquatic Facilities) Regulations
Author & Date	Gordon Tester 12th October 2016

No Sampling undertaken in the month of September 2016.

Officer's Recommendation

That Council endorses the actions of the EHO/BS with respect to pool sampling.

8.3.4 RECYCLED WATER

File Reference	
Statutory Reference	Health Act 1911
Author & Date	Gordon Tester 12th October 2016

No samples taken in the month of September 2016.

Officer's Recommendation

That Council endorses the actions of the EHO/BS with respect to the management of the Williams Recycled Water Scheme.

Mr Tester left the meeting at 2.32pm.



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	13 th October 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 October 2016 be received by Council.

Afternoon Tea

The President adjourned the meeting for afternoon tea at 3.13pm and the meeting resumed at 3.36pm at Item 8.4.1 Chief Executive Officer's General Report.

Council Resolution

Medlen/Paterson

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

Carried 9/0
Resolution 73/17

Council Resolution

Major/Paterson

That Council authorise the Chief Executive Officer to accept the quotation received from Narrogin Toyota for the purchase of a 2016 Toyota Prado GLX, offering for trade the Shire's 2014 Toyota Kluger.

Carried 9/0
Resolution 74/17



Council Resolution

Cavanagh/Logie

That Council requests that the Chief Executive Officer seek quotations for two (2) Single Cab 4X2 Diesel Utility's with trays and authorises the Chief Executive Officer to accept the most advantageous quote.

**Carried 9/0
Resolution 75/17**

8.4.2 ADOPTION OF ANNUAL REPORT AND ANNUAL MEETING OF ELECTORS

File Reference	4.23.15
Statutory Reference	Sections 5.27, 5.54 & 5.55 <i>Local Government Act 1996</i>
Author and Date	Geoff McKeown 10 th October 2016
Attachment	Appendix 1 - Annual Report

Background

The Council is asked to adopt the Annual Report for the 2015/16 financial year, which includes the Annual Financial Report, and set a date for the Annual Meeting of Electors.

Comment

Council's Auditor visited during September 2016 to conduct the financial audit for the 2015/16 financial year. Following on from that visit, the Manager of Finance provided further information to complete the Audit. A meeting of the Audit Committee was held on Monday, 17th October 2016 to meet with the Auditor and discuss any issues arising from the audit, and recommend to Council the adoption of the Annual Financial Report.

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

Local governments are required to give local public notice of the availability of the Annual Report as soon as practical after the report has been adopted by the Council.

Last year the Shire held the Annual Meeting of Electors on the 21st October 2015 just prior to the departure of the previous Chief Executive Officer. It occurred after the scheduled Ordinary Council Meeting on that day.

This year it is recommended that the Annual Meeting of Electors be held at 6.00pm on Wednesday, 16th November 2016, following the November Ordinary Council Meeting.

Voting Requirements

Absolute Majority



Officer's Recommendation

The Annual Report, including the Annual Financial Report, for the financial year ending 30th June 2016 be adopted and the Annual Meeting of Electors will be held on Wednesday, 16th November, 2015 commencing at 6:00pm.

Council Resolution

Medlen/Earnshaw

The Annual Report, including the Annual Financial Report, for the financial year ending 30th June 2016 be adopted and the Annual Meeting of Electors will be held on Wednesday, 16th November, 2015 commencing at 6:00pm.

**Carried by Absolute Majority 9/0
Resolution 76/17**

8.4.3 AUTHORISED OFFICERS UNDER LEGISLATION

File Reference	4.50.60
Statutory Reference	<i>Local Government Act 1995, Bush Fires Act 1954, etc.</i>
Author & Date	Geoff McKeown 10 th October 2016
Attachment	Nil

Background

Due to recent staff changes, Council is requested to endorse a schedule of authorised employees under certain legislation. This action will ensure that the staff member acting on behalf of the local government is doing so with the appropriate authorisation.

In addition, Council is asked to endorse an updated list of Fire Control Officers.

Comment:

If a local government wishes to take action for a breach under any relevant legislation, it is likely that it will have to produce confirmation of the Officer's endorsement under that legislation.

It is recommended that the Council endorse the authorisation of a number of Officers under the relevant legislation as detailed below.

In addition, the recommendation includes a update to the list of Fire Control Officers to reflect the most recent changes. Under the *Bush Fire Act 1954* local governments may appoint Bush Fire Control Officers.

Financial Implications

Nil



Voting Requirements

Simple Majority

Officer's Recommendation

That Council appoints the following persons as authorised officers in accordance with the relevant Acts hereunder effective immediately:

1. Section 449 *Local Government (Miscellaneous Provisions) Act 1960* - (Ranger/Pound Keeper).
 - Jeffrey Norman Cowan
 - James Arthur Lenehan
 - Anthony Wayne Kett
2. *Dog Act 1976* and Regulations, *Cat Act 2011* and Regulations, *Control of Vehicles (Off-road Areas) Act 1978* and Regulations, *Litter Act 1979* and Regulations, *Local Government Act 1995* (sections 3.39, 9.10, 9.11, 9.15).
 - Geoffrey Radford McKeown
 - Cara Lisa Ryan
 - Jeffrey Norman Cowan
 - James Arthur Lenehan
 - Anthony Wayne Kett
 - Gordon William Tester
3. *Dog Act 1976* and *Cat Act 2011* – Registration Officers only.
 - Sharon Marie Wilkie
 - Manuela Charlotte Lenehan
 - Britt Elke Logie
 - Cara Lisa Ryan
3. *Health Act 1911*.
 - Geoffrey Radford McKeown
 - Gordon William Tester
4. Issue of Infringement Notices – Section 59 (2) of *Bush Fires Act 1954*.
 - Geoffrey Radford McKeown
 - Cara Lisa Ryan
5. *Caravan Parks and Camping Grounds Act 1995*.
 - Geoffrey Radford McKeown
 - Gordon William Tester
6. Shire of Williams Cemetery Local Law and Section 64 (1) of the *Cemeteries Act 1986*.
 - Geoffrey Radford McKeown
 - Cara Lisa Ryan
 - Anthony Wayne Kett



7. *Food Act 2008.*
- Gordon William Tester

8. *Building Act 2011.*
- Gordon William Tester

Council Resolution

Paterson/Logie

That Council appoints the following persons as authorised officers in accordance with the relevant Acts hereunder effective immediately:

1. Section 449 *Local Government (Miscellaneous Provisions) Act 1960* - (Ranger/Pound Keeper).
 - Jeffrey Norman Cowan
 - James Arthur Lenehan
 - Anthony Wayne Kett

2. *Dog Act 1976* and Regulations, *Cat Act 2011* and Regulations, *Control of Vehicles (Off-road Areas) Act 1978* and Regulations, *Litter Act 1979* and Regulations, *Local Government Act 1995* (sections 3.39, 9.10, 9.11, 9.15).
 - Geoffrey Radford McKeown
 - Cara Lisa Ryan
 - Jeffrey Norman Cowan
 - James Arthur Lenehan
 - Anthony Wayne Kett
 - Gordon William Tester

3. *Dog Act 1976* and *Cat Act 2011* – Registration Officers only.
 - Sharon Marie Wilkie
 - Manuela Charlotte Lenehan
 - Britt Elke Logie
 - Cara Lisa Ryan

3. *Health Act 1911.*
 - Geoffrey Radford McKeown
 - Gordon William Tester

4. Issue of Infringement Notices – Section 59 (2) of *Bush Fires Act 1954.*
 - Geoffrey Radford McKeown
 - Cara Lisa Ryan

5. *Caravan Parks and Camping Grounds Act 1995.*
 - Geoffrey Radford McKeown
 - Gordon William Tester



6. Shire of Williams Cemetery Local Law and Section 64 (1) of the *Cemeteries Act 1986*.
 - Geoffrey Radford McKeown
 - Cara Lisa Ryan
 - Anthony Wayne Kett
7. *Food Act 2008*.
 - Gordon William Tester
8. *Building Act 2011*.
 - Gordon William Tester

