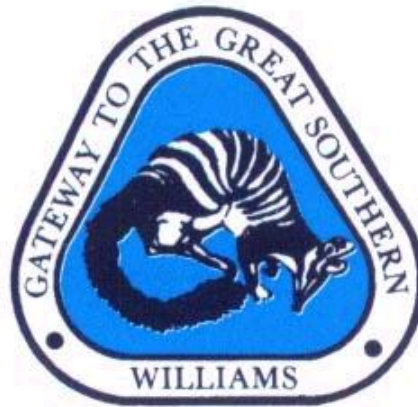




SHIRE OF WILLIAMS

MINUTES ORDINARY MEETING HELD ON WEDNESDAY 18TH APRIL 2018



COUNCIL DIARY

WEDNESDAY 18TH APRIL 2018

1.00pm
Ordinary Meeting

WEDNESDAY 25TH APRIL 2018

8.00am
ANZAC Day Ceremony

WEDNESDAY 16TH MAY 2018

1.00pm
Ordinary Meeting



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MINUTES – ORDINARY MEETING OF COUNCIL HELD 18TH APRIL 2018

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Separate Documents

1. Minutes – Council; 4WDL, HWEDA, LEMC
2. CEO General Report
3. Appendix to CEO General Report
4. Payment Listing
5. Monthly Financial Report
6. Municipal Bank Reconciliation
7. Status Report
8. Info Statement



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.



MINUTES

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President Cr John Cowcher declared the meeting open at 1.00pm.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher President
 Cr Jarrad Logie Deputy President
 Cr Moya Carne
 Cr Gilbert Medlen
 Cr Natalie Major
 Cr Greg Cavanagh
 Cr Simon Harding
 Cr Alex Watt
 Cr Bob Baker

Geoff McKeown Chief Executive Officer
 Tony Kett Works Supervisor (1.36pm – 1.54pm)
 Gordon Tester Environ. Health Officer/Building Surveyor (1.55pm – 2.05pm)
 Cara Ryan Manager of Finance (4.17pm – 4.33pm)
 Manuela Lenehan Minute Taker

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	Cr Simon Harding / Councillor
Item No. / Subject	8.4.2 Proposed Subdivision/Amalgamation – Lots 3,4 and 175 Culbin-Boraning Rd, Williams
Type of Interest	Indirect Financial (Closely Related Person)



6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 ORDINARY COUNCIL MEETING HELD 21ST MARCH 2018

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 21st March 2018, as previously circulated, be confirmed as a true and accurate record.

Council requested that the Minutes of the Ordinary Meeting held on 21st March 2018 be amended with reference to the matter concerning the construction material for the office, lunchroom etc. in the new Industrial Shed. The Minutes are to reflect that those structures are to be constructed in steel.

Council Resolution

Medlen/Major

That the Minutes of the Ordinary Meeting held on 21st March 2018, as previously circulated and amended, be confirmed as a true and accurate record.

**Carried 9/0
Resolution 161/18**

6.2 HWEDA MEETING HELD 13TH FEBRUARY 2018

Officer's Recommendation

That the Minutes of the HWEDA Meeting held on 13th February 2018, as previously circulated, be received.

Council Resolution

Major/Carne

That the Minutes of the HWEDA Meeting held on 13th February 2018, as previously circulated, be received.

**Carried 9/0
Resolution 162/18**



6.3 LEMC MEETING HELD 9TH APRIL 2018

Officer's Recommendation

That the Minutes of the LEMC meeting held on 9th April 2018, as previously circulated, be received.

Council Resolution

Medlen/Major

That the Minutes of the LEMC meeting held on 9th April 2018, as previously circulated, be received.

**Carried 9/0
Resolution 163/18**

6.4 4WDL MEETING HELD 10TH APRIL 2018

Officer's Recommendation

That the Minutes of the 4WDL Meeting held on 10th April 2018, as previously circulated, be received.

Council Resolution

Carne/Baker

That the Minutes of the 4WDL Meeting held on 10th April 2018, as previously circulated, be received.

**Carried 9/0
Resolution 164/18**

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS



8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

Nil to report

The Works Supervisor, Mr Tony Kett, attended the meeting at 1.36pm to discuss his report.

8.2 WORKS SUPERVISOR'S REPORT

File Reference 12.15.36
 Statutory Reference N/A
 Author & Date Tony Kett 11th April 2018

8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Zilko Rd	19.3
Dardadine Rd	21.5
English Rd	6.5
Extracts Rd	12.2
Browns Rd	1.0
Culbin South Rd	2.4
Mathews Rd	2.1
Bates Rd	3.5
Kennedy Rd	2.7
Total Length for the Month	71.2 km

8.2.2 ROAD MAINTENANCE WORKS

- Patching on Williams-Darkan Rd

8.2.3 2017/18 ROAD CONSTRUCTION PROGRAM

Road Construction Program 2017-2018								
Road No	Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Start Date	Finish Date	Comments
128	Williams-Darkan Rd	Pavement stabilisation	Various SLKS					
10	Pingelly Road	Seal to 7m	3.50	5.0	1.5 km			Completed
1	York-Williams	Reseal	3.10	6.10	3 km			Completed
7	Clayton Road	Seal Shoulders	0.0	2.00	2 km			Completed



7	Clayton Road	Widen Shoulders	2.00	4.00	2km			Completed
11	Marradong Road	Seal 600m. Install drainage and repair pavement failures for a further 600m.	Various slks					Started Drainage
12	Zilko Road	Drainage and Seal 300 Metres over culvert	14.0	14.3	300m			
9	Dardadine Road	Tree Trimming			4 km			
15	Glenfield Road	Tree Trimming			4 km			Completed
	2017 Flood Damage	Road and Culvert Repairs	Various Roads in Shire.					

