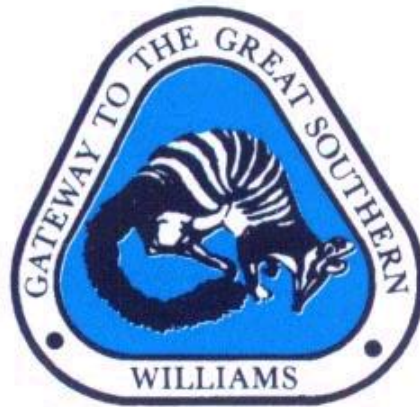


# ***SHIRE OF WILLIAMS***

***MINUTES ORDINARY MEETING  
HELD ON WEDNESDAY 19 DECEMBER 2018***



## **COUNCIL DIARY**

**WEDNESDAY 19 DECEMBER 2018**

1.00pm

Ordinary Meeting

**SATURDAY 26 JANUARY 2019**

8.00am

Australia Day Breakfast

**WEDNESDAY 20 FEBRUARY 2019**

1.00pm

Ordinary Meeting



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### Separate Documents

1. Minutes – Council; 4WDL, CRG
2. CEO General Report
3. Appendices to CEO Report
4. Appendices to EHO Report
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6. Appendix to Work Supervisor’s Report
7. Payment Listing
8. Monthly Financial Report
9. Municipal Bank Reconciliation
10. Status Report
11. Info Statement



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# MINUTES

## 1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President, Cr John Cowcher, declared the Meeting open at 1.03pm.

## 2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Cr John Cowcher        President  
Cr Natalie Major  
Cr Greg Cavanagh  
Cr Simon Harding  
Cr Alex Watt  
Cr Bob Baker

Geoff McKeown        Chief Executive Officer  
Cara Ryan              Manager of Finance (3.37pm to 5.49pm)  
Heidi Cowcher        Economic Development Officer (1.20pm to 1.39pm)  
Gordon Tester        Environmental Health Officer/Building Surveyor  
                                (1.50pm to 2.19pm)  
Manuela Lenehan      Minute Taker

Apologies/Leave of Absence:  
Cr Jarrad Logie        Deputy President  
Cr Moya Carne  
Cr Gil Medlen  
Tony Kett              Works Supervisor

## 3.0 PUBLIC QUESTION TIME

## 4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

## 5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	
Item No. / Subject	
Type of Interest	



## 6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 6.1 ORDINARY COUNCIL MEETING HELD 21 NOVEMBER 2018

#### **Officer's Recommendation**

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

The CEO requested that the Minutes of the Ordinary Meeting held on 21<sup>st</sup> November 2018 be amended with reference to the matter concerning the Williams Driver Reviver Committee. The Minutes are to reflect a change to the Committee's nominated members.

#### **Council Resolution**

##### ***Harding/Watt***

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

**Carried 6/0  
Resolution 95/19**

### 6.2 4WDL MEETING HELD 11 DECEMBER 2018

#### **Officer's Recommendation**

That the Minutes of the 4WDL Meeting held on 11 December 2018, as previously circulated, be received.

#### **Council Resolution**

##### ***Watt/Major***

That the Minutes of the 4WDL Meeting held on 11 December 2018, as previously circulated, be received.

**Carried 6/0  
Resolution 96/19**



### 6.3 CRG MEETING HELD 3 DECEMBER 2018

**Officer's Recommendation**

That the Minutes of the CRG Meeting held on 3 December 2018, as previously circulated, be received.

**Council Resolution**

***Major/Harding***

That the Minutes of the CRG Meeting held on 3 December 2018, as previously circulated, be received.

**Carried 6/0  
Resolution 97/19**

### 7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

### 8.0 REPORTS

*The Economic Development Officer, Mrs Heidi Cowcher, attended the Meeting at 1.20pm to discuss her report.*



## 8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

### 8.1.1 WILLI WAG TAILS CHILDCARE CENTRE

<b>File Reference</b>	8.50.40	
<b>Statutory Reference</b>	<i>Local Government Act 1995</i>	
<b>Author &amp; Date</b>	Heidi Cowcher	13 <sup>th</sup> December 2018
<b>Attachment</b>	Parent Survey Results	

#### Background

Willi Wag Tails Childcare Centre was licensed and officially opened in 2012. On commencement, the Centre was supported by Federal Sustainability Grant.

In 2017, the Australian Government committed to an investment of an additional \$2.5 billion over four years to support the 1.2 million families who use approved childcare. This investment commenced July 2018. The changes are designed to provide more support for families and be targeted to those who need it the most.

It is expected that the greater flexibility the package will allow, in particular with regard to service models and operating hours, to help services to become stronger and enable them to focus even more on responding to the care needs of families and children.

As part of assisting services to take advantages of the opportunities and greater flexibility that is available under the package, the Department will also encourage services to review their business operations in the context of transitioning to the new arrangements.

The Department has prepared a *Child Care Services Business Support Resource: a Guide for considering your business* that encourages centres to look at what can impact service income – operating hours, enrolments, additional income streams and fees. Any changes to fees should be considered in the context of the local community's needs, including the capacity of families to pay, and any potential impact on the perception of value for money provided by the service, compared with other childcare services in the community. The following is an extract from the document, with an additional column 'result' with commentary around how Willi Wag Tails has and will plan to implement some of the proposed changes to work towards achieving long term sustainability for the delivery of the service for the community.





<b>1. Operating Hours</b>			
<b>IDEAS</b>	<b>CONSIDERATIONS</b>	<b>POTENTIAL IMPACT</b>	<b>RESULT</b>
Review operating hours	<p><b>Decrease</b></p> <ul style="list-style-type: none"> <li>○ Does your service have periods of low demand?</li> <li>○ Is there any opportunity to engage with families to understand their preferences</li> </ul>	<ul style="list-style-type: none"> <li>○ Reducing your service’s operating hours to better meet the needs of families may allow it to operate more sustainably.</li> <li>○ However, reducing your service’s operating hours may also result in some families not receiving the level of care that meets their needs.</li> <li>○ Services should assess the benefits/costs based on their unique situation.</li> </ul>	<ul style="list-style-type: none"> <li>○ Consideration has been given to reducing the service to 4 days a week.</li> <li>○ Families were consulted via survey and feedback provided.</li> <li>○ Recommendation will be to close on Monday’s and trial an extension of opening hours from 8am to 7:30am for a period of 3 months (review May 2018).</li> <li>○ School holidays will reduce from 4 days to 2 and will require a minimum enrolment of 4 children to open the Centre.</li> <li>○ Families will be requested to give at least 2 weeks advance notice of their children not attending during holidays, otherwise they will be charged 50% of their daily rate.</li> </ul>
<b>2. Enrolments</b>			
<b>IDEAS</b>	<b>CONSIDERATIONS</b>	<b>POTENTIAL IMPACT</b>	<b>RESULT</b>
Increase marketing	<ul style="list-style-type: none"> <li>○ Has your service thought about marketing opportunities?</li> <li>○ Does your service has a social media presence? Could your service ask families to recommend new families?</li> <li>○ Does your service have flyers/brochures that could be distributed throughout the community?</li> <li>○ What are other cost effective ways that your service could be marketed?</li> </ul>	<ul style="list-style-type: none"> <li>○ Having a well thought out marketing approach can increase awareness of your service and lead to more children being enrolled.</li> <li>○ Plan your marketing strategy carefully, within a budget.</li> </ul>	<ul style="list-style-type: none"> <li>○ Centre has increased its marketing over the last 12 months with flyers, brochures, Come and Try Days all publicised via householders and social media.</li> <li>○ It is proposed to continue this in 2019.</li> <li>○ Suggest an additional marketing opportunity may be for staff to visit Playgroup on a Thursday and encourage/offer opportunities for children to attend daycare.</li> <li>○ Visit Child Health Nurse and encourage distribution of flyers to new parents.</li> <li>○ Request the CRC to include flyers in the ‘Welcome to Williams’ pack for new residents.</li> </ul>



<b>3. Additional Income Streams</b>			
IDEAS	CONSIDERATIONS	POTENTIAL IMPACT	RESULT
Introduce other services	<ul style="list-style-type: none"> <li>○ Are there other types of services that could be provided?</li> </ul>	<ul style="list-style-type: none"> <li>○ Introducing an additional type of service gives more options for families and may increase enrolments.</li> </ul>	<ul style="list-style-type: none"> <li>○ Consider other opportunities as presented and how this may be beneficial to the existing service.</li> </ul>
<b>4. Fees</b>			
IDEAS	CONSIDERATIONS	POTENTIAL IMPACT	RESULT
Review fees	<ul style="list-style-type: none"> <li>○ Have you reviewed your fees to check if they are meeting the community's needs, are sustainable and competitive?</li> <li>○ Has your services considered different fees for different types of care provided?</li> <li>○ Considering the fees charged by other services for various care types may help guide decision making</li> </ul>	<ul style="list-style-type: none"> <li>○ Changing fees will impact the income your service generates.</li> <li>○ Having a well-informed review of fees can help you to understand family needs, potential impact on fee changes, costs and income of services.</li> </ul>	<ul style="list-style-type: none"> <li>○ A comprehensive review of fees has been completed, with a recommendation to be presented to the December meeting.</li> <li>○ The recommended increase is commensurate with surrounding services. Darkan charges \$100 per day. Narrogin charges \$115 per day. Boddington charges \$99 per day for casual places.</li> </ul>
<b>5. Review staff contracted hours</b>			
Review hours	<ul style="list-style-type: none"> <li>○ Have you reviewed your contracted hours of your staff?</li> <li>○ Are there opportunities to reduce these to recognise the reduction in enrolments`</li> </ul>	<ul style="list-style-type: none"> <li>○ Recognition of the increased costs associated with staff hours when the enrolments are low and therefore the educator : children ratios required are less than previously.</li> </ul>	<ul style="list-style-type: none"> <li>○ Staff contracted hours have been reviewed and the CEO continues to negotiate changes to hours to reflect the reduction in contracted hours that is needed to reflect the reduction in enrolments.</li> <li>○ The Shire will need to advertise in mid-January 2019 to replace Donna Milne who has tendered her resignation and Uroosa who will be on maternity leave from mid-March 2019.</li> </ul>