Carried 9/0
Resolution 77/17

Officer's Recommendation

That Council appoint the following persons as Bush Fire Control Officers in accordance with the *Bush Fires Act 1954* hereunder, effective immediately:

Chief Bush Fire Control Officer	Geoff McKeown
Deputy Chief Bush Fire Control Officer	David Carter

Bush Fire Control Officers

Boraning/Quindanning	George Lavender & Dennis Cowcher
Congelin	Philip Martin & Stuart Rintoul
Glenfield	Nicholas Panizza
Narrakine	Lewis Johnstone
Tarwonga	Gilbert Medlen
West Culbin	Kennedy Hogg

Dual Registered Bush Fire Control Officers

The following are appointed as Dual Registered Bush Fire Control Officers with neighbouring local governments:

Shire of West Arthur	Gilbert Medlen
Shire of Wagin	Gilbert Medlen
Shire of Wandering	Philip Martin & Stuart Rintoul
Shire of Cuballing	Philip Martin & Stuart Rintoul
Shire of Narrogin	Nicholas Panizza
Shire of Boddington	Lewis Johnstone



Dual Bush Fire Control Officers

The following are appointed as Dual Bush Fire Control Officers from neighbouring local governments:

Shire of West Arthur	Trevor Bunce
Shire of Wagin	Chris Piesse
Shire of Wandering	Peter Monk & Tim Hardie
Shire of Cuballing	Nelson Young
Shire of Narrogin	Barry Hardie & Brenton Hardie
Shire of Boddington	Wayne Littleton & Brad Morgan

Council Resolution

Major/Earnshaw

That Council appoint the following persons as Bush Fire Control Officers in accordance with the *Bush Fires Act 1954* hereunder, effective immediately:

Chief Bush Fire Control Officer	Geoff McKeown
Deputy Chief Bush Fire Control Officer	David Carter

Bush Fire Control Officers

Boraning/Quindanning	George Lavender & Dennis Cowcher
Congelin	Philip Martin & Stuart Rintoul
Glenfield	Nicholas Panizza
Narrakine	Lewis Johnstone
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Shire of Cuballing	Philip Martin & Stuart Rintoul
Shire of Narrogin	Nicholas Panizza & Geoff McKeown
Shire of Boddington	Lewis Johnstone



Dual Bush Fire Control Officers

The following are appointed as Dual Bush Fire Control Officers from neighbouring local governments:

Shire of West Arthur	Trevor Bunce
Shire of Wagin	Chris Piesse
Shire of Wandering	Peter Monk & Tim Hardie
Shire of Cuballing	Nelson Young
Shire of Narrogin	Barry Hardie & Brenton Hardie
Shire of Boddington	Wayne Littleton & Brad Morgan

**Carried 9/0
Resolution 78/17**

Cr Jarrad Logie declared a proximity interest in the following item 8.4.4 Planning Application – Lot 441 (3) Marjidin Way, Williams. The nature of his interest is as a property owner adjacent to the proposed development.

Cr Logie left the meeting at 4.33pm.

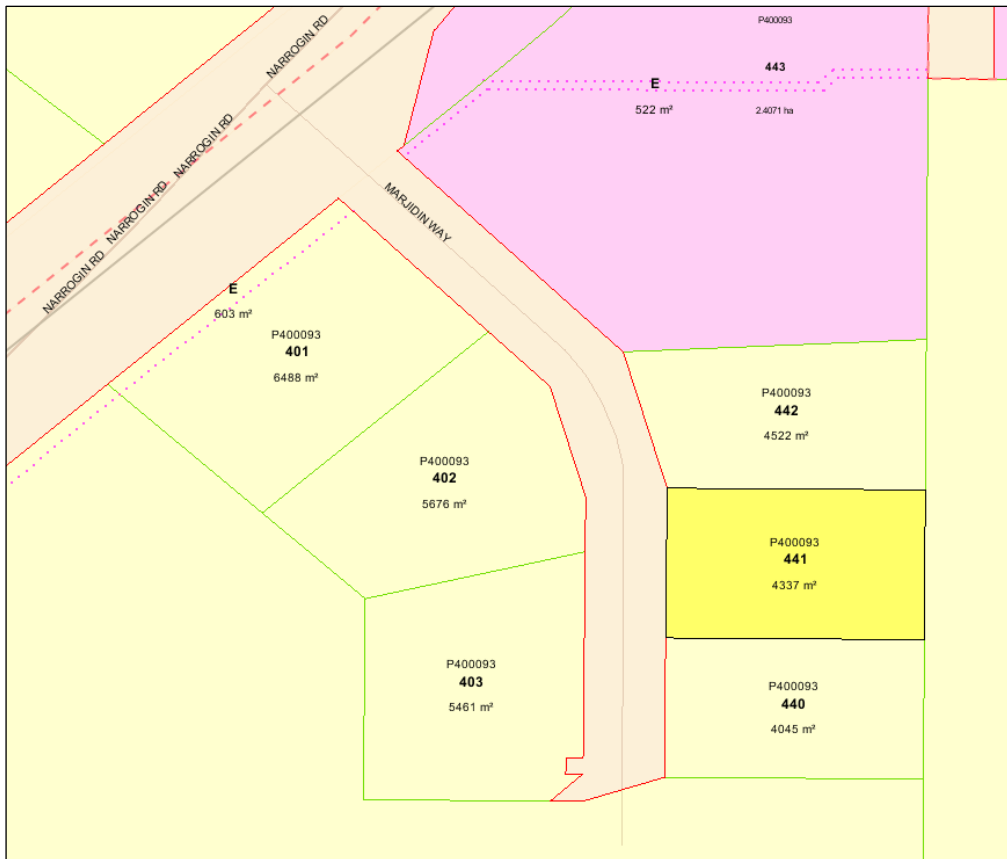
8.4.4 PLANNING APPLICATION – LOT 441 (3) MARJIDIN WAY, WILLIAMS

File Reference	10.60.15
Statutory Reference	Shire of Williams – Town Planning Scheme No.2
Author & Date	Liz Bushby – Gray & Lewis Landuse Planners 12 th October 2016
Attachment	1. Site Plan and elevations 2. Draft List of Conditions

Background

Council is to give preliminary consideration to an application for a new building, agricultural repair business and motor vehicle repair business on Lot 441 (No 3) Marjidin Way, Williams.

The application is being advertised and it is recommended Council consider granting delegated authority to the Chief Executive Officer to determine the application once advertising has been completed.



Lot 441 is zoned 'Industrial' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme'). The lot is vacant and has an approximate area of 4337m².

Comment

- *Description of Proposed building*

The applicant proposes to construct a new colorbond building on a portion of the lot – *Attachment 1*.

The building will be setback 13 metres from Marjidin Way, 23.6 metres from the northern boundary and 8 metres from the southern boundary.

Access will be via two crossovers to Marjidin Way. A loading bay is proposed to the front of the building and parking is proposed on the northern side of the building.

The applicant has advised that the level of adjacent Lot 440 is higher than Lot 441, and they propose to level the area required for the proposed building and carpark. The balance rear portion of the lot will be left 'as is' and may accommodate any future expansion needs.

The applicant has advised that the level of Lot 441 will be 200mm lower than Lot 440.



- *Setbacks*

Under Clause 4.6(4)(a) of the Scheme a minimum front and rear setback of 16.5 metres is required. Side setbacks are to the discretion of Council.

The applicant proposes a 13 metre front building setback in lieu of the required 16.5 metres.

Council has discretion under the Scheme to waive the minimum setback where it '*would result in undue hardship*' or '*be contrary to the interests of the area*'.

Gray & Lewis is supportive of the proposed setback variation as:

- The building on adjacent Lot 440 only has a 7 metre front setback so a precedent has already been set.
- The front building setback variation will not have any negative impact.
- Rigidly applying the 16.5 metre minimum setback without having regard for specific development plans would or '*be contrary to the interests of the area*'.

