

SHIRE OF WILLIAMS

MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 19TH JULY 2006

1.0 OPENING

1.1 DECLARATION OF OPENING

The President declared the meeting open at 1.08pm

1.2 ANNOUNCEMENT OF VISITORS

Nil

2.0 RECORD OF ATTENDANCE

2.1 PRESENT

Cr John Cowcher President
Cr Gary Cowcher
Cr Greg Cavanagh
Cr Richard Johnstone
Cr Moya Carne
Cr David Earnshaw (1.12pm)
Cr Graham Prowse

V Epiro Chief Executive Officer
IR Ball Deputy Chief Executive Officer
MR Willcocks Works Supervisor (3.25pm – 3.50pm)

2.2 APOLOGIES

Crs R Bowden and Cr A Stone – Leave of Absence

3.0 PUBLIC QUESTION TIME

Mr G Harding – has a report been received from the Department of Local Government following the investigation into the Community Resource Centre construction.

Cr Earnshaw attended the meeting at 1.12pm during discussion on this item.

The Chief Executive Officer procured a copy of the letter received from the Department of Local Government and presented to Council in May 2006. The President read out the contents of the letter to the meeting.

Mr Harding left the meeting at 1.15pm

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6.0 CONFIRMATION OF PREVIOUS MINUTES

6.1 ORDINARY MEETING MINUTES

G Cowcher/Prowse

That the minutes of the Ordinary Meeting held in the Council Chambers on Wednesday 21st June 2006., as circulated, be confirmed as a true and correct record of proceedings subject to the following amendments:

Item 6.2 Roads to Recovery Additional Funding – change to:

Cavanagh/Prowse

That additional Roads to Recovery funding of \$127,488 be allocated to:

1. Piesse Street drainage
2. Culbin Boranning Road realignment

**Carried 9/0
Resolution 280/06**

Resolution 305/06

Change to: Carried 8/1

**Carried 7/0
Resolution 01/07**

6.2 SPECIAL MEETING MINUTES

Earnshaw/Johnstone

That the minutes of the Special Meeting held in the Council Chambers on Monday 19th June 2006, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 7/0
Resolution 02/07**

6.3 COMMUNITY SAFETY AND CRIME PREVENTION PLAN COMMITTEE MEETING MINUTES

Cavanagh/Carne

That the minutes of the Community Safety and Crime Prevention Plan Committee Meeting held on Thursday 22nd June 2006 be received.

**Carried 7/0
Resolution 03/07**

7.0 ANNOUCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8.0 REPORTS OF COMMITTEES/OFFICERS AND COUNCILLORS

8.1 CHIEF EXECUTIVE OFFICER'S REPORT

8.1.1 WA LOCAL GOVERNMENT GRANTS COMMISSION

2006/2007 Notional Grant Allocations

File Reference: 3.4.1
Author & Date: V. Epiro 29th June 2006

Background:

The notional grant allocations have been advised for 2006/2007 as follows;

	<i>2006/2007</i>	<i>2005/2006</i>	<i>Increase</i>
Financial Assistance Grant	\$68,676	\$67558	1.65%
Local Road Grant	\$223,875	\$216,973	3.18%

Not surprisingly Williams didn't even receive the grant pool increase for 2006/2007 of 3.9%.

Recommendation:

For Council information.

8.1.2 SHIRE OF CHAPMAN VALLEY

Administrative Burden on Local Government - Cost Shifting (See Appendix 1)

File Reference: 4.12.10
Author & Date: V. Epiro 29th June 2006

Background:

The WALGA North Country Zone recently supported a policy put forward by the Shire of Chapman Valley regarding the imposition of additional legislative and administrative functions on Local Government by Federal and State Governments. Following the above the Shire of Chapman Valley has written to all WA Local Governments seeking support for the Policy at a Zone and Council level.

In essence the Policy is stating that the Council refuses to undertake future additional tasks or functions unless the imposing authority (Federal, State or Department) provides additional resources following an independent analysis of the task/function. Whilst this is an admirable stance, the fact remains that Local Government is a creature of State Government and is legislatively bound to carry out any task/function that is assigned by State/Federal Governments.

The policy should certainly be supported at Zone level, however I doubt that there would be any great benefit in adoption of the Policy by Council.

Recommendation:

That Council support the Shire of Chapman Valley's policy at the next Central Country Zone Meeting.