**Comment**

Fees under the New Childcare Package

From 2<sup>nd</sup> July 2018, there is a new Federal Government Child Care Package, which includes the new Child Care Subsidy and replaces the previous Child Care Benefit (CCB) and Child Care Rebate (CCR). The new CCS is paid to services to be passed onto families. Families earning a combined amount of less than \$185,710 will have no cap on the amount of child care they can receive. Families earning over this and under \$350,000 will benefit from an increase in the current cap from \$7,613 to \$10,000 value of child care.



Three factors determine a family's level of CCS:

1. A family's annual adjusted taxable income determines the percentage of subsidy they are eligible for;
2. An activity test determines how many hours of subsidised care families can access, up to a maximum of 100 per fortnight; and
3. The type of child care service determines the hourly rate cap.

Some basic requirements must be satisfied for an individual to be eligible to receive CCS for a child. These include:

- The age of the child (must be under 13 and not attending secondary school);
- The child meeting immunisation requirements;
- The individual, or their partner, meeting the residency requirements.

In order to maximise the CCS rebate that the Service (Shire) receives from the Government, there is a need to review the current childcare fees to ensure that the centre is maximising its funding opportunities, especially when the long term sustainability of the centre needs to be considered.

The current fees for the centre are set at \$90 per day for a full day of care (9.5hours). This equates to \$9.47 per hour. A family's CCS is applied to this hourly rate. At Willi Wag Tails, the average CCS is 67.76%. This means that the Centre gets \$6.47 per hour in CCS and the family's contribution is \$3.00 on average.

The government recommends that to maximise the CCS rebate, that Centre's charge the hourly rate cap of \$11.77 (current for 2018/19 and may be subject to adjustment through indexation in subsequent years). If Willi Wag Tails were to increase their fees to the recommended hourly rate cap, this would equate to an increase of \$21.80, which would exceptionally difficult to justify with no additional benefits offered to the families.

It is therefore recommended that the Centre consider increasing its fees by half the recommended hourly rate cap – a **\$10 increase to \$100 per day**. It must be realised that this increase is to maximise the government CCS for the Centre, and the desire to try to minimise the impact on the family's utilising the Centre.

This would mean that Willi Wag Tails new fees would be 9.5 hours x \$10.53 = \$100. A family's CCS is applied to this hourly rate. If the average CCS rate is 67.76%, then the CCS rebate for the Centre would be \$7.13 and the family's contribution \$3.40. This equates to an increase of the out of pocket expense of 40 cents per hour or to a maximum average increase of \$3.80 out of pocket expenses for a full day of care.

The Government is not setting child care fees, nor is the Government requiring services to charge on an hourly basis. Services will still set their fees and parents will continue to pay the gap



between the subsidy and the actual fee. The hourly rate 'caps' serve as a guide to services and families what a 'high fee' may be.

All families have been consulted individually based on their CCS and advised what their potential increase in daily out of pocket expenses will be. Families have been encouraged to provide feedback on these potential increases and what impact (if any) they will potentially have on their family's ability afford child care and continue to support the service by sending their child to the Centre.

#### Opening Days/hours 2019

As part of the review of the sustainability of the childcare service, admin staff, together with the childcare staff have discussed various means of endeavouring to make the service more financially sustainable in 2019 and beyond.

In October 2017, the Shire submitted a funding submission under the Community Child Care Fund (CCCF) to secure financial support at the cessation of the Federal Sustainability funding at the end of June 2018 that the Centre had received since the service commenced in 2012.

The CCCF funding was an open, competitive grant opportunity and was intended to support eligible childcare services to transition to and operate viably under the new childcare system and support the longer term sustainability of eligible childcare services.

In May 2018, the Shire was advised that it had been successful in receiving funding for 3 years commencing July 2018 to support the sustainability transition. In 2018/19 the Shire will receive \$55,000; in 2019/20 will receive \$44,000 and in 2020/21 will receive \$43,000.

The Centre utilisation in 2018 was remarkably lower than it has been in previous years, despite endeavours to try to increase enrolments and families involved in the Centre. This year the utilisation averaged 24%, with Monday's being the lowest. Previous years utilisations have been 40% in 2017; 39% in 2016 and 48% in the first year of opening. With this decline in utilisation and enrolments, the Centre has been forced to review its opening hours as part of assessing and working towards long term financial sustainability.

Up until June 2018 and under the former Federal Sustainability Grant, the Centre was required to open 48 weeks a year and 5 days a week in order to maximise the grant that we received. If we had reduced the number of days, then we would have reduced the grant we received. The Shire relied on the full grant to support the financial viability of the service. With the introduction of the new Community Child Care Fund (CCCF) in July 2018, came the ability to review the operational hours and opening days in order to work towards sustainability.

A parent survey was conducted (**EDO Attachment 1**) seeking input from the parent body in regards to reduced days as well as increasing opening hours from 8am to 7:30am. Parents supported the closure of the centre on either a Monday or a Friday and supported opening the centre at 7:30am as their preferred option. It is therefore recommended that the Centre be closed on a Monday commencing Term 1, 2019 and a trial on earlier opening be conducted for 3 months commencing Term 1, 2019.



These initiatives – increased fees and reduced days – are proposed based on working towards achieving financial sustainability for the Centre. The earlier opening hours proposed is in an attempt to support parents who work out of town. It is proposed to close the Centre one day per week – which will reduce the opening hours by 9.5 hours; but the additional 30 minutes per day across 4 days totals 2 additional hours per week, effectively reducing the centre opening hours by 7.5 hours per week in total.

The financials to date for the Centre, as compared with the budget, is as follows:

	BUDGET	ACTUAL INCOME (July-Nov '18)	ESTIMATED INCOME (18-19)
Fees	\$146,000	\$55,785	\$117,785
Grant	\$55,000	\$40,430	\$67,930
Reimbursements	-	\$321	\$321
<b>TOTAL</b>	<b>\$201,000</b>	<b>\$96,536</b>	<b>\$186,036</b>

	BUDGET	ACTUAL EXPEND (July-Nov '18)	ESTIMATED EXPEND. (18-19)
Wages	\$140,893	\$50,430	\$105,000
Superannuation	\$13,385	\$4,846	\$9,975
Bldg Maintenance	\$14,358	\$2,987	\$12,000 *Rising damp
Office expenses	\$3,500	\$672	\$3,500
Consumables	\$1,500	\$922	\$1,500
Equipment & Supplies	\$2,000	\$226	\$1,000
Staff training	\$2,000	\$590	\$1,500
Administration	\$11,457	\$4,708	\$11,457
Asset depreciation	\$7,000	\$3,109	\$7,000
<b>TOTAL</b>	<b>\$196,093</b>	<b>\$68,490</b>	<b>\$152,932</b>

<b>Income-Expenditure</b>	<b>\$4,907</b>	<b>\$28,046</b>	<b>\$33,104</b>	<b>#note</b>
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With the recommended adjustments to fees, staff contracted hours and reduced days, it is anticipated that the service may be working towards financial sustainability next year. The CCCF will be reduced to \$44,000 in 2019/20, so the need to offset this will be paramount when considering budget implications for the following year.

**#note:** It is also important to note, that this financial year has one additional Federal Sustainability quarterly grant payment of \$12,930 due to a timing issue with the quarterly payments so this makes the grant funds appear higher than they normally would be.



**Strategic Implications**

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

- CL 1.2 Ensure that the community remains well informed, well connected and engaged and has the opportunity to actively participate.
- CL 1.4 Continue to use community satisfaction surveys to seek community feedback on a range of issues.
- CL 2.1 Maximise and leverage grant funding opportunities to balance and support Council investment.
- CL 2.2 Maintain accountability, transparency and financial responsibility.

**Financial Implications**

Various – as outlined in the above report.