Under Clause 2.11 of the Scheme Council has to give notice of its intention to waive a Scheme requirement which entails advertising the issue for 14 days. An advertising sign has been erected on site and advertising closes on the 25 October 2016.

- *Description of business*

The applicant operates an agricultural repairs business known as 'Great Southern Point Repairs'. The business specialises in rebuilding of agricultural knife points and closing tools for farmers.

The business commenced in 2010 and has grown substantially. The applicant advises that it is one of 5 point rebuilders in the state and they have customers as far as Hyden in the north east and Esperance in the south east.

The applicant has advised as follows:

- Knife points are the tools used to dig the soil when planting a crop at seeding time. They wear out and become too short so periodically have to be replaced.
- Closing tools work in conjunction with knife points to provide accurate depth of the seed, and need to be replaced every few seasons (depending on the size of the farm).
- The busy season is between February and June, during which there are 4-5 workers in addition to the two business owners.
- In the off season they employ 2-3 workers on a casual basis.
- Customers drop off old points to the business premises where they are re-built. The old tip is cut off and a new piece of steel is welded onto the point.
- Once the product has been repaired it is picked up again by the customer.
- The machinery used includes a plasma cutter, buffing wheel, punch & shear, mig welder, grinder/ sand disk and induction heater.

- The point business will operate from the main section of the building which has a floor area of 360m².
- The only waste is the worn steel tip of the point which is stored in drums and sold to a scrap metal business.
- The business generally operates from 7.00am to 4.00pm but hours vary.
- An advertising sign is proposed to be attached to the building façade.

The applicant has provided photographs of the tools utilised;



Rebuilt Point



Closing Tool



Induction Heating



Welding



Tungsten Blocks



Induction Machines



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Separate to the main floor of the building, there is a 136m² area earmarked as a workshop. In regards to the workshop the applicant has advised that he proposes to use this area for personal use as he restores old vehicles and is a qualified mechanic.

Gray & Lewis has recommended the applicant include 'motor vehicle repairs' in this application as it provides flexibility in the event he wishes to undertake any 'motor vehicle repairs' as a side business and provide a service to the general public.

- *Proposed land-use (knife point and closing tool repairs)*

Council is to consider the 'best fit' land-use classification for the business which involves repairing and altering knife points and closing tools.

Under the Scheme the term 'industry' includes *'the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the break up or demolition of any article or part of any article'*.

The proposed land-use entails both 'repairing' and 'altering', therefore it is construed the business is a form of 'industry'.

Having determined the business is a form of 'industry', Council has to consider which type of industry it is. Gray & Lewis has construed that it is not a cottage, extractive, hazardous, noxious, rural or service industry based on the Schemes land-use definitions.

It is recommended Council consider whether it is a light or general industry:

Light Industry: means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause injury to, or will not adversely affect the amenity of the locality by reason of emission light, noise, electrical interference, vibration, small, fumes smoke, vapour, steam, soot, ash, dust, wastewater or other waste products; and*
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.*

Industry – General: means an industry other than a cottage, extractive hazardous, light, noxious, rural or service industry.

The proposed business involves activities such as cutting metal and uses machinery that has potential to create noise. It is recommended that the point repair component of the business be construed as a 'General Industry'.

A 'General Industry' is listed as an 'AA' use in the Industrial zone under 'Table 1 – Zoning Table' in the Scheme, which means that *'the Council may, at its discretion, permit the use'*.



- *Proposed land-use (mechanical repairs)*

The land-use of mechanical repairs is not defined in the Shires Scheme or listed in 'Table 1 – Zoning Table '.

In the absence of any suitable definition in the Shire's Scheme it is recommended that the definition for 'motor vehicle repair' from the *Planning and Development (Local Planning Schemes) Regulations 2015* be utilised.

The Regulations define 'motor vehicle repair' as '*means premises used for or in connection with –*

- (a) electrical and mechanical repairs or overhauls to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or*
- (b) repairs to tyres other than recapping or re-treading of tyres.'*

Council has two options for dealing with a 'use not listed' as outlined in Clause 4.3.2 of the Scheme:

- Option 1 - Determine that the 'motor vehicle repair use' is not consistent with the objectives and purposes of the Industrial zone and is therefore not permitted; or
- Option 2 - Determine by Absolute Majority that the proposed 'motor vehicle repair' use may be consistent with the objectives and purpose of the Industrial zone and thereafter follow the advertising procedures of Clause 2.6 in considering the application for planning consent.

It is recommended that Council pursue Option 2 as the proposed business generally meets the broad objectives of the Industrial zone to:

- Encourage industrial development and particularly those which may provide employment opportunities and benefits to the local district
- Cater for a range of industrial uses and encourage quality development.

- *Car-parking*

The Scheme does not stipulate minimum car-parking bay requirements for Industrial land-uses so the number of car-bays required is to the discretion of Council.

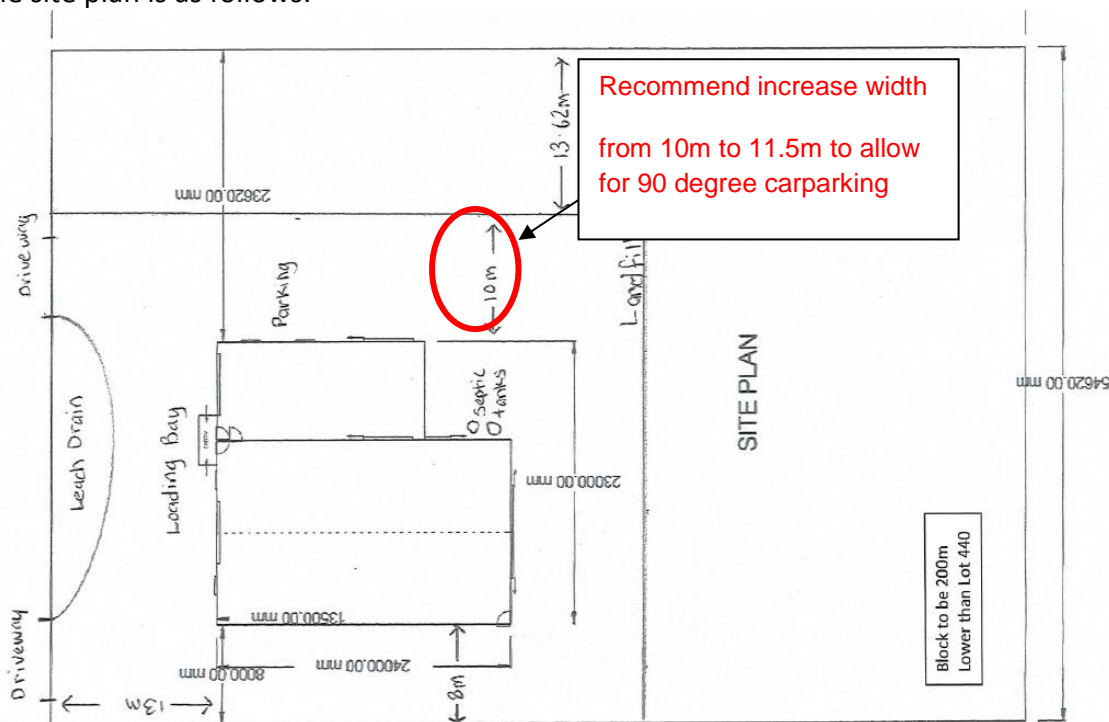
From a practical perspective it is recommended that:

- One car-parking bay be required for each staff member (7 bays)
- No car-parking bays be required for customers associated with the knife point/ closing tool repair business as customers will park in the loading bay to pick and deliver goods. The loading area can accommodate approximately 5 cars parking parallel in front of the building (based on the width).
- Some allowance be made for car-parking bays to the rear to service any motor vehicle repair business.