8.2.4 MECHANICAL REPORT

Plant Description		Driver	Date Purchased	Hours/Km 1 December 2017	Works Completed this month
Mazda CX5 WL 16	Light Vehicles	Cara Ryan	23 Sep 15	81,328 km	
Toyota Prado 16 WL		Geoff McKeown	10 Sep 16	44,000 km	
Holden Rodeo Dual Cab Utility WL 5499		Outside staff	5-Nov-04	253,523 km	
Holden Colorado Dual Cab WL 19		Tony Kett	11-Sep-17	8,883 km	
Kia 2 Tonne Truck WL 954		Jeff Cowan	9-Oct-07	156,265 km	
Isuzu D-Max WL 5802		Andrew Wood	5-Nov-14	105,753 km	
Isuzu 4x2 Single Cab Ute WL 916		Maintenance	25-Nov-2016	13,376 km	
Holden Rodeo Single Cab Utility WL 826		Outside works crew	20-Nov-06	121,918 km	
Isuzu 4x2 Single Cab Ute WL 915		James Lenehan	25 Nov 2016	9,449 Km	
Skid Steer Track Loader 1EVV725		Construction Equipment	Outside works crew	Sep 2015	592 hr
Multipack Multi-Tyre Road Roller WL 49	Outside works crew		21-Oct-04	6,861 hr	
Vibromax Roller WL 126	Outside crew		29-Sep-04	4,448 hr	
Caterpillar 12M Grader WL 61	Richard Hewitt		Dec 2011	5,563 hr	
Caterpillar 12M Grader WL 361	Andrew Wood		15-10-2014	2,676 hr	



721E Case Loader WL 5639		Roger Gillett	May 2012	6,527 hr	Repaired tyre
Volvo EC210BLC Excavator WL 499		Phil Reed	18-Jul-07	7,321 hr	Serviced New front window
John Deere 315SE4 Backhoe WL 745		Trevor Palframan	17-Sep-01	2,975 hr	Repaired 2 tyres
Toro Reelmaster SP Mower WL 5502		Works	Aug-09	1,165hr	
Kubota Generator	Parks & Gardens	Refuse Site		4,163 hr	
Toro Groundmaster 360 WL 917		Jeff Cowan	Nov 2016	148 hr	New belts
Toro Z400 Kholer Ride on Mower WL 5302		Jeff Cowan	8-Aug-05	636 hr	
Honda TRX Four Wheel M/cycle WL 429		Jeff Cowan	20-Mar-00	1,456 hr	
Toyota DA115 Tip Truck (Water Truck) WL 595	Trucks & Trailers	James Lenehan	24-Aug-94	237,020 km	
Isuzu FVZ1400 Tip Truck WL 093			31-Dec-03	300,919 km	Serviced
Mercedes Benz Actross Prime Mover WL 91		Phil Reed	21-Dec-05	336,474 km	Serviced
Isuzu Giga CXZ Tip Truck WL 128		Justin Murdock	10-Dec-08	230,126 km	
Isuzu NPR 300 Truck WL 016		David Munday	21-Jan-13	91,715 km	
SFM Side Tipping Trailer WL 3730		Works	21-Dec-05	154,500 km	
Howard Porter Low Loader WL ITIF 238		Works	31-Aug-07	146,500km	
Howard Porter Pig Trailer WL 3792		Justin Murdock	10-Dec-08	153,500 km	
Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	2008 Received 23/2/2016	167,500 km ?	

8.2.5 STAFF

- Nil to report

8.2.6 TOWN AND FACILITIES REPORT

- Dismantled Lions Park ready for upgrade.
- Two chainsaws were stolen over the Easter break.

8.2.7 PRIVATE WORKS

- Some work for Main Roads to start the bypass road at Lions Park.



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

Logie/Watt

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

**Carried 9/0
Resolution 165/18**

Tony Kett left the meeting at 1.54pm.



The Environmental Health Officer/Building Surveyor, Mr Gordon Tester, attended the meeting at 1.55pm to discuss his report.

8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

8.3.1 BUILDING PERMITS

File Reference 13.34.10
Statutory Reference Building Act 2011, Building Regulations 2012
Author & Date Gordon Tester 11 April 2018

Comment
 Nil

Permit Number	Owner	Address	Description
404	Phillip Moog	Lot 320,281 Williams Road, Williams	Steel Framed and Clad Shed.

Voting Requirements
 Simple Majority Required

Officer's Recommendation
 That the Building Report as presented be endorsed by Council.

Council Resolution
Major/Watt
 That the Building Report as presented be endorsed by Council.

Carried 9/0
Resolution 166/18



8.3.2 REDUCTION OF SETBACK

File Reference	10.60.15
Statutory Reference	Town Planning and Development Act 2005
Author & Date	Gordon Tester 11 April 2018
Appendices	Plans and Documents

Background

On 4 April 2018 Council received an application requesting Council consider a side setback variation for a proposed steel framed carport at 18 Growse Street Williams owned by Colin and Candice Fairbrass.

The neighbouring property owner has signed a copy of the proposed site plan and has indicated no objection to this proposal.

Statutory Implications

The 'deemed to comply' setbacks under the R Codes include a 6 metre front setback and 1 metre side setback.

The front setback can be reduced by 50% (i.e. to 3 metres) as long it still averages to the 6 metres.

Comment

The Residential Design Codes are a performance based document that permits Council to approve setback variations to the deemed to comply setbacks where it is demonstrated that no negative impacts will be incurred by owners of neighbouring properties.

As the owners of the neighbouring property have signed a copy of the site plan indicating no objection, and there is no stormwater or fire separation issues being caused by the proposed siting of the carport it is recommended that Council approve this proposed variation to the Residential Design Codes.

