

SHIRE OF WILLIAMS

MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 21ST SEPTEMBER 2011

1.0 OPENING

1.1 DECLARATION OF OPENING

The President declared the meeting open at 1.05pm

1.2 ANNOUNCEMENT OF VISITORS

Collie Shire President Wayne Sanford and Chief Executive Officer Jason Whitaker will be attending the meeting to discuss the Royalties for Regions 'Super Town' concept.

Anglican Minister Des Burgess will be joining Council for afternoon tea.

2.0 RECORD OF ATTENDANCE

2.1 PRESENT

Cr John Cowcher	President
Cr David Earnshaw	Deputy President
Cr Greg Cavanagh	
Cr Moya Carne	
Cr Gilbert Medlen	
Cr Natalie Major	
Cr Peter Paterson	

Ryan Duff	Chief Executive Officer
Ian Ball	Deputy Chief Executive Officer
Heidi Cowcher	Community Development Officer (1.52pm – 2.27pm)
Tony Kett	Works Supervisor (2.30pm – 2.52pm)
Steve Friend	Environmental Health Officer/Building Surveyor (2.30pm – 3.05pm)

2.2 APOLOGIES

Cr Richard Johnstone – Leave of Absence
Cr Jarrad Logie

3.0 PUBLIC QUESTION TIME

Nil

4.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

5.0 DECLARATIONS OF INTEREST

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

6.0 CONFIRMATION OF PREVIOUS MINUTES

6.1 ORDINARY MEETING MINUTES

Earnshaw/Major

That the minutes of the Ordinary Meeting held in the Council Chambers on Wednesday 17th August 2011, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 7/0
Resolution 57/12**

6.2 4WD VROC MEETING MINUTES

Medlen/Cavanagh

That the minutes of the 4WD VROC Meeting held in Dumbleyung on Tuesday 23rd August 2011, as circulated, be received.

**Carried 7/0
Resolution 58/12**

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Attended Boddington 'Super Town' launch.

8.0 REPORTS OF COMMITTEES/OFFICERS AND COUNCILLORS

Community Development Officer Heidi Cowcher attended the meeting at 1.52pm to discuss her report.

8.1 COMMUNITY DEVELOPMENT OFFICER'S REPORT

8.1.1 Shire of Williams Active Recreation Facilities Needs Analysis & Feasibility Study

Darren Monument from A Balanced View Leisure Consultancy has finalised the Shire of Williams Active Recreation Facilities Needs Analysis and Feasibility Study (CDO Attachment 1).

The Plan detail has been based on the concept drawing that was endorsed by Council at the August meeting.

Council will use the Plan to support any future applications to the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund.

The Plan will require formal endorsement of Council.

For consideration

Cavanagh/Major

That the Shire of Williams Active Recreation Facilities Needs Plan be endorsed.

**Carried 7/0
Resolution 59/12**

8.1.2 Bullcreek Lions Club – Request to host New Year's Eve Event

The Bullcreek Lions Club has approached the Shire of Williams with a request to book the Recreation ground facilities for a New Year's Eve concert that they are proposing.

The Club have booked VIP Entertainment's *Fab Four & Blues Brothers* concert for New Year's Eve, which was to be held in Harvey, however an alternative venue has been sought due to the Shire of Harvey having concerns with fire risks at the venue that had been booked.

Steve Brazier from VIP Entertainment suggested that Williams would be an ideal venue for the Club to consider. I was contacted by Greg Parsons from the Lions Club seeking the Shire's permission to book the venue.

The event is to be held as a major fundraiser for the Club, with tickets to be sold for approximately \$65 per person, as well as a fully licensed bar.

The Club have been advised that there would be costs associated with hiring the venue, as well as possible portable fencing and toilets, dependent on total numbers expected to attend (they would like 1000, but need 500 to break even with costs). They will be required to cover all these costs, which they have agreed to (they already had significant funds committed with the necessity to provide power, water, fencing and ablutions at the proposed Harvey site – which has now not eventuated).

The Club would like consideration given to the hire of the venue (including outside bar), as well as overnight camping for those travelling from out of town.

For consideration

Medlen/Cavanagh

That Council offer, in principal, to hire the recreation ground facilities to the Bullcreek Lions Club for a New Years Eve function, subject to further negotiation on facilities and charges with the Chief Executive Officer.