The applicant proposes an area to the north of the building for car-parking. The area is approximately 17 metres in length so can accommodate approximately 7 bays (based on a 2.5m car-bay width). It is recommended that this area be used for staff car-parking to keep the loading area free for customers.

Gray & Lewis has liaised with the applicant and recommended the width of the northern car-parking area be increased from 10 metres to 11.5 metres to accommodate car-bay lengths of 5.5 metres (90 degree parking) and a 6 metre reversing area. The applicant has verbally agreed to a wider car-parking area.

The site plan is as follows:



- *Standard of Car-parking*

The standard of car-parking is also to the discretion of Council. Council can require compacted gravel, road-base, concrete or bitumen.

Gray & Lewis recommends hardstand such as concrete or bitumen be required so that car-parking bays can be line marked on site, water runoff from hard surfaces can be properly directed into drainage, and the surface is of an adequate construction to accommodate heavy vehicles.

The applicant has advised:

- (1) Initially they propose a level and rolled gravel surface to reduce up front site costs and allow the business to operate as soon as practical.
- (2) They are prepared to install bitumen within 2 years.



Ultimately installation of bitumen will be achieved so is it is recommended that a condition be imposed on any approval requiring bitumen to be installed within 2 years.

It is recommended that the standard imposed for this development be consistent applied to other development in the Industrial zone.

- *Landscaping*

A 5 metre landscaping area is required under Clause 4.6(4)(b) of the Scheme. The applicant proposes a landscaping area in the front setback area (marked for leach drain on the plan).

A condition can be imposed to ensure it meets the 5 metre minimum width. Landscaping is supported by Gray & Lewis as it will result in a higher amenity industrial area, and waterwise species can be utilised.

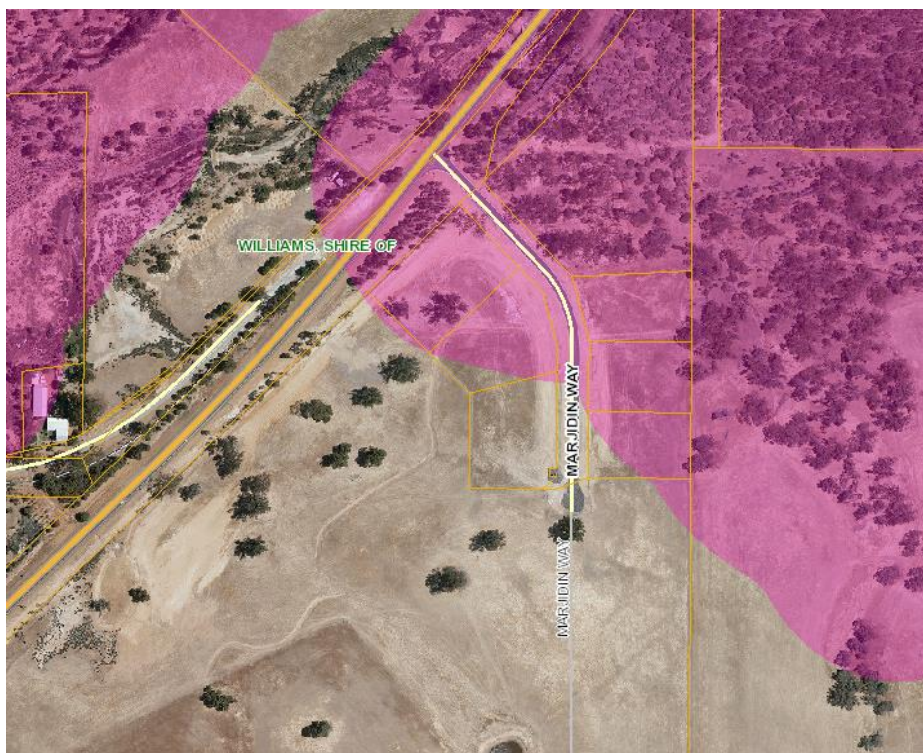
- *Relevant State Planning Policies and Guidelines – Bushfire Prone Areas*

Under the ‘deemed provisions’ of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have ‘due regard’ to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of ‘State Planning Policy 3.7: Planning in Bushfire Prone Areas’ (SPP 3.7).

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas (‘the Guidelines’) in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 441 is within the declared bushfire prone area (pink area).



Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment.

A BAL examines the location of proposed development, distance to vegetation, type of vegetation within 100 metres, slope and determines whether higher construction standards should be imposed to reduce bushfire risk.

Gray & Lewis recommends that the application be determined without a BAL for the following reasons:

- Whilst SPP3.7 requires lodgement of a BAL assessment for the proposed development, a BAL is not required as part of the separate building permit process.
- A BAL for non-habitable development only influences siting of buildings (setbacks to vegetation) because no higher construction standards apply to Class 4 to 9 buildings under the Building Code of Australia (BCA). The building is Class 8 under the BCA.
- Under the Bushfire Guidelines the applicant has discretion as to whether they choose to build to a higher construction standard, and it is not compulsory. In this circumstance a BAL at the planning stage is considered onerous.
- The proposed business does not entail the storage of any hazardous materials or fuel.



- *Notification on Title*

SPP 3.7 states that 'a notice on title' advising that the site is located in a bushfire prone area should be required as a condition of any planning approval.

Council can impose a condition on any approval requiring a notification to be placed on the Certificate of Title of Lot 441 to alert any future purchaser that it is in a bushfire prone area.

Council has to have 'due regard' for SPP 3.7, however Gray & Lewis does not recommend any notification on the title for the following reasons:

- a) A notification would need to be compiled by a solicitor and there are costs associated with lodging any notification on a title.
- b) Bushfire mapping will be reviewed annually and the existing vegetation on site is a snapshot in time.
- c) Bushfire mapping is readily available to purchasers through the DFES website. Any purchaser needs to undertake due diligence when buying land.
- d) A footnote can be placed on the planning approval advising the applicant that the lot is within a bushfire prone area.

- *Advertising / Delegated Authority*

Due to the Scheme requirement for advertising, Council is not in a position to determine the planning application at this time. As the application is generally supported, it is recommended that Council grant delegated authority to the Chief Executive Officer to determine the application following the close of advertising.

The Chief Executive Officer will only utilise the delegated authority if no substantiated objections are lodged.

- *Draft Conditions*

A list of Draft Conditions is included as *Attachment 2* for information.

Policy Requirements

Nil

Legislative Requirements

Shire of Williams Town Planning Scheme No 2 – The majority of the Scheme requirements are explained in the body of this report.



Clause 2.6 outlines methods for advertising (sign, newspaper or letters to neighbours) and stipulates a minimum advertising period of 14 days.

Clause 2.11 relating to 'Waiving the provisions of the Scheme' states that '*where the Council considers application of the provision of Parts 4 and 5 of the Scheme would result in undue hardship, or be contrary to the interests of the area it may, after giving notice of its intention in accordance with Clause 2.6, waive the requirements of the provision except that Council shall not waive the requirements of either Table 1 or Clause 5.6*'.

Clause 5.1 (1) of the Scheme requires the minimum dimension of any car-parking space to be 2.5 metres by 5.5 metres excluding any access drives.

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations have introduced 'Deemed Provisions' that automatically apply to every Local Planning Scheme in Western Australia including the Shire of Williams Town Planning Scheme No 2.

The deemed provisions mainly deal with administrative matters and procedures that are commonly contained in most local planning schemes including local planning policies, heritage protection, structure plans, requirements for development approval, the form of development applications, advertising, enforcement and administration.

Regulation 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Regulation 82 allows Council to grant delegated authority to the Chief Executive Officer to exercise the local government's powers under the Scheme. Any resolution must be by Absolute Majority in accordance with Regulation 82 (2).

Sustainability Implications

➤ **Environment**

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

➤ **Economic**

Redevelopment has potential to have local economic benefits.

➤ **Social**

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

Financial Implications

The Shire pays consultancy fees to Gray & Lewis Land-use Planners for advice.