**Voting Requirements**

Absolute Majority

**Officer’s Recommendation**

That Council endorses a fee increase for Willi Wag Tails Childcare Centre commencing effective the first working day of 2019 (22<sup>nd</sup> January 2019) of:  
\$100 per full day  
\$60 per half day  
\$25 per hour fee (minimum 2 hours booking)  
\$2.50 per minute late fee (after 5:30pm without notice/pre-arrangement)

**Council Resolution**

**Major/Cavanagh**

That Council endorses a fee increase for Willi Wag Tails Childcare Centre commencing effective the first working day of 2019 (22<sup>nd</sup> January 2019) of:  
\$100 per full day  
\$60 per half day  
\$25 per hour fee (minimum 2 hours booking)  
\$2.50 per minute late fee (after 5:30pm without notice/pre-arrangement)

**Carried by Absolute Majority 6/0  
Resolution 98/19**

**Officer’s Recommendation**

That Council endorses closing Willi Wag Tails Childcare Centre on Mondays as at the commencement of Term 1, 2019. The Centre will be open 4 days from Tuesday to Friday.



**Council Resolution**

**Major/Watt**

That Council endorses closing Willi Wag Tails Childcare Centre on Mondays as at the commencement of Term 1, 2019. The Centre will be open 4 days from Tuesday to Friday.

**Carried 6/0  
Resolution 99/19**

**Officer's Recommendation**

That Council endorses a trial of 7:30am – 5:30pm opening hours commencing Term 1, 2019 for a period of 3 months. At the completion of the trial, staff will review the sustainability of its continuation.

**Council Resolution**

**Watt/Cavanagh**

That Council endorses a trial of 7:30am – 5:30pm opening hours commencing Term 1, 2019 for a period of 3 months. At the completion of the trial, staff will review the sustainability of its continuation.

**Carried 6/0  
Resolution 100/19**

**Officer's Recommendation**

That Council endorses a reduction in opening days DURING SCHOOL HOLIDAYS from Tuesday-Friday to Tuesday and Wednesday ONLY, unless a minimum of 4 children are enrolled/booked in. If this is the case, then the Centre will be open as normal.

Families with permanent or regular casual bookings WILL be charged 50% of their daily fee unless 2 weeks PRIOR notice is given.

**Council Resolution**

**Cavanagh/Watt**

That Council endorses a reduction in opening days DURING SCHOOL HOLIDAYS from Tuesday-Friday to Tuesday and Wednesday ONLY, unless a minimum of 4 children are enrolled/booked in. If this is the case, then the Centre will be open as normal.

Families with permanent or regular casual bookings WILL be charged 50% of their daily fee unless 2 weeks PRIOR notice is given.

**Carried 6/0  
Resolution 101/19**

*Mrs Heidi Cowcher left the Meeting at 1.39pm.*



## 8.2 WORKS SUPERVISOR'S REPORT

File Reference	12.15.36	
Statutory Reference	N/A	
Author & Date	Tony Kett	10 <sup>th</sup> December 2018
Attachments	Appendix 1	

### 8.2.1 MAINTENANCE GRADING ACTIVITY

Road Name	Length Graded (km)
Culbin-Boraning Rd	17,7
McKenzie Rd	5.4
Cowcher Rd	4.4
Bates Rd	3.5
Congelin-Narrogin Rd	6.1
Pingelly Rd	3.1
Wangling Gully Rd	8.8
Darkan Quindanning Rd	14.1
<b>Total Length for the Month</b>	<b>62.5 Km</b>

### 8.2.2 ROAD MAINTENANCE WORKS (SEE APPENDIX)

- York-Williams Rd SLK 6.10 – 9.10 resealing completed.
- Williams-Darkan Rd SLK 0 – 7 resealing completed.
- Working on drainage on Gillett Rd.
- Currently working on Medlen Rd.





**8.2.3 2018/19 ROAD CONSTRUCTION PROGRAM**

Road Construction Program 2018-2019								
Road No	Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Start Date	Finish Date	Comments
10	Pingelly Rd	Seal 7m wide	5.00	6.50				
128	Williams Darkan Road	Reseal	0.00	7.00				COMPLETED
7	Clayton Road	Seal Shoulder	2.00	4.00				
7	Clayton Road	Widen Shoulders	4.00	6.00				
1	York Williams Road	Reseal 3kms	6.10	9.10				COMPLETED
23	Wangeling Gully Road	Install Culverts and Gravel Sheet						
12	Zilko Road	Widen over Culverts						
15	Glenfield Road	Tree Trimming			2.00kms			
9	Dardadine Road	Tree Trimming			2.00kms			
31	Extracts Road	Tree Trimming			2.50kms			
	Townsite Drainage	Drainage plan and upgrade						
58	Kelly Road	Replace Culvert						
12	Zilko Road	Gravel Sheet (3kms)						
11	Marradong Road	Drainage and seal failures						
	Various Roads	Gravel Sheeting and Reforming						



**8.2.4 MECHANICAL REPORT**

Plant Description		Driver	Date Purchased	Hours/Km 8/11/2018	Works Completed this Month
Mazda CX5 WL 16	Light Vehicles	C Ryan	Aug 18	6,000	
Toyota Prado 16 WL		G McKeown	Sep 16	76,000 km	
Holden Rodeo Dual Cab Utility WL 5499		Outside staff	Nov 04	260,485 km	
Holden Colorado Dual Cab WL 19		T Kett	Sep 17	45,000 km	
Isuzu 150 WL 36		J Cowan	Nov 18	200 km	
Isuzu D-Max WL 5802		A Wood	Nov 14	132,854 km	
Isuzu 4x2 Single Cab Ute WL 5826		Maintenance	Nov 16	22,325 km	
Holden Rodeo Single Cab Utility WL 826		Outside staff	Nov 06	127,726 km	
Isuzu 4x2 Single Cab Ute WL 915		J Lenehan	Nov 16	17,756 Km	
Skid Steer Track Loader 1EVV725		Construction Equipment	Outside staff	Sep 15	888 hr
Multipack Multi-Tyre Roller WL 49	Outside staff		Oct 04	7,239 hr	
Vibromax Roller WL 126	Outside staff		Sep 04	4,615hr	New rocker cover gaskets. Replaced gas strut on door.
Caterpillar 12M Grader WL 61	D Munday		Dec 11	6,340 hr	
Caterpillar 12M Grader WL 361	A Wood		Oct 14	3,466 hr	Serviced.
721E Case Loader WL 5639	R Gillett		May 12	6,953 hr	Repaired hydraulic hose. Serviced.
Volvo EC210BLC Excavator WL 499	P Reed		Jul 07	7,745 hr	Serviced.
John Deere 315SE4 Backhoe WL 745	T Palframan		Sep 01	3,159 hr	
Toro Reelmaster SP Mower WL 5827	Works		Aug 09	1,327 hr	
Kubota Generator	Refuse Site			4,829 hr	
Toro Groundmaster 360 WL917	Parks & Gardens	J Cowan	Nov 16	1,280 hr	
Toro Kholer Ride on Mower WL 5302		J Cowan	Aug 05	674 hr	
Honda TRX 4-wheel M/cycle WL 429		J Cowan	Mar 00	1,529 hr	
Toyota DA115 Tip/Water Truck WL 595		J Lenehan	Aug 94	237,400 km	
Isuzu FVZ1400 Tip Truck WL093	Trucks & Trailers		Dec 03	312,323 km	New water delivery hose.
Merc Benz Actross P-Mover WL91		P Reed	Dec 05	355,951 km	
Isuzu Giga CXZ Tip Truck WL 128		J Murdock	Dec 08	245,533 km	Serviced. Replaced brake air fittings.
Isuzu NPR 300 Truck WL 5825		K Sandilands	Jan 13	107,574 km	
SFM S-Tip Trailer WL 3730		Works	Dec 05	163,500 km	
Howard Port. L-Loader 1TIF238		Works	Aug 07	155,500 km	
Howard Port. Pig Trail. WL3792		J Murdock	Dec 08	164,500 km	
'08 Nissan Patrol Fire Ute 1CXV788		BFB Fast attack	Received Feb 16	167,500 km	



**8.2.5 STAFF**

- We have employed a new Grader Driver, Mr Tim Dunn, who will start work on the 7<sup>th</sup> January 2019.  
The other position has been offered to Natasha Fisher who has some plant operator experience and will be given more training. She also starts on the 7<sup>th</sup> January 2019.

**8.2.6 TOWN AND FACILITIES REPORT**

- Repaired the reticulation at Sandalwood Court and Jamtree Lane.
- Repaired reticulation at Willi Wag Tails Childcare.

**8.2.7 PRIVATE WORKS**

- Water Deliveries

**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**

***Baker/Cavanagh***

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

**Carried 6/0  
Resolution 102/19**

*The Environmental Health Officer/Building Surveyor, Mr Gordon Tester, attended the Meeting at 1.50pm 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 12 December 2018

**Comment**  
 Nil

Permit Number	Owner	Address	Description
414	Main Roads	Bridge 24 and Bridge 25 Albany Highway, Williams	Demolition of Bridges.