Carne/Earnshaw

That Council support the Shire of Chapman Valley's policy at the next Central Country Zone Meeting.

**Carried 7/0
Resolution 04/07**

8.1.3 TOWN OF NARROGIN

Resource Sharing Regional Facilities (See Appendix 2)

File Reference: 4.50.25
Author & Date: V. Epiro 29th June 2006

Background:

The Town of Narrogin has submitted a comprehensive proposal in support of seeking an annual contribution of \$19,080 towards the annual operating costs of the Town's public facilities. The contribution being sought is based on the usage as calculated by the Town (see sheets in appendix) and costed at a set rate per person for each public facility. Basically the Town's argument is that it cannot continue to keep providing the facilities for non-residents (ie; Williams, Wickepin, Cuballing and Narrogin) unless one of the four options below is exercised;

- Amalgamation of the Town, Shire of Narrogin and Shire of Cuballing is implemented.
- Lobby the Commonwealth / Local Government Grants Commission for removal of the concept of horizontal equalisation and allocating grants to Councils for the provision of services.
- Receive annual contributions from Councils whose residents use facilities.
- Adopt a two tiered fees and charges system with subsidised fees for ratepayers and residents from contributing Councils.

It is assumed that non-residents using Narrogin facilities are already paying a fee so therefore asking for a contribution from Williams would be imposing a levy on all residents for the benefit of having the facilities available. Whilst the Shire of Williams does not have any influence on the amalgamation issue (probably a logical solution) the option regarding grants being assessed on Councils actually providing services has been advocated by this Council for many years. Adoption of a two tiered system for fees and charges is something for the Town of Narrogin to determine with the risk that there could be a reduction in usage if fees are excessive.

However, in the final analysis I don't believe there is a convincing case for surrounding Council's to make an annual contribution.

Recommendation:

That the Town of Narrogin be advised that Council does not support the proposal for surrounding Council's contributions towards the Town's facilities.

G Cowcher/Cavanagh

That the Town of Narrogin be advised that Council does not support the proposal for surrounding Council's contributions towards the Town's facilities.

**Carried 7/0
Resolution 05/07**

8.1.4 DEPARTMENT OF PLANNING AND INFRASTRUCTURE – STATE LAND SERVICES

Williams Lot 238 (See Appendix 3)

File Reference: 11.30.31
Author & Date: V. Epiro 29th June 2006

Background:

Application has been received by the Department for Planning and Infrastructure for the purchase of lot 238 on the corner of HV Carne Street and Cowcher Street (diagonally opposite to Williams Mechanical Services). The applicant is seeking to use the lot for a holding yard for his towing business, which would comply with the industrial zoning for the land under the Williams Town Planning Scheme No 2.

Recommendation:

That the release of Crown lot 238 Cowcher Street Williams be supported.

Prowse/G Cowcher

That the release of Crown lot 238 Cowcher Street Williams be supported.

**Carried 7/0
Resolution 06/07**

8.1.5 DEPARTMENT FOR PLANNING AND INFRASTRUCTURE

Road Closures Quindanning Town Site (See Appendix 4)

File Reference: 12.15.38
Author & Date: V. Epiro 30th June 2006

Background:

In July 2004 Council resolved to initiate the following action in regard to the Quindanning town site;

1. Amalgamation of lots 1-6 and 39 into Recreation Reserve 21667.
2. Closure of Millen, Lavender, Fletcher Streets and the right-of-way running from the Pinjarra-Williams Road to Fletcher Street.
3. Amalgamation of remaining lots 7, 14, 16, 17, 19, 20 and 24 with the closed road reserves to create lots of around 2000m² with access to the Pinjarra-Williams Road.

Advice has now been received from the State Land Services (DPI) that action will proceed on;

1. Closure of the right-of-way.
2. Closure of Millen Street and portion of Lavender Street shown A-B, C-D-E. This would allow freehold lots 15 and 34 to retain public road access (this comes from advice given by the Country Planning Branch to the State Land Services).

Following gazettal of the above closures it is assumed that action will be taken in regard to amalgamation of lots as sought by Council in July 2004. Included in the Appendix is also a suggested rezoning proposed by David Gray, however this should be deferred until DPI make a final resolution regarding amalgamation of the closed road reserves with the adjoining lots.

Recommendation:

For Council information.