Voting Requirements

Absolute Majority

Consultant Planner's Recommendation

That Council:

1. Determine that the proposed 'motor vehicle repair' use may be consistent with the objectives and purpose of the Industrial zone and thereafter follow the advertising procedures of Clause 2.6 in considering the application for planning consent.
2. Note that advertising has commenced and closes on the 25 October 2016.
3. Authorise the Chief Executive Officer to advise the applicant that the proposal to develop and operate a business from Lot 441 (No 3) Marjidin Way, Williams is generally supported however some aspects are required to be advertised under the Shire's Town Planning Scheme. Advertising will close on the 25 October 2016.
4. In accordance with Regulation 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* delegate authority to the Chief Executive Officer to:
 - (a) Determine if the 'motor vehicle repair' business meets the objectives of the Industrial zone after advertising.
 - (b) Determine the application lodged for a new building, general industry and motor vehicle repair business on Lot 441 (No 3) Marjidin Way, Williams (following the close of advertising).
5. Note that if any adverse valid submissions are received during advertising the application will not be determined under delegated authority and a further report will be referred to the November 2016 Ordinary Council Meeting.

Council Resolution

Cavanagh/Medlen

That Council:

1. Determine that the proposed 'motor vehicle repair' use may be consistent with the objectives and purpose of the Industrial zone and thereafter follow the advertising procedures of Clause 2.6 in considering the application for planning consent.
2. Note that advertising has commenced and closes on the 25 October 2016.
3. Authorise the Chief Executive Officer to advise the applicant that the proposal to develop and operate a business from Lot 441 (No 3) Marjidin Way, Williams is generally supported however some aspects are required to be advertised under the Shire's Town Planning Scheme. Advertising will close on the 25 October 2016.
4. In accordance with Regulation 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* delegate authority to the Chief Executive Officer to:
 - (a) Determine if the 'motor vehicle repair' business meets the objectives of the Industrial zone after advertising.
 - (b) Determine the application lodged for a new building, general industry and motor vehicle repair business on Lot 441 (No 3) Marjidin Way, Williams (following the close of advertising).



5. Note that if any adverse valid submissions are received during advertising the application will not be determined under delegated authority and a further report will be referred to the November 2016 Ordinary Council Meeting.

**Carried by Absolute Majority 8/0
Resolution 79/17**

Cr Logie returned to the meeting at 4.40pm

Heidi Cowcher entered the meeting at 4.40pm.

Cr Carne declared an impartiality interest for the following item 8.4.5 Williams Bowling Club – Synthetic Green Upgrade. 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

File Reference	11.70.30	
Statutory Reference	Nil	
Author & Date	Geoff McKeown	22 nd September 2016
Attachment	Nil	

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 Meeting the Council agreed to invite tenders for the project. This was followed by the consideration of the tenders received at the August 2016 Ordinary Meeting. At that Meeting the Council passed the following resolution:

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**

Comment

The detail of this decision was communicated in writing to the Club. In addition, a draft Deed of Guarantee and Indemnity was provided for its consideration.



The Club has responded to Council's decision in a letter that reads:

"Thank you for your letter of the 19 August'16 outlining the Council's decision regarding funding support for a Synthetic green.

For approval of the Synthetic green, Council now requests that the Bowling Club members be asked to act as Guarantors for 50% of the Self Supporting Loan. Our club has had two meetings to discuss this matter: (1) General meeting 8 September'16 & (2) Committee meeting 13 September'16. Members at both meetings expressed disappointment at the Council's decision to require personal guarantors from the Club members for a project which would enhance the facility for current and future embers.

We are well aware that the loan is significant and we would honour all payments as per Schedule, however our committee has instructed that we inform you that if Council will not accept full responsibility of the loan, the Williams Bowling Club will have to withdraw from the project. We will need to re-apply for another Sport & Recreation grant to replace "A" green with synthetic which will entail the Shire redrafting the Master Plan.

As mentioned in our previous letter dated 6th July'16 we again ask Council's consideration for continued support in assisting with the maintenance of both A & B greens.

In conclusion the Bowling Club wishes to have a deputation at the Council meeting 28 September to discuss this funding issue."

Given the position taken by the Club, the awarding of the contract to Evergreen Synthetic Grass cannot occur.

An option for the Shire is to accept the Club's position and not proceed with the project. Alternatively, Council may wish to relax the requirement for a deed of guarantee and indemnity. It is noted that representatives of the Williams Bowling Club wish to attend the Council meeting to discuss this issue.

Where Council wishes to revoke or change a resolution it must follow the provisions contained in Regulation 10 of the *Local Government (Administration) Regulations 1996*.

If Council proposes to revoke its earlier decision that conditionally accepted the tender to install the synthetic green, the regulations require in the first instance at least one third of elected members of the Council, inclusive of the mover, support a notice of motion to revoke the decision. The notice of motion must be signed by those elected members. If this is achieved any decision by Council to revoke first-mentioned decision must be made by an absolute majority.

The regulations do not apply if the proposed change to the first-mentioned decision is not substantially different. This would be the case if Council just wishes to remove the condition requiring the deed of guarantee and indemnity, as the principal intent of the decision was to



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accept a tender for the work.

This item was initially considered at the September 2016 Ordinary Meeting of Council and a resolution was passed that the matter lay on the table for further consideration at the next Ordinary Council Meeting.

Financial Implications

The indicative self-supporting loan amount is \$168,000 which requires biannual repayments of \$9,545.83 based on an interest rate 2.5%.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council amend the conditions included in its Resolution 41/17 from the August Ordinary Meeting to remove the requirement for a deed of guarantee and indemnity to be entered into with the Williams Bowling Club that forms part of the arrangements for the self-supporting loan.

Voting Requirements

Absolute Majority

Officer's Alternative Recommendation

That Council revoke its decision from the August Ordinary Meeting, being Resolution 41/17, and not accept any tenders for the installation of a synthetic green at the Williams Bowling Club.

Note: To progress the Officer's Alternative Recommendation will require in the first instance at least one third of elected members of the Council, inclusive of the mover, to support a notice of motion to revoke the decision. The notice of motion must be signed by those elected members.

Council Resolution

Johnstone/Carne

That Council amend the conditions included in its Resolution 41/17 from the August Ordinary Meeting to remove the requirement for a deed of guarantee and indemnity to be entered into with the Williams Bowling Club that forms part of the arrangements for the self-supporting loan.

**Lost 2/7
Resolution 80/17**

Council Resolution

Cavanagh/Logie

That Council restates its condition requiring a deed of guarantee and indemnity to be entered into with the Williams Bowling Club for half of the value of the self-supporting loan and that the provision of a greenkeeper service will be withdrawn once the new synthetic surface is



operational. Further, Council will contribute \$10,000 annually to the Williams Bowling Club, at the commencement of the loan repayments, for the life of the loan, being no greater than 10 years, in recognition of the greenkeeper service being withdrawn.

**Carried 7/2
Resolution 81/17**

The resolution differed to the recommendation as Council wished to restate its position that a deed of guarantee is to be entered into with the Williams Bowling Club for half the value of the self-supporting loan. Also to contribute \$10,000 per year to the Williams Bowling Club for the life of the loan in recognition of the greenkeeper service being removed.

Heidi Cowcher left the meeting at 5.15pm.

8.4.6 CONSORTIUM AGREEMENT – QUESTUS REALTY PTY LTD

File Reference	9.20.85
Statutory Reference	<i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 13 th October 2016
Attachments	Appendix 2 - Consortium Agreement and Notice of Election

Background

The Shire of Williams has signed up to the National Rental Affordability Scheme under the *National Rental Affordability Scheme Act 2008*, which supports tenants by way of a reduced rental amount, (i.e. no more than 80% of the market rate).

This commitment relates solely to the five (5) aged persons units in Jam Tree Lane.