**Voting Requirements**  
 Simple Majority

**Officer’s Recommendation**  
 That the building report as presented be endorsed by Council.

**Council Resolution**  
**Watt/Harding**  
 That the building report as presented be endorsed by Council.

**Carried 6/0**  
**Resolution 103/19**

#### 8.3.2 LOT 215, 36 LAVENDER STREET, MARKO JAKSIC

**File Reference** 10.60.15  
**Statutory Reference** *Town Planning and Development Act 2005, Building Act 2011*  
*Health (Miscellaneous Provisions) Act 1911*  
*Caravan Parks and Camping Grounds Act 1995*  
**Author & Date** Gordon Tester 12 December 2018

**Appendix 1** Copy of e-mail reply from Mr Marko Jaksic

**Background**  
 At Council’s Ordinary Meeting held on 21 November 2018, Council resolved as follows:



*“That Council request staff to forward correspondence to Mr Marko Jaksic owner of Lot 215, 36 Lavender Street Williams, requiring the land be improved by undertaking works as indicated below by 30 September 2020.*

1. *Cease burning house hold rubbish on his land forthwith.*
2. *Tidy the land by removing all unregistered vehicles.*
3. *Tidy the land by removing all disused machinery and building materials.*
4. *Cease using the Class 10(a) non habitable shed for the purpose of human habitation forthwith.*
5. *Remove the unauthorised laundry by removing and disconnecting all fixtures fittings and drain lines to the unapproved plastic septic tank.*
6. *Remove the unapproved plastic septic tank and fill the remaining excavation with clean sand.”*

Correspondence was issued to Mr Jaksic on 4 December 2018 via e-mail.

Mr Jaksic has subsequently replied on the same day via e-mail and has made various comments on Council’s directive to him as attached to this report as Appendix 1.

**Comment**

This report is for Councils information only.

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

This report as presented be endorsed by Council.

**Council Resolution**

*Harding/Cavanagh*

This report as presented be endorsed by Council.

**Carried 6/0  
Resolution 104/19**

**8.3.3 HOUSE UNFIT FOR HABITATION – LOT 43 (10) GROWSE STREET, WILLIAMS**

<b>File Reference</b>	7.10.20
<b>Statutory Reference</b>	<i>Building Act 2011, Building Regulations 2012 Health Act 1911 (Miscellaneous Provisions)</i>
<b>Author &amp; Date</b>	Gordon Tester            12 December 2018
<b>Appendix 2</b>	Copy of Email Reply from Peter Candy

**Background**

The house situated on Lot 43, (10) Growse Street Williams was declared Unfit for Human Habitation under Section 135 of the Health Act 1911 on 17 April 2015.



Correspondence was recently forwarded to the owner of the property requesting that Council be advised as to what intentions the owner had in regards to repairing or taking down and removing the house.

On 3 December 2018 the owner of the property Mr Peter Candy replied via e-mail stating the following:

Gordon it is my intention to refurbish my property ASAP however I have no income at this point I do have a home on the market in Boyup Brook when this sells I will be in apposition to sort out No 10. The Williams Shire might like it for a shopping mall cheap at 99k.

### **Comment**

During 2017 this property was on the market and it was alleged to have been subject to an offer to buy it, which was subsequently rejected for reasons unknown.

It could be argued that this residence has remained unfit for habitation and continued to deteriorate for a little under the past (4) four years which a reasonable person would consider is more than enough time to have repaired or taken down and removed this house.

Mr Candy's requirement to sell another property in another town at some time in the future is at best a vague reassurance that something will be done and at worst an excuse to continue to do nothing.

Mr Candy has also indicated that he is not in possession of the financial means to attend to the repair or demolition of this house.

It is recommended that an inspection of this house be undertaken by Council's Building Surveyor so as the current state of repair of the house can be assessed.

### **Statutory Implications**

It will be necessary to obtain an entry warrant for the purpose of entering this building to undertake an inspection to determine whether or not the building is still unfit for human habitation and whether or not the building could be considered dangerous due to structural issues also.

The next stage of the process if it is considered a formal building order should be issued, is that the owner be contacted and asked to show cause within 14 days as to why a formal order should not be issued to him.

A draft copy of the proposed order will be attached to the 'show cause' letter which indicates the financial penalties for noncompliance with the order.

Council will then get the opportunity to consider any comments from the owner prior to considering issuing or not issuing the formal order.



### **Financial Implications**

There will be legal costs associated with obtaining the entry warrant, if the order is issued and the owner of the property appeals to SAT there will be legal costs associated with arguing Council's position at SAT.

If there is no appeal to SAT and the order is not complied with, there will be legal costs associated with prosecuting the owner for failure to comply with the order. A successful prosecution will result in an undetermined financial return in the form of the fine and possibly a claim against the owner for a percentage of Council's legal costs.

Council may eventually undertake the demolition of this residence and any costs incurred may be placed as a caveat on this land to be recovered at some time in the future when the land is sold.

### **Voting Requirements**

Simple Majority

### **Officer's Recommendation**

That the owner of Lot 43 (10) Growse Street, Williams Mr Peter Candy be contacted and advised that Council intends obtaining an entry warrant to undertake an assessment of the building as it is believed that the building may be structurally unsound in addition to being unfit for human habitation.

### **Council Resolution**

#### ***Harding/Cavanagh***

That the matter relating to Lot 43 (10) Growse Street, Williams lay on the table pending receipt of more information from the Chief Executive Officer.

**Carried 6/0  
Resolution 105/19**

*The resolution differed from the recommendation as Council requested the Chief Executive Officer to explore further options in regard to the future of this property.*

*Mr Gordon Tester left the Meeting at 2.19pm.*



## 8.4 CHIEF EXECUTIVE OFFICER'S REPORT

### 8.4.1 CHIEF EXECUTIVE OFFICER'S GENERAL REPORT

<b>File Reference</b>	4.1.20
<b>Statutory Reference</b>	N/A
<b>Author &amp; Date</b>	Geoff McKeown      14 December 2018
<b>Attachment</b>	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

#### Officer's Recommendation

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

#### Council Resolution

##### *Major/Watt*

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

**Carried 6/0**  
**Resolution 106/19**





**8.4.2 2019 – COUNCIL MEETING DATES**

<b>File Reference</b>	4.1.20
<b>Statutory Reference</b>	Section 5.25(g) - <i>Local Government Act 1995</i>
<b>Author and Date</b>	Geoff McKeown      5 December 2018
<b>Attachment</b>	Nil

**Background**

To provide suggested dates for Council approval for meeting dates in 2019 to enable public advertising as required by the *Local Government Act 1995*.

**Comment**

Below is a draft schedule of proposed dates for Council Meetings for 2019 which are set for the third Wednesday of each month, except January:

- Wednesday – 20 February
- Wednesday – 20 March
- Wednesday - 17 April
- Wednesday - 15 May
- Wednesday – 19 June
- Wednesday - 17 July
- Wednesday - 21 August
- Wednesday - 18 September
- Wednesday – 16 October
- Wednesday – 20 November
- Wednesday - 18 December

Section 5.25(g) of the *Local Government Act 1995* mentions that regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings. The *Local Government (Administration) Regulations 1996* states:

**12. Meetings, public notice of (Acts. 5.25(1)(g))**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,
 are to be held in the next 12 months.

**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 1.2      Ensure the community remains well informed, well connected and engaged and has the opportunity to actively participate



**Financial Implications**

Nil

**Voting Requirements**

Simple Majority

**Officer’s Recommendation**

That Council:

1. Adopts the meeting schedule for the period January 2019 to December 2019 as listed; and
2. Advertise the meeting dates in accordance with Section 5.25 of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

**Council Resolution**

**Major/Harding**

That Council:

1. Adopts the meeting schedule for the period January 2019 to December 2019 as listed; and
2. Advertise the meeting dates in accordance with Section 5.25 of the *Local Government Act 1995* and Regulation 12(1) of the *Local Government (Administration) Regulations 1996*.

**Carried 6/0  
Resolution 107/19**

**8.4.3 DELEGATIONS REGISTER REVIEW**

<b>File Reference</b>	4.50.60
<b>Statutory Reference</b>	Section 5.42 <i>Local Government Act 1995</i>
<b>Author and Date</b>	Geoff McKeown 5 December 2017
<b>Attachment</b>	Appendix 1 – Delegations Register

**Background**

Pursuant to Section 5.42 *Local Government Act 1995*, the Council has the power to delegate authority to the Chief Executive Officer.

Council can delegate to the CEO, by an absolute majority resolution, the exercise of any of its powers or the discharge of any of its duties from time-to-time and in such manner as the Council determines, excepting certain limitations as outlined below. The CEO has the power to on-delegate to other staff members in accordance with section 5.44 *Local Government Act 1995*.

Delegations are to be in writing and a register of delegations is to be kept by the CEO.

There are limitations to delegating to the CEO under s5.43 of the Act as outlined below:



A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor; and
- (i) such other powers or duties as may be prescribed.

Council can also delegate to a committee comprising of elected members only, any of the Council's powers or duties under the LGA, or to a committee comprising of elected members and employees any duties that can be delegated to the CEO. Limitations of delegation of powers and duties to committees are prescribed under s5.17 LGA.

There is a requirement under the LGA that all delegations made must be reviewed annually. The opportunity is also taken to review all other delegations to staff provided under alternative legislation. Various other acts such as the *Bush Fires Act 1954* and the *Building Act 2011* allow for delegations to local government officers by Council.