Voting Requirements

Simple Majority Required

Officer's Recommendation

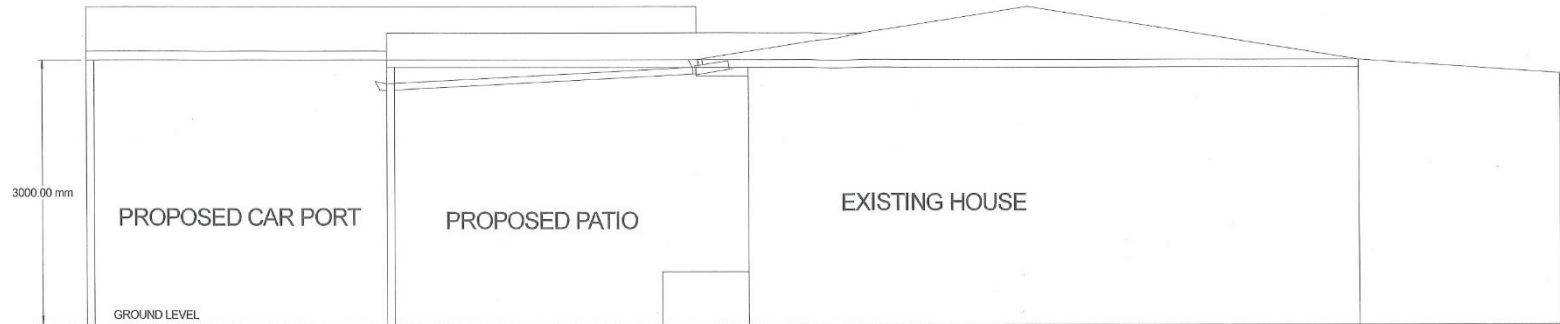
That the proposed steel framed and steel roofed carport and front veranda at 18 Growse Street for Colin and Candice Fairbrass be approved with a reduced side setback of 600mm and a averaged reduced front setback of 2800mm.

Council Resolution

Cavanagh/Medlen

That the proposed steel framed and steel roofed carport and front veranda at 18 Growse Street for Colin and Candice Fairbrass be approved with a reduced side setback of 600mm and a averaged reduced front setback of 2800mm.

Carried 9/0
Resolution 167/18

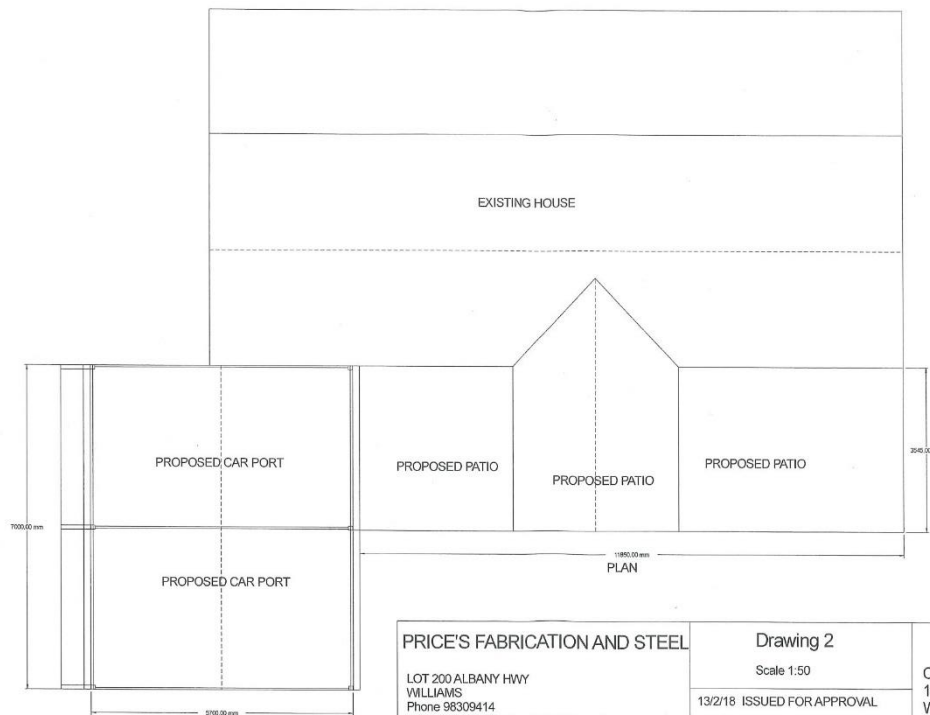


SOUTH ELEVATION

PRICE'S FABRICATION AND STEEL LOT 200 ALBANY HWY WILLIAMS Phone 98309414 Email barry@pricesfabricationandsteel.com.au	Drawing 1 Scale 1:50	Colin and Candice Fairbass 18 Growse Street WILLIAMS 6391
	13/2/18 ISSUED FOR APPROVAL	

DAN TURNER DE (CIVIL) RPEQ 05707
 Civil, Structural & Project Management
 ABN: 57 730 733 802
 97 Felspar St Narrogin WA 6312
 Ph (08) 9881 3218 Mob 04 0986 7048
 Email: dant34175@bigpond.com

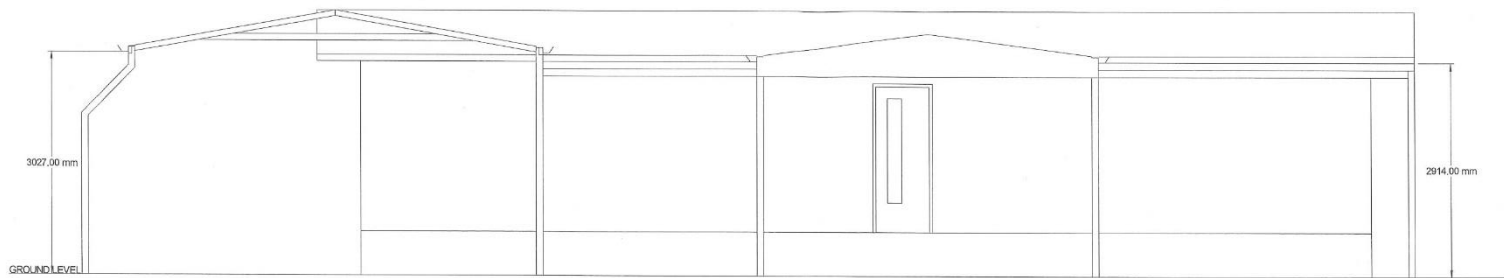
[Handwritten Signature]
 28 2 18



DAN FLINER DE (6W11) BREED 05707
 Civil, Structural & Project Management
 ABN: 37 730 733 802
 97 Felspar St Narrogin WA 6312
 Ph (08) 9881 3218 Mob 04 0986 7048
 Email: dant34175@bigpond.com