The Scheme entitles the Shire to receive State and Federal Government incentives to compensate for the rent reduction. The State incentive is a cash amount and the Federal incentive is a refundable tax offset.

Comment

Questus Realty Pty Ltd was engaged to assist the Shire in accessing the incentive payments. It charged the Shire an initial establishment fee of \$10,000 for each unit and will receive an ongoing administration fee of 5% for each incentive payment received.

Questus Realty Pty Ltd must meet its obligations to the Australian Taxation Office when seeking the Federal incentive on behalf of the Shire, specifically in relation to compliance with the *Income Tax Assessment Act 1997*. The Company provides this service to commercial and not-for-profit entities, and now to local government.

For the Company to be able to obtain the Federal Government incentive on behalf of the Shire it has drawn up a Consortium Agreement that it believes covers its financial requirements. It would



like the Shire to endorse the agreement.

The Chief Executive Officer is of the view that the Consortium Agreement should be referred for legal advice to ensure that it doesn't include anything adverse to the interests to the Shire.

In addition, the Consortium Agreement appears to be a form of lease where the Shire leases the properties to the Company and in turn they are immediately subleased back to the Shire.

There is a question in regard to leasing Council property and compliance with Section 3.58 of the *Local Government Act 1995*. The leasing of residential property is excluded from these provisions of the Act. However, this relates to leasing to a 'person' and clarification is required to determine if a lease to a 'company' has any impact on the Shire in regard to Section 3.58.

Legal advice has been sought from McLeods Barristers & Solicitors and will be available for distribution to elected members before this item is considered.

Voting Requirements

Simple Majority

Officer's Recommendation

That Council agrees to enter into a Consortium Agreement with Questus Realty Pty Ltd relating to Units 2, 4, 8, 10 and 12 Jam Tree Lane for the purpose of securing incentive payments under the National Rental Affordability Scheme, subject to legal advice on the content of the agreement.

Council Resolution

Carne/Medlen

That Council agrees to enter into a Consortium Agreement with Questus Realty Pty Ltd relating to Units 2, 4, 8, 10 and 12 Jam Tree Lane for the purpose of securing incentive payments under the National Rental Affordability Scheme, subject to legal advice on the content of the agreement.

**Carried 9/0
Resolution 82/17**



8.4.7 PROPOSED CLOSURE OF JESSE MARTIN STREET

File Reference	12.15.638
Statutory Reference	Land Administration Act 1997
Author & Date	Geoff McKeown 13 th October 2016
Attachment	Nil

Background

The Shire initiated a request for closure of portion of Jesse Martin Street between the Williams Narrogin Highway and Lavender Street. The Department of Lands is seeking the Shire's comment on the proposed distribution of the land when the closure is concluded.

Comment

The Department's letter states in part:

"Department of Lands (DoL) have referred for comments to the Department of Planning (DoP) the proposed road closure and amalgamation into the adjoining lot 206. The proposed amalgamation would result in the creation of an irregular shaped lot (battle axe allotment) with two road frontages. Upon consideration of this proposal, along with comments from DoP, the creation of a battle axe allotment is not supported.

Instead of the preferred amalgamation into Lot 206, it is recommended that the portion Jesse Martin Street be amalgamated into both lots 205 and 206. I have attached a Smart Plan graphic of the recommended amalgamation for your reference.

Please provide DoL of any comments you may have regarding the above recommendation."

This matter was initially considered by Council in October 2014 when the following resolution was passed:

1. That Council resolve its intention to close the unmade road reserve named Jesse 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.

Following the advertising period for submissions on the closure, Council again considered the matter at its December 2014 Ordinary Meeting and passed the following resolution:

That the Shire of Williams formally resolves to request State Land Service to action the closure of Jesse Martin Street in Williams.

The plan referred to in the Department's letter follows:



Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council supports the Department of Land's recommendation that the portion Jesse Martin Street to be closed be amalgamated into both lots 205 and 206.



Council Resolution

Cavanagh/Logie

That Council supports the Department of Land’s recommendation that the portion Jesse Martin Street to be closed be amalgamated into both lots 205 and 206.

**Carried 9/0
Resolution 83/17**

8.4.8 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 13 th October 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 September 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. \$200,000 from the Municipal Fund to the Municipal Cash Management Account to invest surplus funds;
2. \$500,000 from the Municipal Fund to the Municipal Cash Management Account to invest surplus funds;
3. \$24,741.14 from the Municipal Fund to the Trust Fund as retention monies relating the Building Contract for the New Street Units that occurred in July 2016; and
4. \$6,818.86 from the Municipal Fund to the Trust Fund as retention monies relating the Building Contract for the New Street Units.



Financial Implications

Payments from the Municipal Fund and Trust Fund have been approved in the 2016/17 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 September 2016.

Council Resolution

Earnshaw/Paterson

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

**Carried 9/0
Resolution 84/17**

LATE ITEM

Council Resolution

Medlen/Cavanagh

That the following late item be accepted for discussion.

**Carried 9/0
Resolution 85/17**

Cr Jarrad Logie declared an interest relating to a closely associated person in the following item 8.4.9 Proposed Seed Cleaning Business – Lot 1161 Playle Road, Williams. The nature of his interest related to being a relative of the person applying for planning approval.

Cr Logie left the meeting at 5.27pm.