The Shire of Williams delegations were last reviewed and adopted by Council on the 20 December 2017 (Council decision number 109/18).

### **Comment**

A review of the delegations by Council has been undertaken by the CEO.

The attached Delegations Register consists of delegations from Council to the CEO under the Act, and delegations from Council to the CEO and other staff under other acts. Each delegation provides information on the respective head of power in the Delegation Register (**Appendix 1**).

Currently there are no Council committees with delegated authority under the Act.

### **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 1.3 Maintain, review and ensure relevance of Council’s policies, local laws and operational plans
- 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**

Nil

**Voting Requirements**

Absolute Majority

**Officer’s Recommendation**

That Council, having reviewed the delegations and authorisations currently in place and noting the recommended amendments:

1. Delegates to the CEO under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegations Register (Appendix 1)
2. Revokes any previous delegations.

**Council Resolution**

***Baker/Watt***

That Council, having reviewed the delegations and authorisations currently in place and noting the recommended amendments:

1. Delegates to the CEO under s5.42 *Local Government Act 1995*, the exercise of the powers and the discharge of any of its duties under the Act, effective immediately, as listed in the Delegations Register (Appendix 1)
2. Revokes any previous delegations.

**Carried by Absolute Majority 6/0  
Resolution 108/19**

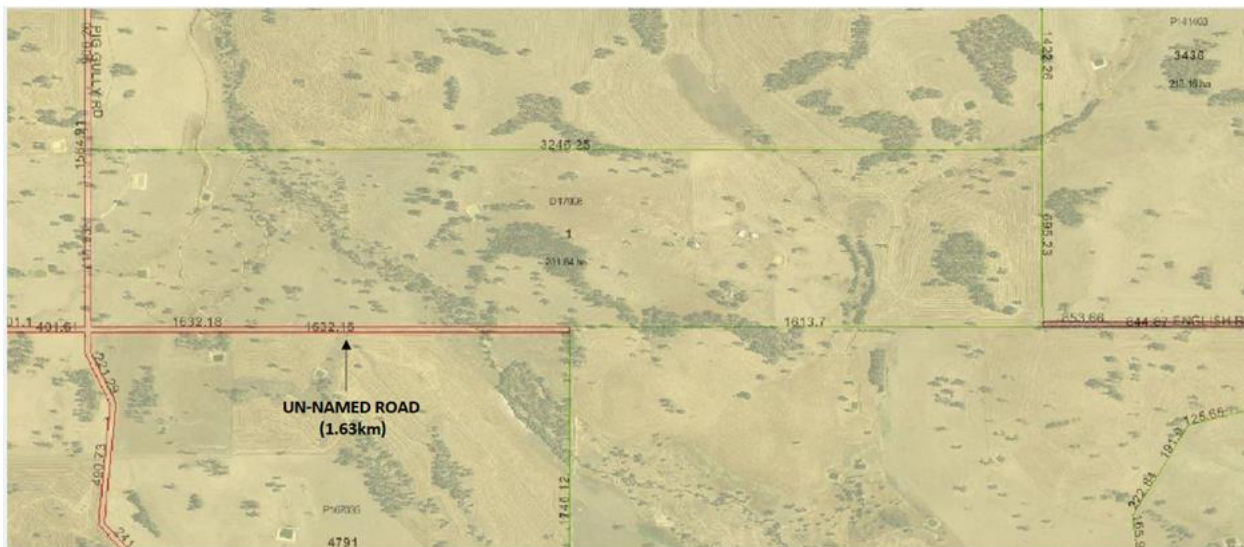
**8.4.4 UNNAMED ROAD – OFF PIG GULLY ROAD**

<b>File Reference</b>	12.15.36
<b>Statutory Reference</b>	Schedule 9.1(5) of the <i>Local Government Act 1995</i> and Regulations 9 and 10 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown      5 December 2018
<b>Attachment</b>	Nil

**Background**

In November and December 2017 the Council considered a request from William Higham to support the permanent closure of an unnamed section of road off Pig Gully Road, or to

incorporate it into the Shire’s road inventory for future management. Currently the road, as shown on the plan below, is being maintained by the Higham family.



At the November 2017 Ordinary Council Meeting the following resolution was passed:

**Council Resolution**  
**Cavanagh/Medlen**

*That Council initiate the permanent closure of a section of unnamed road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km, subject to support for the action being obtained from landowners with property adjacent to the road reserve.*

**Carried 9/0**  
**Resolution 93/18**

**Comment**

There are two property owners that have access to this section of road reserve, in addition to the Higham family. They were advised of the proposed closure and asked to comment prior to further action being undertaken.

One of the neighbouring property owners indicated they would be negatively impacted by the closure and the Council was invited to consider the following alternative options:

1. Accept responsibility for the future maintenance and renewal of the unnamed section of road reserve;
2. Install a ‘No Through Road’ sign at the commencement of the road; and
3. Initiate a process to have the road named and included on the Shire’s road inventory.

Ultimately the Council passed the following resolution:



**Council Resolution**

**Medlen/Baker**

*That Council cease to pursue the permanent closure of a section of unnamed road reserve extending in an easterly direction from Pig Gully Road for approximately 1.63km, as support for the action has not been obtained from all landowners with property adjacent to the road reserve. Further, Council will approve, on application, the issue of permits to install gates across the road reserve where it intersects east and west of Pig Gully Road in accordance with Schedule 9.1(5) of the Local Government Act 1995 and Regulations 9 and 10 of the Local Government (Uniform Local Provisions) Regulations 1996.*

**Carried 8/0  
Resolution 111/18**

In response to the Council decision gate permits were issued to William Higham. Mr Higham was appreciative of the outcome but has reiterated his preference for the road to be included on the Shire's road inventory.

Subsequently correspondence has also been received from Mr Les Wilson who is also keen for the section of road to be maintained as a road by the Shire, indicating that he has crops in paddocks that are next to both the east and west end of the road and require large trucks to access the road to cart grain.

When the original application was made by William Higham the Chief Executive Officer and Works Supervisor visited the location and reviewed the condition of the road. It was in good condition having been recently graded. The lower parts of the road did show defects that become more pronounced in winter months. Regular grading to maintain the drains and some discrete gravel sheeting would improve the road. The culvert at Wild Horse Creek is adequate although the surface would benefit from gravel sheeting. This work could be managed within the normal maintenance budget.

The road reserve section is approximately 1.63km long and the photos below show the formation of the road (Fig 1) and the three barrel culvert where the road crosses Wild Horse Creek (Fig 2).



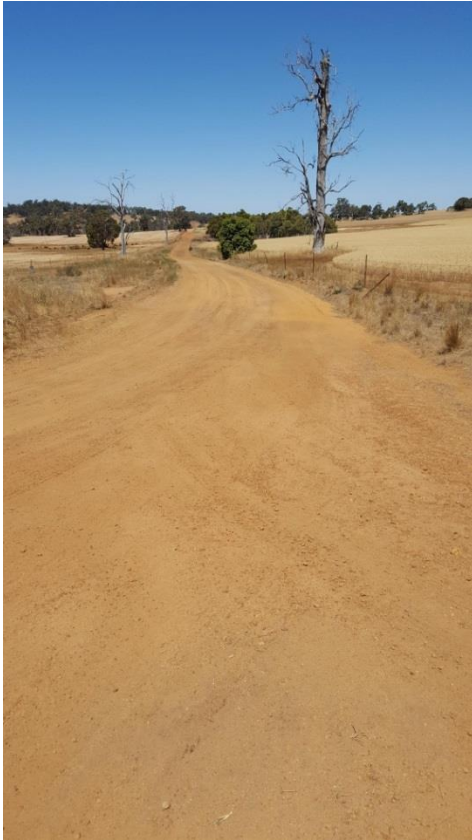


Fig 1



Fig 2

### 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):  
LUE 4.1 Strive for high-quality, well-constructed and maintained local road network

### Financial Implications

Adding additional roads to the overall network will increase the cost of maintenance and renewal. This is partially offset by road grants based on the extent of the road network.

### Voting Requirements

Simple Majority

### Officer’s Recommendation

That Council:

1. accept responsibility for the future maintenance and renewal of an unnamed section of road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km;
2. install a ‘No Through Road’ sign at the commencement of the road; and
3. initiate a process to have the road named and included on the Shire’s road inventory.



**Council Resolution**

**Watt/Major**

That Council defer a decision on accepting responsibility for the future maintenance of an unnamed section of road reserve, extending in an easterly direction from Pig Gully Road for approximately 1.63km, until an inspection has been completed.

**Carried 6/0  
Resolution 109/19**

*The resolution differed from the recommendation as Council wished to obtain more information on the likely future maintenance costs of the adding the section of road to the Shire's Road Inventory.*

**Afternoon Tea**

The President adjourned the Meeting for afternoon tea at 3.05pm and the Meeting resumed at 3.37pm.