[Handwritten signature]
 28 2 18

PRICE'S FABRICATION AND STEEL LOT 200 ALBANY HWY WILLIAMS Phone 98309414 Email barry@pricesfabricationandsteel.com.au	Drawing 2 Scale 1:50	Colin and Candice Fairbass 18 Growse Street WILLIAMS 6391
	13/2/18 ISSUED FOR APPROVAL	



FRONT ELEVATION

<p>PRICE'S FABRICATION AND STEEL</p> <p>LOT 200 ALBANY HWY WILLIAMS Phone 98309414 Email barry@pricesfabricationandsteel.com.au</p>	<p>Drawing 3</p> <p>Scale 1:50</p> <p>13/2/18 ISSUED FOR APPROVAL</p>	<p>Colin and Candice Fairbass 18 Growse Street WILLIAMS 6391</p>	<p>DAN TURNER DC (LIV) RPEL 0510, Civil, Structural & Project Management ABN: 37 730 733 802 97 Felspar St Narrogin WA 6312 Ph (08) 9881 3218 Mob 04 0986 7048 Email: dant34175@bigpond.com</p> <p><i>[Signature]</i> 28 2 18</p>
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Gordon Tester left the meeting at 2.05pm.



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	12 th April 2018
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.

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):
CL 2.2 Maintain accountability, transparency and financial responsibility.

Financial implications

Nil

Voting Requirements

Simple Majority

Included in the Chief Executive Officer’s General Report is information regarding the revised WALGA Climate Change Policy Statement, with an invitation for local government to comment on the document.

Council Resolution

Carne/Watt

That Council does not support WALGA adopting its Draft Climate Change Policy Statement, highlighting Council’s concern with:

1. the argument that human activities are the dominant cause of climate change; and
2. the recommendation that Local Government should call on the State and Federal Governments to consider amending their investment strategies and /or policies to invest in financial institutions which do not fund fossil fuel, directly or indirectly, subject to minimum credit risk and portfolio exposure limit.

**Carried 9/0
Resolution 168/18**



Officer's Recommendation

That the Chief Executive Officer's General Report for April 2018 be received by Council.

Council Resolution

Logie/Medlen

That the Chief Executive Officer's General Report for April 2018 be received by Council.

**Carried 9/0
Resolution 169/18**

Cr Harding declared an indirect financial interest for the following item, 8.4.2 Proposed Subdivision/Amalgamation – Lots 3, 4 and 175 Culbin-Boraning Road Williams and left the meeting at 2.54pm. The nature of his interest relates to being a relative of one of the applicants whose property is the subject of this application.

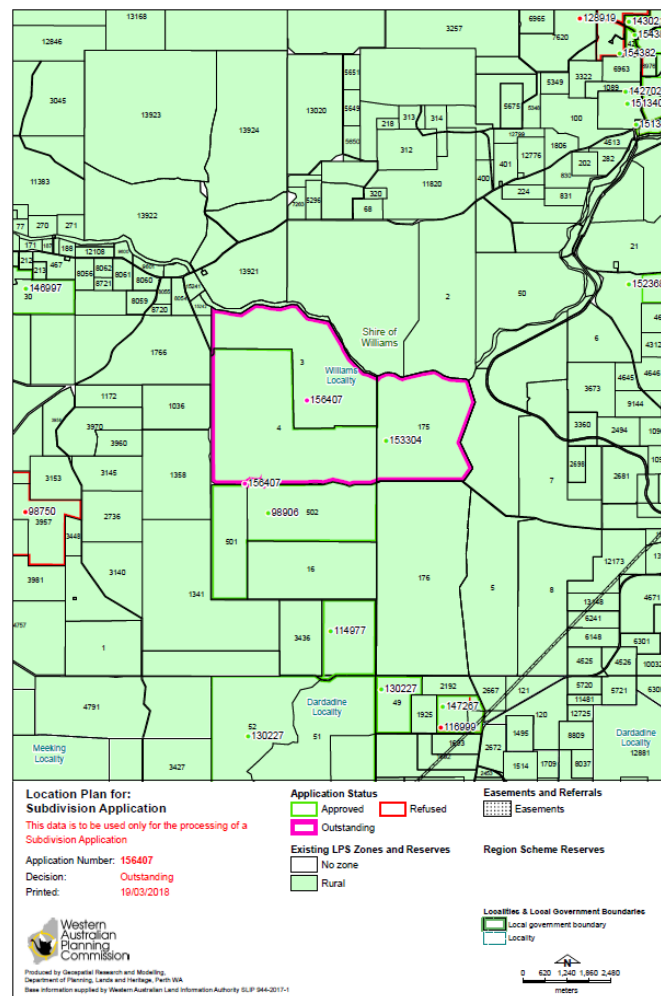
**8.4.2 PROPOSED SUBDIVISION/AMALGAMATION – LOTS 3, 4 AND 175 CULBIN-BORANING ROAD
WILLIAMS**

File Reference	10.64.20
Statutory Reference	Shire of Williams Town Planning Scheme No 2
Author & Date	Geoff McKeown 5 th April 2018
Attachments	Nil

Background

An application has been lodged with the Western Australian Planning Commission (WAPC) seeking planning approval to subdivide and amalgamate Lots 3, 4 and 175 Culbin Boraning Road, Williams. The WAPC has referred the application to the Shire of Williams for comment (by 2 May 2018).