Earnshaw/G Cowcher

That the Department of Planning and Infrastructure be advised that as Council has sought amalgamation of the right of ways with adjoining lots the access to Lot 15 Lavender Street is not required therefore the whole of Lavender Street should be closed.

**Carried 7/0
Resolution 07/07**

8.1.6 COMMUNITY SAFETY AND CRIME PREVENTION STRATEGY

(See report enclosed with Agenda)

File Reference: 5.30.2
Author & Date: V. Epiro 5th July 2006

Background:

Council would be aware that a community survey on community safety and crime prevention was recently carried out in Williams. A total of 78 responses were received which were collated by Heidi Cowcher (CDO) and considered by the Steering Committee chaired by Cr Ashley Stone. From the total of 78 responses received, various priorities were identified with lighting of various areas in the Williams town site being rated highly.

Council is now required to endorse the Plan which then will be forwarded to the Office of Crime Prevention for approval. Following approval, application can be made for funding to address the priority areas identified in the Plan.

Recommendation:

That Council endorse the Community Safety and Crime Prevention Plan for submission to the Office of Crime Prevention.

Prowse/Earnshaw

That Council endorse the Community Safety and Crime Prevention Plan for submission to the Office of Crime Prevention.

**Carried 7/0
Resolution 08/07**

8.1.7 MRS AM COWCHER

Safety Fence for Pavilion Playground

File Reference: 11.30.50
Author & Date: V. Epiro 5th July 2006

Background:

Mrs Anne-Marie Cowcher is seeking the installation of a safety fence to enclose the playground at the Williams Recreation Pavilion. In her letter she states that there is a safety issue with the amount of traffic movement in the parking area during sporting events. As Council is aware the playground equipment is located on the south-west corner of the Pavilion lawn area (front) which has pine logs on the boundary.

This issue was not raised in the Community Safety and Crime Prevention survey, however because of the proximity of the playground to the parking area there may be a problem with younger children. The cost of erecting a safety fence would vary between \$2,500 - \$4,000 depending on what area is to be enclosed, if Council considers a fence is warranted.

Recommendation:

That Council consider the request for fencing of the Pavilion playground.

Carne/Johnstone

That as fencing the playground has never been raised since the playground was erected or in the recent Community Safety and Crime Prevention Survey it is considered that fencing the playground is not warranted.

**Carried 7/0
Resolution 09/07**

8.1.8 WALGA

Agenda AGM 6th August 2006 (Enclosed with Council Agenda)

File Reference: 4.12.00
Author & Date: V. Epiro 7th July 2006

Background:

Crs Richard Johnstone and David Earnshaw will be Council delegates for the WALGA Annual General Meeting. Council need to consider the Agenda items and provide some direction to the delegates on voting.

Recommendation:

That Council consider the WALGA Annual General Meeting Agenda Items.

Cavanagh/G Cowcher

That voting on the agenda items be left to the discretion of delegates attending the meeting.

**Carried 7/0
Resolution 10/07**

8.1.9 TERRY WALDRON MLA

Road Safety Forum

File Reference: 12.60.05
Author & Date: V. Epiro 7th July 2006

Background:

Because of his concern with the ongoing road fatalities Terry Waldron has organised a Road Safety Forum in Narrogin on Thursday 10th August 2006 commencing at 1.30pm. The Forum is being organised in conjunction with the Road Safety Council from which it is hoped to identify key issues and outcomes in connection with Road Safety. Council is being invited to send one or two representatives to the Forum.

Recommendation:

That Council be represented at the Road Safety Forum.

Crs J Cowcher and Prowse indicated that they would be attending the forum.

Johnstone/G Cowcher

That Council be represented at the Road Safety Forum.

**Carried 7/0
Resolution 11/07**

8.1.10 LOCAL LAWS RELATING TO FIREBREAKS

Proposed Amendment (See Appendix 5)

File Reference: 5.10.2
Author & Date: V. Epiro 7th July 2006

Background:

At the meeting held 19th April 2006 Council resolved to amend the Firebreak Local Laws by deleting the requirement for firebreaks on rural holding except for buildings, haystacks and fuel dumps. The proposed amendment was advertised and submissions (see appendix) received from;

- John Tonkin (Area Manager FESA)
- Geoff Pearson
- Wayne Schulz
- Cliff Hall

In his submission John Tonkin proposes further amendments and the other submissions oppose the proposed amendment.