**Carried 7/0
Resolution 60/12**

Earnshaw/Medlen

That the Community Development Officer's report be received.

**Carried 7/0
Resolution 61/12**

Ms Cowcher left the meeting at 2.27pm

Works Supervisor Tony Kett and Environmental Health Officer/Building Surveyor Steve Friend attended the meeting at 2.30pm to discuss their reports.

8.2 WORKS SUPERVISOR'S REPORT

8.2.1 Maintenance Grading

Road Name	Length Graded (kms)
Taylor Rd	9.1
Pig Gully Rd	11.0
Culbin-Boranning Rd	17.7
Zilko Rd	19.3
Mundays Rd	8.7
Pingelly Rd	8.1
Congelin-Narrogin Rd	6.1
Kennedys Rd	2.7
Johnstone Rd	1.2
Narrakine Rd	7.1
McKenzie Rd	5.4
Darkan-Quindanning North	8

Old Soldiers Rd	3.9
Cowcher Rd	4.4
Total Length Graded	112.7

8.2.2 Road Maintenance Works

- Winter grading
- Patching
- School bus signs, Darkan Road

8.2.3 Construction Program

Road Name	Funded By	Works Commenced	Work completed this month

8.2.4 Upcoming Works & Items on Road Construction Program

Road Name (Road Length)	Description of Work	Start SLK	End SLK	Total	Status	Comment
Darkan Quindanning (30.3km)	Reconstruct, widen and seal to 7m	4.80	7.80	3		
Hurley Rd (13.82km)	Clear, widen & gravel sheet to 9m	6.82	9.32	2.50		
Culbin Boraning (19.31km)	Clear, widen & gravel sheet to 9m	4.50	6.50	2.00		
Tarwonga-Dardadine Rd (21.50km)	Clear, widen & gravel sheet to 9m	0.00	4.50	4.50		
Growse/Richardson Streets	Footpath - \$28.5k grant / \$28.5k Council					
Glenfield Rd	Culvert extension					
Fry Street	Re-seal	0.00	1.00	1.00		

8.2.5 Mechanical Report

Plant Description		Driver	Date Purchased	Hours/Kms June 2011	Works Completed this month
Ford FG G6E Sedan	Light Vehicles	Ryan Duff	1-Jul-09	6,000	
Ford BF Mark II Falcon XR Sedan		Ian Ball	3-Aug-07	45,000	
Holden Rodeo Dual Cab Utility			5-Nov-04	161,758	
Ford Ranger Dual Cab Utility		Tony Kett	1-Jul-09	76,000	
Kia 2 Tonne Truck		Jeff Cowan	9-Oct-07	54,346	
Holden Rodeo Crew Cab Utility		Andrew Wood	15-Nov-06	166,400	Service 20/8/11
Holden Rodeo Single Cab Utility		James Lenehan	20-Nov-06	62,354	New alternator
Mitsubishi Triton Single Cab Utility		Aaron Goulden	22-Sep-99	190,051	New tyres, new alternator, 19/8/11
Multipac Multi-Tyre Road Roller	Construction Equipment	New motor	21-Oct-04	200	
Case Vibromax Roller			29-Sep-04	2,573hr	
Caterpillar 12H Road Grader		Richard Hewitt	17-Nov-03	8,628hr	250h service, 19/8/11
Volvo G930 Road Grader		Andrew Wood	20-Oct-06	4,569hr	250h service, 19/8/11
JCB 416HT Front End Loader			6-Feb-06	5,568hr	250h service, 19/8/11
Volvo EC210BLC Excavator		Phil Reed	18-Jul-07	3,031hr	
John Deere 315SE4 Backhoe			17-Sep-01	754hr	
Road Broom		Works	New		
John Deere MFWD Tractor			21-Oct-97	1,849hr	
Toro Reelmaster SP mower	Parks & Gardens	Aaron Goulden	Aug-09	229hr	
Toro Z597 Ride on Mower		Jeff Cowan	1-Oct-06	710hr	
Toro Z400 Kholer Ride on Mower		Jeff Cowan	8-Aug-05	459hr	
Honda TRX Four Wheel M/Cycle		Jeff Cowan	20-Mar-00	6,288hr	
Toyota DA115 Tip Truck (Water Truck)	Trucks & Trailers		24-Aug-94	232,556m	
Isuzu FVZ1400 Tip Truck			31-Dec-03	206,365	
Mercedes Benz Actross Prime Mover			21-Dec-05	145,799	
Isuzu Giga CXZ Tip Truck		Justin Murdock	10-Dec-08	73,719	
Mitsubishi Canter Dual Cab Truck			17-Oct-02	172,854	Service, new tyres, 19/8/11
SFM Side Tipping Trailer			21-Dec-05		
Howard Porter Low Loader			31-Aug-07		Adjusted brakes
Howard Porter Pig Trailer		Justin Murdock	10-Dec-08		