The lots included in the proposal are shown on the following plan:



Comment

➤ **Description of Application**

Detail included in the Applicant’s report indicates that the proposal seeks to achieve the following outcomes:

- The proposal seeks to facilitate the division of the rural land holding in accordance with the current ownership so that the three ownership groups can establish financial security and can hold their share as their own title as they continue to operate;
- The proposal allows for very large lots sizes (231.9 ha and above) which do not restrict the existing farming uses from continuing;
- The existing boundary of Lot 4 (shared with Lot 175) is also proposed to be better located, so that it runs adjacent to the existing creekline;
- The proposal has been justified in light of the Shire of Williams Town Planning Scheme No. 2 and the WAPC DC Policies; and
- The servicing and access arrangements of the subject land will not have to be modified to undertake the proposed subdivision.



➤ **Shire of Williams Town Planning Scheme No 2**

The lots are zoned 'Rural' under the Shire of Williams Town Planning Scheme No 2 ('the Scheme').

Under the Shire's Scheme there is a general presumption against subdivision of rural land unless the lots have already been divided by a significant physical feature, the lots are for farm adjustment, the lots are for specific uses (recreation) or the lots are for the establishment of uses ancillary to the rural use of the land.

➤ **State Planning policy : Development Control Policy 3.4 – Subdivision of Rural Land**

There is also a general presumption against subdivision of rural land under the WAPC's Development Control Policy 3.4 ('DCP 3.4') which states that *'the creation of new or smaller lots will be by exemption'*.

DCP 3.4 outlines exceptional circumstances where subdivision of rural land will be considered as followed:

- Re-alignment of boundaries with no increase in the number of lots.
- Protection of heritage places
- Homestead lots (between 1-20 hectares)
- For public utilities.

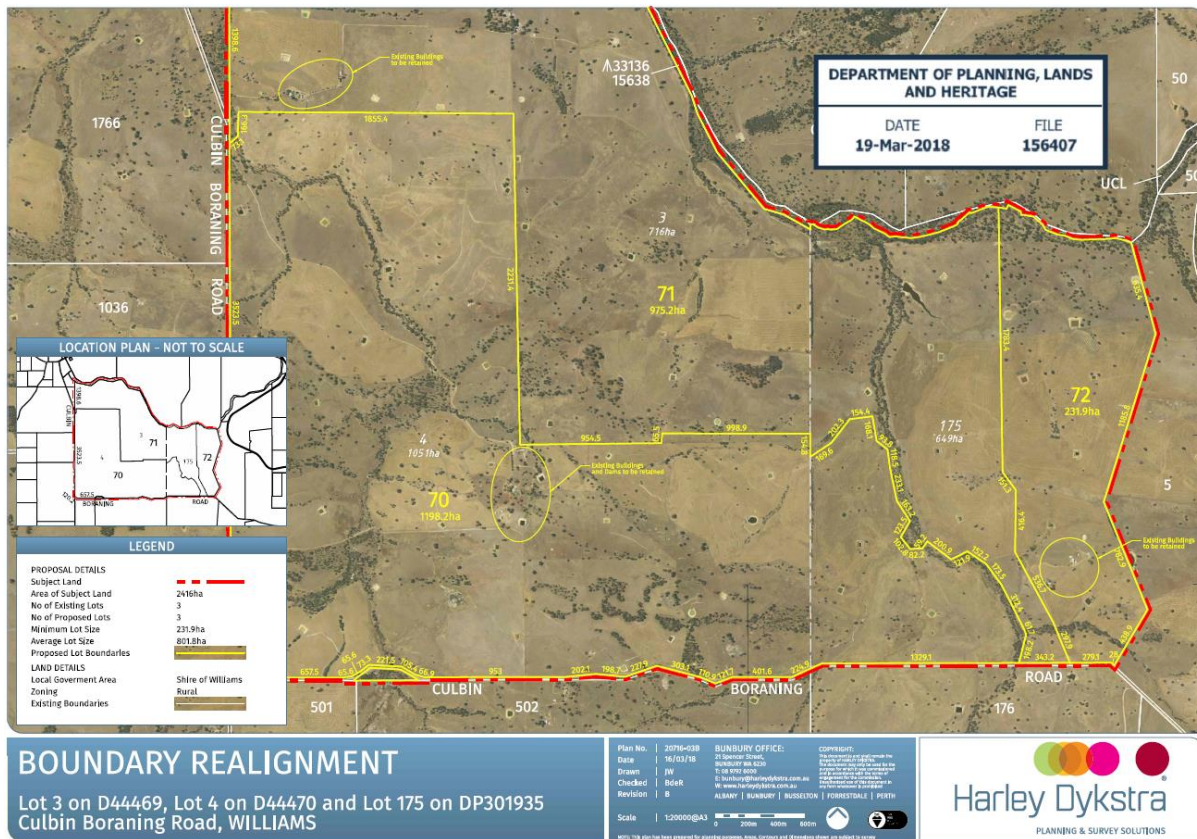
All applications are assessed in accordance with stringent criteria aimed at preventing fragmentation of rural land, maintaining lot sizes suitable for continued agriculture, and protecting agricultural land from ad-hoc unplanned subdivision.

The proposed subdivision application does not propose to increase the number of lots and therefore complies with the Shire's Scheme and WAPC Development Control Policy 3.4.

Accordingly, it is recommended that the application be supported.

The Shire has previously considered a subdivision application in this area. In March 2016 an application proposed the amalgamation of two of the lots, being Lots 4 & 175, with the proposal to create three new lots. This was not supported by the Shire or the WAPC.

A revised proposal in October 2016 amended the earlier application to propose the creation of only two lots. This received Shire support and WAPC approval. However, it now is superseded by this new application, which includes the addition of Lot 3.



➤ **Bush Fire Prone Mapping**

There is on line mapping which identifies all land in bushfire prone areas for the whole of Western Australia – available on www.dfes.wa.gov.au. An extract of the map as it applies to lots that are the subject to this application is included on the following page.

The bush fire prone areas have been designated by the Fire and Emergency Services Commissioner.