*Mrs Jen Darcy and Mrs Sharon Palumbo attended the Meeting at 3.37pm.*

*Mrs Cara Ryan attended the Meeting at 3.37pm.*

The Chief Executive Officer recommended that the Council Meeting be closed to the public in accordance with Section 5.23(2) *Local Government Act 1995* as the matter for discussion relates to a contract that the local government may enter into.

**Council Resolution**

**Major/Watt**

That the Meeting be closed to the public in accordance with Section 5.23(2) *Local Government Act 1995* as the matter for discussion relates to a contract that the local government may enter into.

**Carried 6/0  
Resolution 110/19**

*Jen Darcy and Sharon Palumbo made a presentation on the provision of support services to Family Day Care Centres.*

**Council Resolution**

**Major/Cavanagh**

That Council seek further information on the provision of support services to Family Day Care Centres including:

1. The process and timing to register as a Family Day Care Provider;
2. Draft Employment Contract for a Co-Ordinator;
3. Targets for the take up of Family Day Care Services;
4. Clarification of the Shire's obligations under National Competition Policy; and
5. Implications for the Shire's Public Liability and Professional Indemnity Insurances.

**Carried 6/0  
Resolution 111/19**





**Council Resolution**

**Harding/Watt**

That the Meeting be re-opened to the public.

**Carried 6/0  
Resolution 112/19**

*Mrs Jen Darcy and Mrs Sharon Palumbo left the meeting at 4.48pm*

**8.4.5 GATE PERMITS – DEEP DENE ROAD**

<b>File Reference</b>	5.24.30
<b>Statutory Reference</b>	Schedule 9.1(5) of the <i>Local Government Act 1995</i> and Regulations 9 and 10 of the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>
<b>Author &amp; Date</b>	Geoff McKeown      13 December 2018
<b>Attachment</b>	Nil

**Background**

A request has been received from the Toorackie Grazing Co. seeking approval to install gates on Deep Dene Road. The correspondence from Gemma and Grant Haddrick includes the following information:

*“We would like to propose a gate permit for Deep Dene Rd.*

*Deep Dene Rd, goes directly through our farm from Albany Hwy through to Wangeling Gully Rd and the only people that access it with any due cause are ourselves, Toorackie Grazing and very infrequently Tom & Bill Piesse for a short period at Harvest time who can obviously open the gates at any time.*

*The only other people that access this road are of possible dubious character and we would like to discourage the access and reduce any snooping through our sheds and property.*

*We move stock on this road frequently and also heavy machinery which is dangerous for anyone coming through.*

*Could we please have approval for the gates at the Albany hwy intersection so there is room to get back to hwy without angst and preferably at the intersection of Wangeling Gully Rd and Deep Dene Rd. We could move this second gate further in at the Gully Crossover point but obviously they then need to turn back to Wangeling Gully Rd anyway.”*

Schedule 9.1(5) of the *Local Government Act 1995* gives power to a local government to grant approval for a gate to be placed across a road. The legislation states:



**5. Gates across public thoroughfares**

- (1) Regulations may be made under which a local government may authorise a person to have across a public thoroughfare that is under its control or management a gate or other device that enables motor traffic to pass and prevents the straying of livestock.
- (2) Regulations may include provisions for ensuring that a gate that has been placed across a public thoroughfare with the authority of a local government is not left open.

Regulations 9 and 10 of the *Local Government (Uniform Local Provisions) Regulations 1996* detail the process to be used by a local government to grant permission for a gate. It is primarily for the purpose of preventing the straying of livestock, but also acts as a practical deterrent for people who have no valid reason to use the road. It is a useful tool for property owners to control access to road reserves that are not part of the regular road network.

The wording in the regulations states:

**9. Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)**

- (1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
- (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.
- (3) Permission granted by the local government under this regulation —
  - (a) must be in writing; and
  - (b) must specify the period for which it is granted; and
  - (c) must specify each condition imposed under subregulation (4); and
  - (d) may be renewed from time to time; and
  - (e) may be cancelled by giving written notice to the person to whom the permission was granted.
- (4) The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, conditions on the construction, placement and maintenance of the gate or other device across the public thoroughfare.
- (5) The local government may, when renewing permission granted under this regulation or at any other time, vary any condition imposed by it under subregulation (4) and the variation takes effect when written notice of it is given to the person to whom the permission was granted.
- (6) The local government may at any time, by written notice given to the person to whom permission was granted under this regulation, cancel the permission and request the person responsible for the gate or other device to remove it within a time specified in the request.
- (7) A person to whom a request is made under subregulation (6) must comply with the request.

Penalty: a fine of \$5 000.

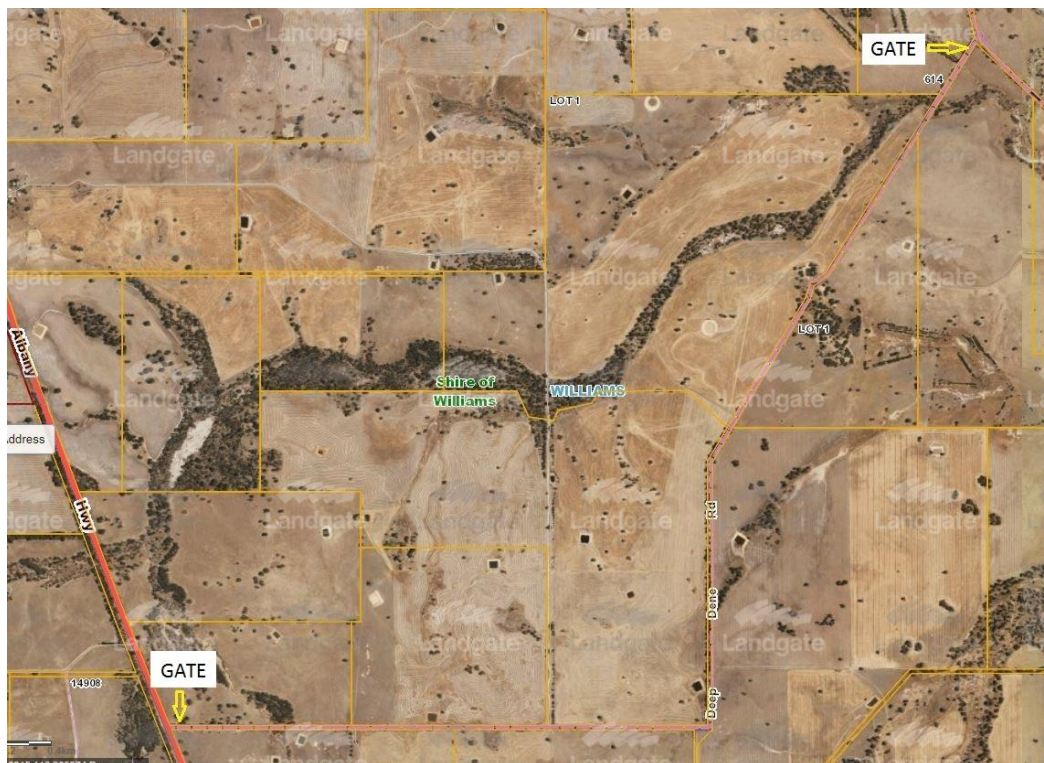
- (8) A local government must keep a register of gates and other devices constructed in accordance with a permission granted under this regulation.

**10. Gate across thoroughfare not to be left open — Sch. 9.1 cl. 5(2)**

A person who is responsible for a gate registered under regulation 9(8) must ensure that the gate is not left open.

Penalty: a fine of \$1 000.

The following map shows Deep Dene Road and the proposed location of the gates. Toorackie Grazing Co. owns the majority of the land that adjoins Deep Dene Road. Closer to Wangeling Gully Road, Bill Piesse and Colin Gillett also have adjoining land. They will need to be consulted before approval is granted.



**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):  
LUE 4.1 Strive for high-quality, well-constructed and maintained local road network

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority



**Officer’s Recommendation**

That Council approves the issue of a permit to install gates across Deep Dene Road where it intersects with the Albany Highway and Wangeling Gully Road in accordance with Schedule 9.1(5) of the Local Government Act 1995 and Regulations 9 and 10 of the Local Government (Uniform Local Provisions) Regulations 1996, subject to the following conditions:

1. the location of the gates is to the satisfaction of the Shire;
2. reflective signage is installed on the gates to the satisfaction of the Shire; and
3. property owners that adjoin Deep Dene Road are consulted and raise no objection to the proposal.

**Council Resolution**

***Harding/Cavanagh***

That Council not support the issue of a permit to install gates on Deep Dene Road.

**Carried 6/0  
Resolution 113/19**

*The resolution differed from the recommendation as Council considered that Deep Dene Road provides important vehicle access between Albany Highway and Wangeling Gully Road and gates will interfere with this access.*

**8.4.6 MANAGEMENT OF RESERVE 36575**

<b>File Reference</b>	11.30.31
<b>Statutory Reference</b>	<i>Land Administration Act 1997</i>
<b>Author &amp; Date</b>	Geoff McKeown      13 December 2018
<b>Attachment</b>	Nil

**Background**

The Department of Planning, Lands and Heritage has written to the Shire asking if it is willing to accept the management of Reserve 36575, being Lot 15698 on Plan 12904.