Council is now required to consider the submissions and proceed with the amendment with or without alterations (not significant).

Voting Required: Absolute Majority

Recommended:

That Council consider adoption of the Local Law amendment.

Johnstone/Cavanagh

That Council proceed without alteration the amendment to the Local Laws Relating to Firebreaks.

**Carried by absolute majority 5/2
Resolution 12/07**

Carne/Johnstone

That the persons who presented submissions regarding the proposed amendment be advised of Council's decision and the reasons.

**Carried 7/0
Resolution 13/07**

8.1.11 WA FEDERATION OF RURAL YOUTH

2006 National Rural Youth Convention

File Reference: 4.11.60
Author & Date: V. Epiro 11th July 2006

Background:

The WA Foundation of Rural Youth are hosting the National Rural Youth Convention from 27 August to 2 September 2006 which caters for young people aged 18-35 from rural communities. Council is being asked to sponsor one or two suitable representatives from Williams to attend the Convention which covers a variety of topics and visits from the base at the El Caballo Complex, Wooraloo. The registration fee for the convention is

\$550 (inclusive of all charges). Should Council decide to provide sponsorship applications from prospective persons could be invited in The Williams.

Recommendation:

For Council's consideration.

8.1 CHIEF EXECUTIVE OFFICER' S REPORT – LATE ITEMS

Prowse/Cavanagh

That the following late items be accepted as urgent items for discussion.

**Carried 7/0
Resolution 13/07**

8.1.12 MCLEODS

Prosecution Proceedings D Wilson

File Reference: 13.34.10
Author & Date: V. Epiro 17th July 2006

Background:

At the Narrogin Magistrates Court held on 12th July 2006, Mr D Wilson was found guilty of the charges initiated by the Shire (illegal camping and lack of planning approval). He was fined a total of \$2,000 and ordered to pay costs of \$3,483.20 for which correspondence has been forwarded from McLeods (Solicitors).

If the fine and costs are not paid within 28 days, a memorial will be put on his title and further prosecution will be commenced for recovery.

Recommendation:

For Council information

8.1.13 GHD PTY LTD

Piesse Street Drainage Fee Proposal (see attached)

File Reference: 12.15.37
Author & Date: V. Epiro 17th July 2006

Background:

Following a visit, Senior Civil Engineer Donelle Watt (GHD) has forwarded a fee proposal for investigation and preparation of a report on options for drainage on Piesse Street. The lump sum fee for the work is \$8600 (plus GST) which would be funded from the Roads to Recovery additional allocation of \$127,488.

Recommendation:

That GHD Pty Ltd be engaged to prepare a report on the Piesse Street drainage for a lump sum fee of \$8600.

Earnshaw/Prowse

That a decision be deferred to the August meeting when more information will be available.

**Carried 7/0
Resolution 14/07**

Afternoon Tea - Council adjourned for afternoon tea at 3.10pm and resumed the meeting at 3.25pm

Works Supervisor Mark Willcocks attended the meeting at 3.25pm to discuss his report.

8.3 WORKS SUPERVISORS REPORT

Maintenance Grading

Marradong Rd, Martin Rd, Congelin Rd, Zilko Rd, Playle Rd, Wilkie Rd.

Culvert Cleaning

Bulleid Rd, Carne Rd, Kennedy Rd, Munday Rd, Narrakine Rd, Westmere Rd.

Construction

Carne Rd, gravel last 1500 metres

Marradong Rd, finish pruning to boundry

Quindanning/Darkan started tree pruning from cross road to Quindanning.

Collie Rd, extend culvert; this culvert may need replacing in future.

Mechanical Report

670ch grader: replace timing cover, 2 new liners

Samsung electrical problem in transmission or computer; had to send to Perth

Earnshaw/prowse

That the Works Supervisor's Report be received.

**Carried 7/0
Resolution 15/07**

Mr Willcocks left the meeting at 3.50pm

8.1.14 CAVALIER PORTABLES & PARK HOMES

Quote for Amenities Building Williams Refuse Site (see attached)

File Reference: 10.10.30.

Author & Date: V. Epiro 17th July 2006

Background:

Cavalier have submitted a quote of \$14,300 (GST inc.) ex-works to supply a 3.6m x 3.0m office/toilet with windows, bench, wiring etc for the Williams refuse site. The building would be ready within 12-16 weeks from receipt of an order.