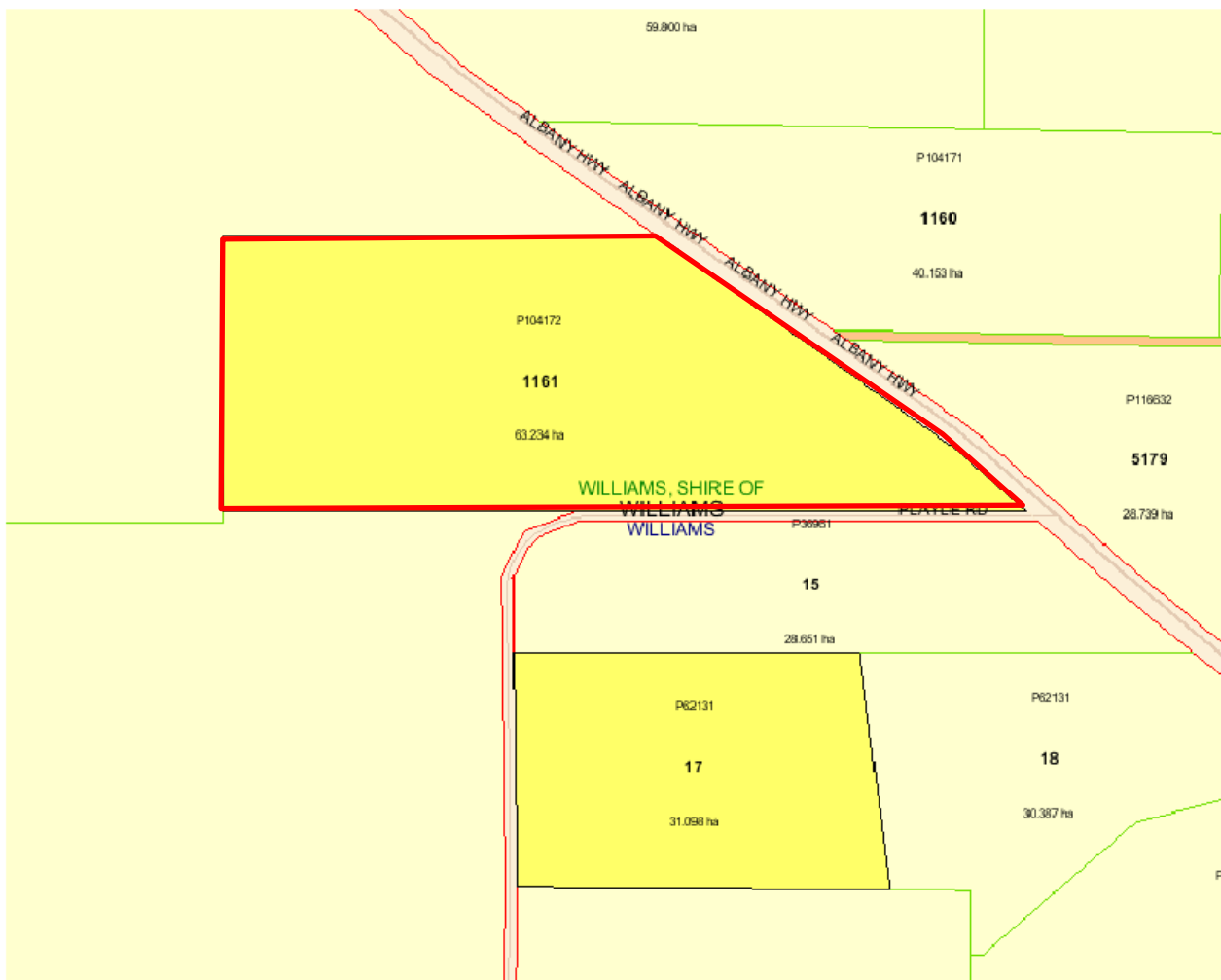
8.4 CHIEF EXECUTIVE OFFICER'S REPORT – LATE ITEM

8.4.9 PROPOSED SEED CLEANING BUSINESS – LOT 1161 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, 19 th October 2016
Attachment	Attachments 1, 2, 3 & 4

Background

An application has been lodged for a seed cleaning business on Lot 1161 Playle Road, Williams – refer location plan below.



Lot 1161 has an area of 63 hectares and contains an existing dwelling with ancillary outbuilding. The lot is located opposite to CBH established on Lot 15.



Comment

➤ **Description of Proposed Business**

A planning application has been lodged for a seed cleaning business on Lot 1161.

The applicant has advised as follows:

- The business is proposed to operate on a 2 hectare portion of the lot.
- Seed will be sourced by local farmers within the Shire of Williams and neighbouring Shires which deliver to the Narrakine CBH site.
- 95% of traffic will be entering Playle Road from the south after being to CBH where there is already a slip lane.
- The service will benefit local farmers and add value to grain.
- The number of trucks entering the site will vary depending on the season and will only operate from November to April. The maximum number of trucks would not exceed an average of 5-7 per day. During busy times there may be 10-15 trucks per day ranging between 10 tonne to 60 tonne loads.
- Local staff will be hired where needed.
- The cleaners are rated to clean 40 tonnes per hour, 10 tonnes per cleaner.
- Farmers will have the choice to wait and take the seconds otherwise they will be sold to Macco Feeds or Feed Lots.
- The nearest dwelling (not owned by the applicant) is over 1.5 kilometres away.

The process is described as follows:

- Trucks will tip off grain in a designated area.
- The loader picks up grain and empties it into a hopper.
- The grain travels through an auger into the cleaner.
- The clean grain is then separated into field bins and loaded back into a truck to return to CBH.
- In the first year 2 x 45 tonne field bins are proposed.
- As the business grows the number of bins may be increased to 4 x 45 tonne bins.

A copy of the application is included as Attachment 1.

➤ **Proposed Site Plan**

The applicant has provided a sketch plan indicating a 20 metre setback, front loading area, and location of hoppers, augars and field bins on a 50 metre x 50 metre asphalt area – Attachment 2.

More recently the property has been surveyed and the applicant lodged a more detailed site plan showing a 70 metre by 100 metre area for the business – Attachment 3.

Gray & Lewis is not in a position to undertake a full assessment as the plans do not clearly show crossovers into the site, staff carparking areas, or demonstrate that there is adequate areas for on-site truck movements, loading and unloading.



The survey plan only shows a front setback (to battering) of 11.3 metres which may not be a sufficient width for unloading.

Council has two options:

Option 1 - Defer determination of the application and request more detailed plans for detailed assessment of vehicle, parking, loading and truck movements on site.

Option 2 - Place a condition on any approval that requires lodgement of more detailed plans (for separate written approval by the Chief Executive Officer) that addresses these issues. The lot is of a sufficient size to accommodate truck movements on site with adequate turning areas.

Gray & Lewis has provided a draft list of recommended conditions if Council pursues with Option 2 and seeks to grant planning approval – Attachment 4.

➤ **Consultation**

Gray & Lewis has provided this report at the request of the Chief Executive Officer for the October Council Meeting.

The Shire has discretion to advertise any planning application and may seek comment form nearby and adjacent landowners, prior to determination.

➤ **Landuse classification and permissibility**

Under the Scheme the term 'industry' includes *'the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the break up or demolition of any article or part of any article'*.

The proposed landuse entails 'cleaning' of grain therefore it is construed the business is a form of 'industry'.

Having determined the business is a form of 'industry', Council has to consider which type of industry it is. Gray & Lewis has construed that it is not a cottage, extractive, hazardous, noxious or service industry based on the Schemes landuse definitions.

It is recommended Council consider whether it is a rural or general industry:

Rural Industry: means an industry handling, treating, processing, or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Industry – General: means an industry other than a cottage, extractive hazardous, light, noxious, rural or service industry.

Gray & Lewis is of the view that the proposed landuse should be construed as a 'Rural Industry' due to the following:



- a. The definition refers to *'primary products'* that are *'grown in the locality'*. The grain being cleaned is a *'primary product'* associated with primary production.
- b. Grain is the essential input into the cleaning process. The grain is *'grown'* in *'the locality'* as it is proposed to be sourced from local farmers in the Shire of Williams and immediate surrounding Shires.
- c. The term *'locality'* is defined as *'a place, area or district, the size of which will vary in relation to context'* under State Planning Policy 2.5 – Landuse Planning in Rural areas. The important issue is that the grain will be sourced within the Shire of Williams and the immediately surrounding area.

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

➤ ***Buffers, landuse conflict and separation distances***

One of the planning considerations in dealing with any application is landuse compatibility. As recognised by State Planning Policy 2.5 (*'SPP 2.5'*) incompatible land uses may include uses that are acceptable in a Rural zone but have a negative impact on other rural land uses.

SPP 2.5 suggests that landuse conflicts be managed in a number of ways including *'in the absence of site-specific technical studies, buffer distances will be guided by the Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses.'*

The EPA statement No 3 recommends a buffer of 300 – 500 metres depending on size for *'grain cleaning'* described as *'premises on which grain or seed is cleaned, graded, sorted or processed'*. The distance is measured to any sensitive landuse such as dwellings.

The applicant has advised the nearest dwelling is 1.5 kilometres, however Shire staff have provided a map showing the nearest dwelling is 840 metres away, which complies with the EPA recommended buffer.



➤ **Carparking**

The applicant has not provided advice on carparking, however the lot is of a sufficient area to contain all carparking on site. As grain will be delivered by truck any carparking will only be to accommodate employees.

➤ **Traffic / Road Issues**

Based on the information provided there would be approximately 105 trucks over a 7 day period. The applicant has indicated that 95% of these vehicles will attend CBH first so there is a slip lane to turn into the CBH site.

Gray & Lewis does not have the expertise to assess traffic impact however the Shire can refer the application to Main Roads WA if there is any concern that traffic will impact on Albany Highway.

Shire staff have advised as follows:

1. The business will capture growers who are refused entry into CBH due to contamination of their grain. The applicant has advised this will be his busiest time and growers will take the opportunity to visit the grain cleaning plant rather than



- taking their grain back to their farm or going to the back of the queue hoping a second sample will get them in.
2. The majority of his traffic will enter Playle Road from the south. There is currently no slip lane/turning pocket for vehicles coming from the north, but this is also the case for other roads that are west of the Highway. There are other roads with above average truck movements, such a Marradong Road (hay plant), Narrakine Road (export seed plant).
 3. The angle that Playle Road intersects the Albany Highway does pose an issue for trucks to remain lane correct. From the south is better due to this angle.
 4. Playle Road does require upgrading. It is a formed road only and there is a bend further only from this proposal that needs improving.