**Comment**

The reserve was created as a result of a freehold subdivision and was ceded to the Crown subject to section 152 of the *Planning and Development Act 2005* for the purpose of ‘Public Recreation’.

The reserve effectively follows the Williams River east and west of the Williams Darkan Road Bridge. It incorporates parts of the river and its associated floodplain. The plans below and on the following pages highlight the extent of the reserve. The ‘hatched’ area further defines the boundary.

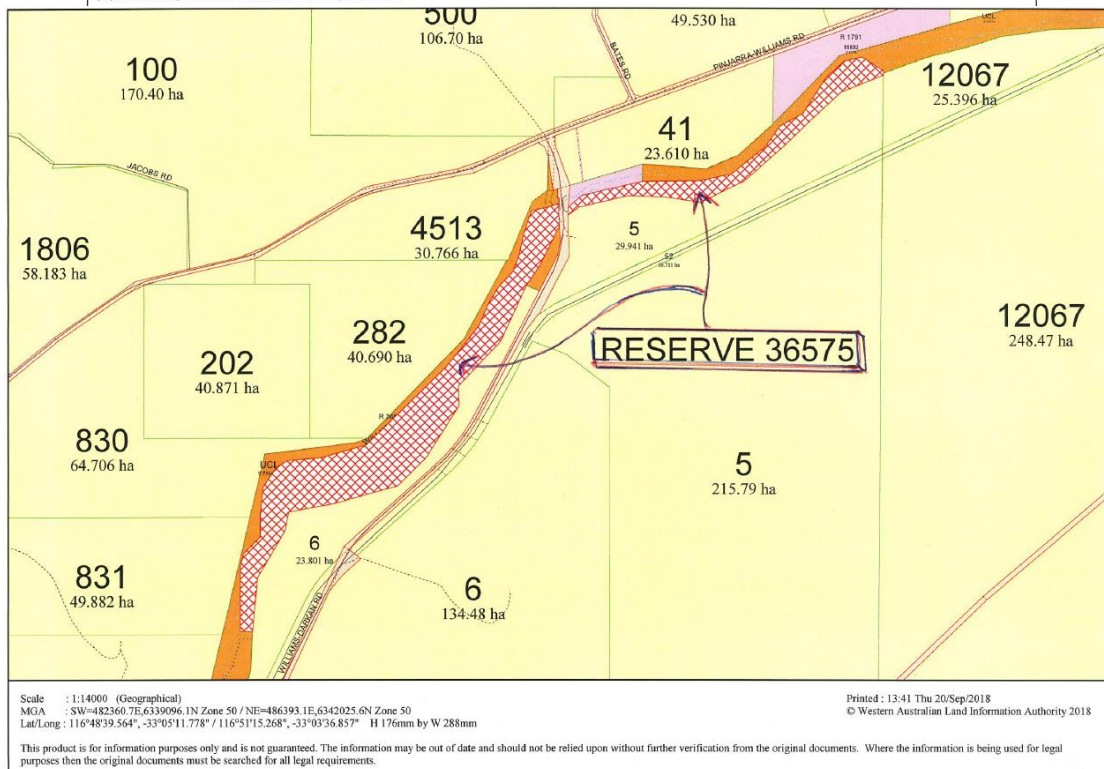
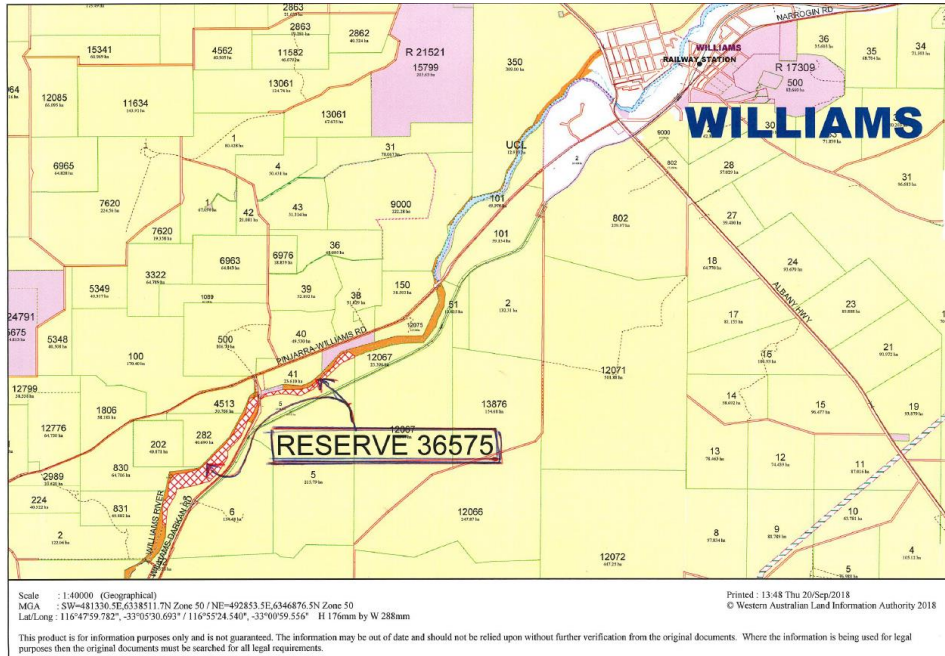
The Shire could decline the offer if it considers that it does not want the care and management of this land. However there are other reserves vested in the Shire that are not actively managed, with issues dealt with as and when they arise.





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Alternatively there may be value in accepting the vesting. The Williams River is used by residents for passive recreation and the Shire having management ensures that this can continue into the future.





This item was considered by Council at the November 2018 Ordinary Meeting. It was deferred pending receipt of more background information.

### **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):

- ED 1.8 Consider future land acquisition for the Shire for recreation, commercial, residential or industrial purposes.
- SCD 1.5 Continue to support and develop tourism opportunities for the Shire.
- SCD 3.1 Advocate and support initiatives that will develop and celebrate the cultural heritage of the Shire.
- LUE 2.1 Provide quality amenities and accessible public open spaces for the community.

### **Financial Implications**

Nil

### **Voting Requirements**

Simple Majority



**Officer’s Recommendation**

That Council accept the offer from the Department of Planning, Lands and Heritage to take on the management of Reserve 36575, being Lot 15698 on Plan 12904 for the purpose of ‘Public Recreation’.

**Officer’s Alternative Recommendation**

That Council decline the offer from the Department of Planning, Lands and Heritage to take on the management of Reserve 36575, being Lot 15698 on Plan 12904 for the purpose of ‘Public Recreation’.

**Council Resolution**

***Cavanagh/Watt***

That Council accept the offer from the Department of Planning, Lands and Heritage to take on the management of Reserve 36575, being Lot 15698 on Plan 12904 for the purpose of ‘Public Recreation’.

**Carried 6/0  
Resolution 114/19**

**8.4.7 USE OF THE COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY**

<b>File Reference</b>	4.50.60
<b>Statutory Reference</b>	Sections 5.42 and 9.49A <i>Local Government 1995</i>
<b>Author &amp; Date</b>	Geoff McKeown      14 December 2018
<b>Attachment</b>	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. \$200,000.00 from the Municipal Fund to the Municipal Fund Cash Management Account to generate an interest return.
2. \$19,368.94 from the Municipal Fund to the Trust Fund recognising the retention amount on the Williams Lions Park redevelopment contract.

- **Debt, Write-Off, Waiver or Concession – Delegation LGA9**

**Delegation** - The Chief Executive Officer has delegated authority to write-off debts and grant concessions in relation to any amount of money, up to an amount of \$50.00.

**Action** - The Chief Executive Officer waived the amount of \$50.00 from the Pavilion hire fee for the Williams Primary School Graduating Year 6 Student’s end-of-year function.

- **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 2018/19 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 November 2018.





**Council Resolution**

**Major/Harding**

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

**Carried 6/0  
Resolution 115/19**

**LATE ITEMS**

**Council Resolution**

**Major/Watt**

That the following Chief Executive Officer late items be accepted for discussion and provision of direction to the Chief Executive Officer.

**Carried 6/0  
Resolution 116/19**

The Chief Executive Officer provided information on a standard power connection for the new Fire Shed on the Narrogin Road, along with options for solar and battery storage.

The Chief Executive Officer provided a summary of changeover pricing for the Shire's 4x2 2004 Dual Cab Holden Rodeo Utility.

**Council Resolution**

**Cavanagh/Watt**

That the recommendation of the Chief Executive Officer to accept the quote from Edwards Isuzu for the supply of a 4x2 Dual Cab Isuzu Utility with the Trade-in of the Shire's 2004 4x2 Dual Cab Holden Rodeo Utility be accepted.