As most Councillors would be aware Cr Cavanagh had lodged Council's interest in purchasing a Traxcavator from Westrac for around \$55,000. However there was a first right to purchase from another buyer on the machine which was exercised therefore Council is still investigating the purchase of a second hand Traxcavator.

Recommendation:

That the quote of \$14,300 for the supply of a Cavalier office/toilet be accepted.

Prowse/Earnshaw

That the quote of \$14,300 for the supply of a Cavalier office/toilet be accepted.

**Carried 7/0
Resolution 16/07**

Second Hand Traxcavator

Prowse/Earnshaw

That when a suitable second hand traxcavator becomes available for less than \$50,000.00 and it passes a T02 test the Chief Executive Officer be granted authority to purchase the machine.

**Carried 7/0
Resolution 17/07**

Structural Reform

Johnstone/Prowse

That Council indicate that Williams would like to be part of structural reform and resource sharing involving the shires of Wagin, West Arthur, Woodanilling and Dumbleyung.

**Carried 7/0
Resolution 18/07**

8.2 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

8.2.1 ACCOUNTS FOR PAYMENT

Prowse/Johnstone

That Municipal Fund cheques 100002 – 100011 totaling \$284,367.44 approved for payment by the Chief Executive Officer be endorsed and the Municipal Fund cheques 100010 - 100073 totaling \$212,902.64 be approved for payment.

**Carried 7/0
Resolution 19/07**

8.2.2 FINANCIAL STATEMENTS

Johnstone/Earnshaw

That the financial statements presented for the period ending 30th June 2006 be received.

**Carried 7/0
Resolution 20/07**

8.2.3 MUNICIPAL FUND BUDGET

G Cowcher/Cavanagh

That the 2006/2007 Municipal Fund Budget be adopted as amended.

SCHEDULE OF RATES AND CHARGES LEVIED

General Rates:

- a) i) Gross Rental Values – cents in the dollar for land used for Commercial or Industrial purposes or vacant land zoned Commercial or Industrial.
- ii) Gross Rental Values – cents in the dollar for all other rateable land within the Williams and Quindanning town site.

- b) Unimproved Values – cents in the dollar on all rateable land.

Minimum Rates:

\$370 per Assessment.

Discount:

2.5% discount to be allowed on current general minimum rates for which full payment is received at the Offices of the Shire of Williams by 5.00pm on the 35th day following the date of service of the rate notice provided that all arrears and current rates and charges are paid in full.

Payment of Rates by Installments:

Payment of rates to be made by a single payment or by four (4) equal installments at the election of the ratepayer.

Interest and Administration charge on installment plans:

An interest rate charge of 5.5% per annum to apply to general rates on instalment plans plus administration charge of \$20 for each Assessment.

Late Payment Interest

An interest rate of 11% per annum on rates outstanding thirty five (35) days after the rate notice issue date.

**Carried by absolute majority 7/0
Resolution 21/07**

REFUSE CHARGES

Johnstone/Earnshaw

That the household refuse charge for 2006/2007 be levied as follows:

\$220.00 per service (240lt bin)

**Carried by absolute majority 7/0
Resolution 22/07**

TRUST FUND BUDGET

Carne/Cavanagh

That the 2005/2006 Trust Fund Budget as presented be adopted.

**Carried by absolute majority 7/0
Resolution 23/07**

8.5 COUNCILLORS

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

10.1 ELECTED MEMBERS

Quindanning Recreation Ground – Reserve 21667

Johnstone/Earnshaw

That the Quindanning Recreation Ground be accepted as urgent business for discussion.

**Carried 7/0
Resolution 24/07**

Cr J Cowcher advised that concern had been expressed to him regarding the cultivation of the Reserve by the Lessee, which was conditionally leased for grazing purposes only.

The Chief Executive Officer advised that the land is vested in Council for recreation purposes, however it is run by the Quindanning Hall Committee and leased by them for grazing to raise funds.

Earnshaw/Cavanagh

That a letter be forwarded to Mr Warren Cowcher advising him that he has breached the agreement with The Quindanning Hall Committee by cultivating Reserve 21667 and that he be requested to reinstate the area to its original surface.

**Carried 7/0
Resolution 25/07**

10.2 STAFF

Nil

11.0 INFORMATION SESSION

Nil

12.0 MEETING CLOSURE

There being no further business for discussion the President declared the meeting closed at 5.45pm