It should be noted that Main Roads WA provided comment on traffic issues associated with a previous application for a hay business at Lot 17 Playle Road. At that time they identified a need for the slip lane on Albany Highway to be extended and the intersection of Playle Road and Albany Highway to be upgraded.

Based on previous Main Roads WA advice and liaison with the Shire Chief Executive Officer it is clear that the Playle Road will likely require some upgrading to accommodate truck movements from Albany Highway.

Council has two options:

Option 1 - Defer determination of the application to allow for consultation with Main Roads WA (and the applicant). Whilst the volume of traffic proposed is less than the Hay business there are still traffic safety issues if trucks cannot enter Playle Road without veering into oncoming local traffic using Playle Road.

The Shire also needs to consider whether it is willing to bear the costs of any intersection upgrade or whether a cost contribution is to be negotiated with the applicant.

If the development proceeds without road upgrading Gray & Lewis has reservations due to traffic safety issue for local traffic using Playle Road.

Option 2 - Place a condition on any approval that requires upgrading of roads (as required by the Shire and / or Main Roads WA) at the applicants cost.

Option 3 - The Shire undertake to upgrade Playle Road and the Albany Highway/ Playle Road intersection (if required). This is not recommended by Gray & Lewis as the extent of works/ costs is currently unknown.



➤ **Bushfire Management**

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas' (SPP 3.7).

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 1161 is within the declared bushfire prone area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment.

A BAL examines the location of proposed development, distance to vegetation, type of vegetation within 100 metres, slope and determines whether higher construction standards should be imposed to reduce bushfire risk.

Gray & Lewis recommends that the application be determined without a BAL for the following reasons:

- Whilst SPP3.7 requires lodgement of a BAL assessment for the proposed development, a BAL is not required as part of the separate building permit process.
- A BAL for non-habitable development only influences siting of buildings (setbacks to vegetation) because no higher construction standards apply to commercial buildings under the Building Code of Australia (BCA).
- Under the Bushfire Guidelines the applicant has discretion as to whether they choose to build to a higher construction standard, and it is not compulsory. In this circumstance a BAL at the planning stage has limited use.

● **Notification on Title**

SPP 3.7 states that 'a notice on title' advising that the site is located in a bushfire prone area should be required as a condition of any planning approval.

Council can impose a condition on any approval requiring a notification to be placed on the Certificate of Title of Lot 1161 to alert any future purchaser that it is in a bushfire prone area.

Council has to have 'due regard' for SPP 3.7, however Gray & Lewis does not recommend any notification on the title for the following reasons:

- e) A notification would need to be compiled by a solicitor and there are costs associated with lodging any notification on a title.



- f) Bushfire mapping will be reviewed annually and the existing vegetation on site is a snapshot in time.
- g) Bushfire mapping is readily available to purchasers through the DFES website. Any purchaser needs to undertake due diligence when buying land.
- h) A footnote can be placed on the planning approval advising the applicant that the lot is within a bushfire prone area.

Policy Requirements

State Planning Policy 3.7 Planning in Bushfire Prone Areas

Legislative Requirements

Planning and Development (Local Planning Schemes) Amendment Regulations 2015 ('the Regulations')

The Regulations include 'deemed provisions' which automatically apply to all local governments.

Regulation 67 outlines '*matters to be considered by Council*' including '*the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety*'.

Regulation 67 also outlines that Council should consider '*the adequacy of the proposed means of access to and egress from the site and arrangements made for the loading, unloading, manoeuvring and parking of vehicles*'.

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

The proposed development will create employment opportunities.

➤ 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. Pursue Option ___ as outlined in this report in regards to the proposed site plan.
2. Pursue Option ___ as outlined in this report in regards to the traffic / road issues.

Council Resolution

Major/Paterson

That Council:

Grants planning approval for the development of a seed cleaning business on Lot 1161 Playle Road, Williams subject to the following conditions:

1. The applicant to submit a revised and detailed site plan for separate written approval of the Shire Chief Executive Officer that addresses:
 - (i) Adequate setbacks to accommodate on site loading, unloading areas and truck movements within the lot boundaries.
 - (ii) Adequate on site carparking for staff that will not interfere with internal access and loading areas.
 - (iii) Clear demarcation of entry points, exit points and on site truck movements within the lot boundaries.
2. 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.
3. All development shall be in accordance with the revised plans approved separately in writing by the Chief Executive Officer (as required by Condition 1).
4. All truck and heavy vehicular access (ingress and egress) associated with the grain cleaning business shall be via Playle Road and no access is permitted to Albany Highway.
5. All internal truck and heavy vehicular accessways shall be accommodated within the lot boundaries at all times. Provision shall be made for all vehicles to enter and depart the lot in forward gear.
6. All internal accessways within the lot shall be constructed and maintained to a trafficable standard to accommodate truck movements to the satisfaction of the Chief Executive Officer.
7. An informal carparking area with capacity to accommodate all staff vehicles on site is to be provided and maintained to a trafficable standard on site to the satisfaction of the Shire's Chief Executive Officer.
8. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
9. This approval is issued based on a proposed landuse of 'Rural Industry'.
10. The applicant is required to upgrade roads (as required by the Shire and / or Main Roads WA) at the applicant's cost prior to commencement.



Advice Notes

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.

Playle Road will require upgrading to accommodate heavy vehicles and turning movements from Albany Highway.

Carried 8/0
Resolution 86/17

Cr Logie returned 5.48pm



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	14 th October 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 the payment listing for the period ending the 31st August 2016 for Municipal Fund EFT, BPAY, Direct Debits and cheques 104559 -104570, totalling \$459,017.32, Trust Cheque 1159 totalling \$340.00, SII Funding EFT payments totalling \$178,281.40 approved for payment by the Chief Executive Officer be endorsed.



Council Resolution

Medlen/Earnshaw

That the payment listing for the period ending the 31st August 2016 for Municipal Fund EFT, BPAY, Direct Debits and cheques 104559 -104570, totalling \$459,017.32, Trust Cheque 1159 totalling \$340.00, SII Funding EFT payments totalling \$178,281.40 approved for payment by the Chief Executive Officer be endorsed.

**Carried 9/0
Resolution 87/17**

Officer's Recommendation

That payment listing for the period ending the 30th September 2016 for Municipal Fund EFT, BPAY, Direct Debits and cheques 104571 - 104580, totalling \$443,248.33, SII Funding EFT payments totalling \$474,649.49 approved for payment by the Chief Executive Officer be endorsed.

Council Resolution

Paterson/Medlen

That payment listing for the period ending the 30th September 2016 for Municipal Fund EFT, BPAY, Direct Debits and cheques 104571 - 104580, totalling \$443,248.33, SII Funding EFT payments totalling \$474,649.49 approved for payment by the Chief Executive Officer be endorsed.

**Carried 9/0
Resolution 88/17**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	14 th October 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 30th September 2016 be received.

Council Resolution

Paterson/Johnstone

That the financial statements presented for the period ending 30th September 2016 be received.

**Carried 9/0
Resolution 89/17**



8.6 COUNCILLORS' REPORTS

- Cr Carne attended a 4WDL Meeting hosted by the Shire of Williams on the 11th October 2016 and discussed the matters raised.
- Cr Cavanagh attended the Hotham Williams Economic Development Alliance (HWEDA) Meeting held at the Shire of Boddington on the 11th October 2016 and mentioned the outcomes from the meeting.

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

Cr Cowcher requested permission from Council to discuss the reported use of oversized loaders on the road network in Williams.

Council Resolution

Earnshaw/Medlen

That Council agree to consider new business regarding the reported use of oversized loaders on the road network in Williams.

**Carried 9/0
Resolution 90/17**

There was general discussion regarding the operation of oversized loader on the road network and the possibility of damage being caused to the road surface and drainage structures.

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 6.33pm.