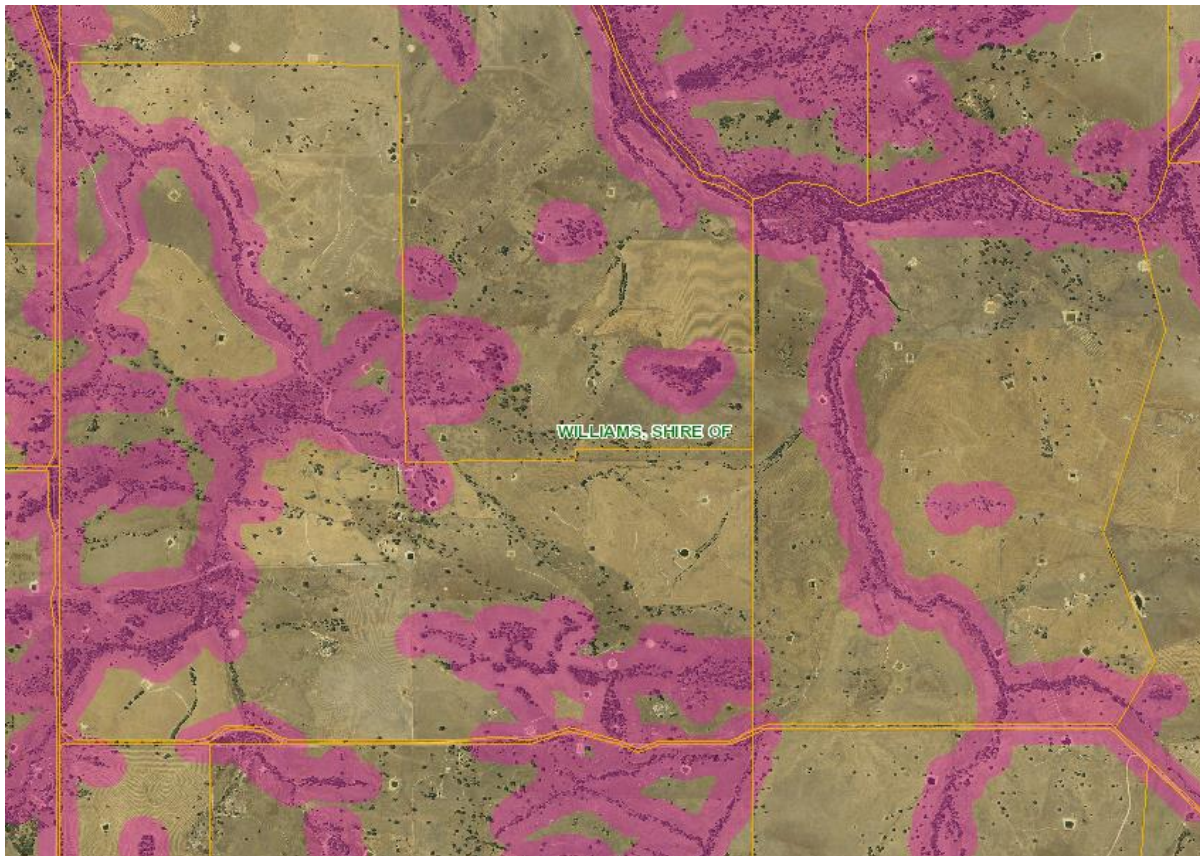
A new State Planning Policy, *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) was gazetted on Monday, 7 December 2016.

SPP 3.7 directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas.

SPP 3.7 requires all new subdivision applications entailing land identified as Bushfire Prone to be supported with a Bushfire Attack Level (BAL) contour map, however none has been provided on this occasion.

The applicant has stated that no detailed fire assessment is required for this application as Planning Bulletin 111/2016 states that State Planning Policy 3.7 applies to applications for subdivision except for amalgamations or boundary realignments. Since this proposed boundary

realignment will not result in an increased bushfire risk, no detailed fire assessment is required at this stage. Any potential future development on the site will require appropriate assessment at that time.



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 Shire’s Scheme.

Regulation 67 outlines ‘*matters to be considered by Council*’ including ‘*any policy of the Commission*’. This gives immense weight to Development Control Policy 3.4.

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

Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.



Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation:

That Council:

1. Recommend that the Western Australian Planning Commission approve the application to subdivide and amalgamate Lots 3, 4 and 175 Culbin Boraning Road, Williams highlighting the following reasons:

- (i) The application complies with 'Development Control Policy 3.4 – Subdivision of Rural Land' as the proposal is to realign boundaries without creating additional lots; and
- (ii) The Shire of Williams Town Planning Scheme No.2 allows support for subdivision of 'rural' zoned land where adjustment of lot boundaries is proposed and where no additional lots are created.

Council Resolution

Cavanagh/Medlen

That Council:

1. Recommend that the Western Australian Planning Commission approve the application to subdivide and amalgamate Lots 3, 4 and 175 Culbin Boraning Road, Williams highlighting the following reasons:

- (i) The application complies with 'Development Control Policy 3.4 – Subdivision of Rural Land' as the proposal is to realign boundaries without creating additional lots; and
- (ii) The Shire of Williams Town Planning Scheme No.2 allows support for subdivision of 'rural' zoned land where adjustment of lot boundaries is proposed and where no additional lots are created.

**Carried 8/0
Resolution 170/18**



Afternoon Tea

The President adjourned the meeting for afternoon tea at 2.56pm and the meeting resumed at 3.35pm. All Councillors were present at the resumption of the Meeting.

8.4.3 PRIMEDIA PTY LTD – ADVERTISING SIGN LEASE

File Reference	12.21.90
Statutory Reference	<i>Land Administration Act 1997</i>
Author & Date	Geoff McKeown 6 th April 2018
Attachment	Nil

Background

In 2011 the Shire of Williams received an application from Paramount Outdoor Pty Ltd seeking approval to erect signage on Reserve 31309, being Lot 343 Albany Highway, Williams. The Reserve is vested in the Shire for ‘Recreation’. The application was approved and the Shire entered into an agreement for a five year period concluding in May 2016.