**Carried 5/1  
Resolution 117/19**

*The Manager of Finance, Mrs Cara Ryan, was in attendance to discuss her report.*



## 8.5 MANAGER OF FINANCE’S REPORT

### 8.5.1 ACCOUNTS FOR PAYMENT

<b>File Reference</b>	4.23.15	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	14 December 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 104723 – 104724 totalling \$292,952.60 approved by the Chief Executive Officer be endorsed



**Council Resolution**

**Watt/Harding**

That Municipal Fund EFT, BPay, Direct Debits and Cheques 104723 – 104724 totalling \$292,952.60 approved by the Chief Executive Officer be endorsed

**Carried 6/0  
Resolution 118/19**

**8.5.2 FINANCIAL STATEMENTS**

<b>File Reference</b>	4.23.15	
<b>Statutory Reference</b>	N/A	
<b>Author &amp; Date</b>	Cara Ryan	14 December 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 30 November 2018 be received.

**Council Resolution**

**Baker/Cavanagh**

That the financial statements presented for the period ending 30 November 2018 be received.

**Carried 6/0  
Resolution 119/19**



**8.5.3 FEE FOR NEW GRANITE NICHE WALL AT WILLIAMS CEMETERY**

<b>File Reference</b>	<b>10.70.30</b>
<b>Statutory Reference</b>	<i>Cemeteries Act 1986</i> <i>Local Government Act 1995 – Section 6.16</i>
<b>Author &amp; Date</b>	Cara Ryan                      11 <sup>th</sup> December 2018
<b>Attachment</b>	Nil

**Purpose**

To consider and adopt a fee for the new Granite Niche Wall located at the Williams Cemetery.

**Background**

Council, as part of the 2018/2019 budget deliberations, approved the construction of a new Granite Niche Wall for the Williams Cemetery. This was mainly due to the unavailability of double niche compartments. The new Granite Niche Wall will be completed in December 2018 and will accommodate 90 individual interments. This includes single and double compartments.

The total cost of erecting the new niche wall will be approximately \$22,500. In order to recover the total cost of the construction, the fee associated with the placement of ashes in the niche wall will need to be set at \$250 per interment.

**Statutory Implications**

CEMETERIES ACT 1986 – Section 53

- (1) *A Board may by resolution set fees and charges for any of the following purposes –*
  - (a) *issuing a funeral director’s licence; and*
  - (b) *issuing a single funeral permit; and*
  - (c) *digging or opening a grave; and*
  - (d) *a grant or renewal of a grant of a right of burial; and*
  - (e) *permission to erect new or additional memorials and for supervising such work; and*
  - (f) *cremation; and*
  - (g) *conducting a funeral; and*
  - (h) *inspection of registers and issue of extracts or certified copies therefrom; and*
  - (i) *registration of the assignment or bequest of a right of burial; and*
  - (j) *exhumation; and*
  - (k) *maintenance of graves; and*
  - (l) *extraordinary services provided for funerals; and*
  - (m) *disposal of ashes; and*
  - (n) *the provision of memorials; and*
  - (o) *any other purpose necessary for the effective administration of this Act.*



*(2) A fee or charge set by a resolution under subsection (1) shall not come into effect until not less than 14 days' notice of the fee or charge has been given in the Gazette.*

*(3) Fees and charges set under this section shall be payable to the Board and recoverable as a debt in a court of competent jurisdiction.*

*(4) The Minister may, by order published in the Gazette, amend or revoke a fee or charge set by a Board under this section if the Minister considers the fee or charge to be unreasonable.*

LOCAL GOVERNMENT ACT 1995 - SECTION 6.16

*6.16. Imposition of fees and charges.*

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

*(3) Fees and charges are to be imposed when adopting the annual budget but may be —*

*(a) imposed\* during a financial year; and*

*(b) amended\* from time to time during a financial year.*

*\* Absolute majority required.*

LOCAL GOVERNMENT ACT 1995 – SECTION 6.19

*6.19 Local government to give notice of fees and charges*

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —*

*(a) its intention to do so; and*

*(b) the date from which it is proposed the fees or charges will be imposed.*

**Comment**

The Shire of Williams fees and charges as set at the time of adopting the 2018/2019 budget include a charge for compartments in the niche wall. However as there are now two (2) different styles of niche wall available, it is recommended that Council amend the current charge to be the following:

- Brick Niche Wall – Single Compartment \$49.50
- Brick Niche Wall – Double Compartment \$87.00
- Granite Niche Wall – Single Compartment \$250.00
- Granite Niche Wall – Double Compartment \$500.00



Although the *Local Government Act 1995* Section 6.19 does not specify how long a Council must give local public notice of intention to introduce a new fee or charge, the *Cemeteries Act 1986* does require that a new fee or charge set by a resolution under subsection (1) shall not come into effect until not less than 14 days' notice of the fee or charge having been given.

### Strategic Implications

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

- LUE 2.1 Ensure town site amenities are maintained and improved where required.
- CL 2.2 Maintain accountability, transparency and financial responsibility.

### Financial Implications

There may be a slight increase in revenue for Cemetery Fees, as the 2018/2019 Budget only includes revenue for the already established niche wall.

### Voting Requirements

Absolute Majority

### Officer's Recommendation

- 1 That Council amend the 2018/2019 fees and charges relating to the niche wall compartments to include the following:
  - Brick Niche Wall – Single Compartment \$49.50
  - Brick Niche Wall – Double Compartment \$87.00
  - Granite Niche Wall – Single Compartment \$250.00
  - Granite Niche Wall – Double Compartment \$500.00
- 2 That the amended fees and charges for the niche wall are advertised in accordance with the *Local Government Act 1995*, Section 6.19 and the *Cemeteries Act 1986*, Part VII 53.

### Council Resolution

#### ***Baker/Harding***

- 1 That Council amend the 2018/2019 fees and charges relating to the niche wall compartments to include the following:
  - Brick Niche Wall – Single Compartment \$49.50
  - Brick Niche Wall – Double Compartment \$87.00
  - Granite Niche Wall – Single Compartment \$250.00
  - Granite Niche Wall – Double Compartment \$500.00
- 2 That the amended fees and charges for the niche wall are advertised in accordance with the *Local Government Act 1995*, Section 6.19 and the *Cemeteries Act 1986*, Part VII 53.

**Carried by Absolute Majority 6/0  
Resolution 120/19**



**8.5.4 REQUEST TO WAIVE FEE FOR NEW NICHE WALL RESERVATION**

<b>File Reference</b>	<b>10.70.30</b>
<b>Statutory Reference</b>	<i>Local Government Act 1995 Section 6.12</i>
<b>Author &amp; Date</b>	Cara Ryan 14 <sup>th</sup> December 2018
<b>Attachment</b>	Nil

**Background**

In October 2008, Barbara and Raymond Kett reserved a double compartment in the niche wall located at the Williams Cemetery. Since this date the placement of another person’s ashes has occurred in this compartment and all remaining double compartments are either occupied or reserved.

This office has been unable to establish why these ashes were placed in an already reserved compartment. Shire records indicate that there was no permission granted by the Shire nor is the Funeral Director able to produce documents granting permission. There has also been a change of ownership of the Funeral Director.

The family of the deceased person whose ashes were placed in the wrong compartment became quite distressed when they thought that there may be a possibility of moving the ashes. The Kett family has agreed, that as there is a new Granite Niche Wall being established and there will be double compartments available, that they would be prepared to move their reservation, providing there is no additional cost to them.

**Statutory Implications**

LOCAL GOVERNMENT ACT 1995 - SECT 6.12

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

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

**Consultation**

The Chief Executive Officer, the Kett family, the Funeral Director and the family of the deceased person whose ashes are interred.

**Comment**

As the Kett Family have the “Grant of Right” over this compartment they can insist that they maintain this right and request for the removal of the ashes. The Kett family understands that this placement of ashes was of no fault of the other family and wish to cause no distress to them. Therefore, in good faith they have relinquished their right over the compartment, with the provision that they are able to reserve a double compartment in the new Granite Niche wall with no extra cost.



By absolute majority the Council may waive or grant discounts in relation to any amount of money owing as provided under Section 6.12 of the *Local Government Act 1995*. As it is difficult to obtain permission documents from the Funeral Home, and due to the change of ownership, it is recommend that Council allow a waiver of the difference between the respective niche wall compartment fees.

**Financial Implications**

Subject to Council supporting a new fee for the Granite Niche Wall compartments, the consideration of the waiver will have a value of \$413.

**Voting Requirements**

Absolute Majority

**Officer’s Recommendation**

That Council grant a waiver for the fee set for a double compartment in the Granite Niche Wall for Barbara and Raymond Kett by charging only the fee for the double compartment in the Brick Niche Wall.

**Council Resolution**

***Cavanagh/Watt***

That Council grant a waiver for the fee set for a double compartment in the Granite Niche Wall for Barbara and Raymond Kett by charging only the fee for the double compartment in the Brick Niche Wall.

**Carried by Absolute Majority 6/0  
Resolution 121/19**

*Mrs Cara Ryan left the Meeting at 5.49pm.*





## **8.6 COUNCILLORS' REPORTS**

Cr Cavanagh reported on his attendance at the Worsley South 32 Community Liaison Committee Meeting. He also reported on his attendance at the HWEDA Meeting.

Cr Cowcher and Cr Watt reported on their attendance at the WALGA Central Country Zone Meeting held in Williams on the 30 November 2018.

Cr Cowcher mentioned the meeting he and the Chief Executive Officer had with representatives of Newmont Boddington Gold.

## **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 5.58pm.