Comment

At the time of considering the application the Council passed the following resolution:

Johnstone/Logie

That Council:

- 1. Enter into an agreement with Paramount Outdoor to allow signage to be erected on Lot 343 Albany Highway for a period of Five (5) years and an amount of \$1,000 per annum plus GST.*
- 2. Grant Planning permission for Paramount Outdoor to erect signage on Lot 343 Albany Highway as specified in the plans provided subject to the signage conforming to Main Road Roadside Signage Guidelines.*

***Carried 9/0
Resolution 216/11***

In late 2013 Council considered an item that raised concerns about the content of the advertising and the expectation that road safety messages were not receiving enough consideration. The Shire had received complaints from the public which mentioned the advertising of alcoholic beverages. In response to these complaints the Council passed the following resolution requesting the Chief Executive Officer to investigate the implications for terminating the agreement.

Carne/Johnstone

That Council instruct the Chief Executive Officer to investigate the implications of terminating the agreement with Paramount Outdoor Pty Ltd for signage at Lot 343 Albany Highway Williams.

***Carried 8/0
Resolution 130/14***



A letter was forwarded to Paramount Outdoor Pty Ltd in early 2014 indicating Council's desire to commence discussions to cancel the lease and remove the signage. No reply to that correspondence was received.

During the term of the agreement Paramount Outdoor Pty Ltd paid a lease fee that has included an increase each year. The lease payments have been:

- 2011 \$1,000.00
- 2012 \$1,050.00
- 2013 \$1,102.50
- 2014 \$1,135.57
- 2015 \$1,169.64

In November 2016 the Chief Executive Officer presented an item to Council recommending two options. They included:

1. Advising Paramount Outdoor Pty Ltd that the Shire of Williams does not want to enter into a new agreement allowing advertising signage being located on Reserve 31309 and the company is requested to remove the infrastructure and return the site to its original condition, or
2. Council enter into a new agreement with Paramount Outdoor Pty Ltd to allow advertising signage to remain located on Reserve 31309 for a period of five (5) years, with the lease fee being set at \$1,500 per annum including a 5% increase for each year after the first year.

Council considered these options and passed the following resolution:

Logie/Cavanagh

That Council enter into a new agreement with Paramount Outdoor Pty Ltd to allow advertising signage to remain located on Reserve 31309 for a period of five (5) years, with the lease fee being set at \$12,000 per annum including a 5% increase for each year after the first year.

Carried 7/0

Resolution 104/17

Attempts to communicate this decision to Paramount Outdoor Pty Ltd were unsuccessful. It now appears that Paramount Outdoor Pty Ltd was sold in 2016. It has been a lengthy process to locate the entity that now has control of the sign.

The company currently managing of the sign infrastructure is Primedia Pty Ltd. It would like to enter into a new lease agreement on the following terms:

- Tenant: Primedia Pty Ltd
- Term: 5 years
- Option: 5 years
- Annual Rental: \$3,000 (exclusive of GST)
- Annual increases: 3%
- Special Conditions: The Tenant undertakes to complete landscaping around the sign.

As Paramount Outdoors Pty Ltd no longer exists the Shire is unable to action previous resolutions relating to this company and therefore those decisions are annulled.

The current advertising appearing on the billboard shows the following:



If the Shire intends to enter into a new lease it should seek the approval of the Minister for Lands. Reserve 31309 is vested in the Shire of Williams for the purposes of 'Recreation' with power to lease for a period up to 21 years, subject to approval in writing of the Minister for Lands.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

SCD 1.3 Maintain a safe and secure environment for the community.

CL 2.3 Monitor revenue streams and implement opportunities where appropriate. Consistently review rate income.

Financial Implications

The Shire will receive a lease fee for the duration of the agreement.



Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Agrees to enter into a new lease agreement with Primedia Pty Ltd to allow advertising signage to remain located on Reserve 31309 for a period of five (5) years, with a five (5) year option including the following terms:
 - Annual Rental: \$3,000 (exclusive of GST);
 - Annual increases: 3%;
 - Special Conditions: The Tenant undertakes to complete landscaping around the sign;
2. Will proceed to formalise the new lease agreement if approval will be granted by the Minister for Lands in accordance with the *Land Administration Act 1997*.

Council Resolution

Major/Cavanagh

That Council:

1. Agrees to enter into a new lease agreement with Primedia Pty Ltd to allow advertising signage to remain located on Reserve 31309 for a period of five (5) years, with a five (5) year option including the following terms:
 - Annual Rental: \$10,000 (exclusive of GST);
 - Annual increases: 3%;
 - Payment to be in advance each year
 - Special Conditions: The Tenant undertakes to complete landscaping around the sign;
2. Will proceed to formalise the new lease agreement if approval will be granted by the Minister for Lands in accordance with the *Land Administration Act 1997*.

**Carried 8/1
Resolution 171/18**

The resolution differed from the recommendation as Council believed the proposed rental amount was inadequate and that the rent should be paid in advance.



8.4.4 TEMPORARY ACCESS TO RESERVE 31309

File Reference	12.15.33
Statutory Reference	<i>Land Administration Act 1997</i>
Author & Date	Geoff McKeown 12 th April 2018
Attachment	Nil

Background

Main Roads has requested formal access to Reserve 31309, being Lot 343 Albany Highway, Williams, for the purpose of a lay down area for its contractor undertaking work on the bridge replacement and road constructions works in the Williams townsite. Reserve 31309 is vested in the Shire for the purpose of 'Recreation' with power to lease.

Comment

In its request for access to this lot, Main Roads has provided the following information:

"Further to our meeting on site at Williams on 5/4/2018 I hereby formally request use of the Billboard advertising block (noted as under Council management - opposite the Park) for a potential construction lay down area.

The alternative private vacant block is restrictive for Construction purposes given the need to cross the side track and there is constant interface with the public via the entry point and within the area.

As discussed if utilised the contractor will be required to fence areas in use, protect the services and drainage in the Lot, rehab any disturbed areas and address the access to the adjacent property side gate. Additionally I believe we could have the waste road materials at the East end of the Lot removed to the Tip.

The Contractor may choose an alternative local lay down area but we need a viable option to suggest at Tender briefing Meetings hence your/councils agreement is required."

Apart from the advertising sign located on the lot, it is variously used by travellers as overflow parking to the BP Roadhouse. In addition, the owners of the property immediately north of the lot use it as additional access to their property.

Although Reserve 31309 is vested in the Shire of Williams for the purposes of 'Recreation' with power to lease for a period up to 21 years, it is required to seek written approval of the Minister for Lands. The Department of Lands has been requested to confirm if the Shire is permitted to enter into such an agreement with Main Roads for the proposed activity. Shire approval to enter into an agreement will be subject to that advice.



Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):
SCD 1.3 Maintain a safe and secure environment for the community.

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council agrees to enter into an access agreement with Main Roads to allow Reserve 31309, being Lot 343 Albany Highway, Williams, to be used as a contractor lay down area during works associated with replacement of Bridges 24 and 25 and reconstruction of Albany Highway subject to:

- Undertaking consultation with adjacent landholders, and
- Approval being granted by the Minister for Lands in accordance with the *Land Administration Act 1997*.



Council Resolution

Logie/Medlen

That Council agrees to enter into an access agreement with Main Roads to allow Reserve 31309, being Lot 343 Albany Highway, Williams, to be used as a contractor lay down area during works associated with replacement of Bridges 24 and 25 and reconstruction of Albany Highway subject to:

- Undertaking consultation with adjacent landholders;
Ensure dust is managed to the satisfaction of the Shire;
Undertake operations within agree hours of work;
Reinstate any vegetation removed in accordance with an approved revegetation plan;
and
- Approval being granted by the Minister for Lands in accordance with the *Land Administration Act 1997*.

**Carried 9/0
Resolution 172/18**

The resolution differed from the recommendation as Council wished to clarify conditions relating to its support for use of the reserve.

8.4.5 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 1995</i>
Author & Date	Geoff McKeown 12 th April 2018
Attachment	Nil

Background

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

There is a requirement under the *Local Government Act 1995* that the Delegations Register is reviewed annually by Council. A procedure included in the Delegations Register is to report to Council the activities or actions that have been performed under 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 Delegations Register.

Comment

Actions performed under delegation during the preceding month 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. \$100,000.00 from the Municipal Cash Management Account to the Municipal Fund to meet upcoming expenses.
2. \$0.14 from the 4WDL Account to the Municipal Fund to reflect closure of project funds held in that account.

- **Common Seal – Delegation LGA7**

Delegation - The Chief Executive Officer has delegated authority to affix the common seal of the Shire of Williams to any document which requires the affixing of the common seal to be validly executed.

Action - The President and Chief Executive Officer affixed the common seal to the Sub Lease with Co-operative Bulk Handling Limited and the Public Transport Authority of WA for Part Railway Reserve, Brooking Street, Williams.

- **Planning Matters – Delegation PLN1**

Delegation - The Chief Executive Officer is authorised to issue planning consent for development applications that fully comply with all requirements.

Action - The Chief Executive Officer granted planning approval for the growing and packaging of fresh produce - vegetables at 243 Richmond Street, Williams as a permitted activity under provisions of the Shire of Williams Town Planning Scheme No.2. The approval did not extend to the processing or sale of the produce from the property.

- **Payment of Creditors – Delegation FMR1**

Delegation - Under section 5.42 of the *Local Government Act 1995*, the Chief Executive Officer is delegated to exercise the powers or discharge the duties of the Council under Regulation 12 of the *Local Government (Financial Management) Regulations 1996*, in regard to the making of payments from the municipal and trust funds.

Action - Payments from the Municipal Fund and Trust Fund as per financial report attached at 8.5.1 of this Agenda.

Strategic Implications

This item aligns with the community's vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):

CL 2.2 Maintain accountability, transparency and financial responsibility.



CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Payments from the Municipal Fund and Trust Fund have been approved in the 2017/18 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 March 2018.

Council Resolution

Medlen/Cavanagh

That Council accepts the report "Use of Common Seal and Actions Performed under Delegated Authority" for the month of March 2018.

**Carried 9/0
Resolution 173/18**

The Manager of Finance, Mrs Cara Ryan, attended the meeting at 4.17pm to discuss her report.



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	11 th April 2018

Background

It is a requirement of the Local Government (Financial Management) Regulation 1996 to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to the Council in the following month.

Further, in accordance with the Delegation adopted by Council in December 2015 the Chief Executive Officer has the delegated authority to make payments from the Municipal Fund and Trust Fund. The Chief Executive Officer in exercising his authority is required to produce a list of accounts recorded in monthly Council meeting minutes.

Statutory Implications

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 – REG 13

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –

- (a) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

Comment

The list of accounts 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 104680 - 104686 totalling \$169,300.42 and Trust Fund EFT \$160.00 approved by the Chief Executive Officer be endorsed.



Council Resolution

Cavanagh/Harding

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104680 - 104686 totalling \$169,300.42 and Trust Fund EFT \$160.00 approved by the Chief Executive Officer be endorsed.

**Carried 9/0
Resolution 174/18**

8.5.2 FINANCIAL STATEMENTS

File Reference	4.23.15	
Statutory Reference	N/A	
Author & Date	Cara Ryan	11 th April 2018

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 monthly financial report and municipal bank reconciliation are separate attachments 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 March 2018 be received.

Council Resolution

Watt/Baker

That the financial statements presented for the period ending 31st March 2018 be received.

**Carried 9/0
Resolution 175/18**

Cara Ryan left the meeting at 4.33pm.



8.6 COUNCILLORS' REPORTS

Cr Cavanagh reported on the recently held Quindanning Race Day, where the Shire's watering truck travelled a total of 219km to keep the dust down on the course. He mentioned that 400 people used the camping facilities, over 1,000 entrance fees were received and 33 children participated in the under 5's race. It was a successful event overall and the Shire's support was well received.

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

10.1 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 4.58pm.