8.2.6 Staff

Nil to report

8.2.7 Town and Facilities Report

- Taken pine tree out at cemetery
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8.2.8 Private Works

- Cleaning up storm damage at Wandering, excavator, loader and stop & go
- Cut and form new road for CBH
- New shed pad for CBH
- Started carting gravel onto Glenfield Rd

Medlen/Paterson

That the Works Supervisor's Report be received.

**Carried 7/0
Resolution 62/12**

8.3 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR'S REPORT

8.3.1 Building Permits

#290 M & V Willcocks Lot 1 Albany Highway Colorbond Patio

Building inspections ongoing.

8.3.2 Food Premises Inspection

Williams Woolshed – Very cleanly maintained and tidy, no outstanding issues.

Rustic Rainbow – Cleanly maintained with no issues that need addressing.

8.3.3 Environmental Health Inspection

Williams Country Accommodation – All rooms cleanly maintained however some issues regarding maintenance and smoke alarms need addressing.

8.3.4 Development Application

The owner of Lot 254 Cowcher Street Williams has applied for development approval to commence a business of self storage where clients rent a portion of a shed to store their personal belongings.

The lot is zoned Industrial and is 1,032m² in area. The lot has been partially filled and the filled portion has been fenced with 1.8m chainmesh with barb wire on top.

The applicant wishes to erect a single shed at this stage of 20m x 6m that will then be partitioned into 6 to allow up to 6 clients to store their goods (Attachments 1 & 2).

The applicant has stated that the hours of business are “daylight hours only” however I am unsure how this will be enforceable once the client has a key to the yard and the shed (Attachment 2).

Having said that, with potentially 6 customers at this stage it would not be envisaged that there would be a lot of activity outside daylight hours.

The Zoning Table in the Town Planning Scheme (TPS) (Table 1) has a list of 30 land uses and against that is a symbol indicating whether the use is permitted in a particular zone (Attachment 3).

The symbol “P” indicates the use is a permitted use, “AA” means that the Council may, at its discretion, permit the use and “X” means a use is not permitted.

Clause 4.3.2 of the TPS states

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:
(1) determine the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted, or
(2) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and therefore follow the advertising procedures of Clause 2.6 in considering an application for planning consent.

Part 2.6 of the TPS gives the options for advertising, ie:

- Require the applicant to place a sign of not less than 1m² advertising the proposed development on the site

- Advertise the development in a newspaper circulating locally, for two successive weeks or
- Notify in writing adjoining owners and all parties in the vicinity that are likely to be affected by the development.

In this particular case, the Zoning Table does not specifically mention “self storage units” so clause 4.3.2 could be invoked, unless Council believes that the use could reasonably fall within the interpretation of one of the use categories listed.

The only use category listed that could include this proposal would be *Industry-Light*.

Industry - light: means an industry

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

Therefore Council has to firstly determine whether the proposal would fit into a use category listed (Industry-light); determine that the use could be consistent with the objectives of the zone and then advertise the proposal or determine that the proposal is inconsistent with the objectives of the zone and not allow it to proceed.

Unfortunately the TPS does not state what the objectives of an Industrial zone are, however I think Council can envisage that it would be an area where manufacturing, transport, vehicle repair etc is carried out.

When looking at the definition of Industry - light, there would be no processes carried on or machinery used, however the goods and commodities carried to and from the premises should not cause any injury to the neighbours, so if Council determines that this is an appropriate interpretation, the use would be a permitted use.

The application could be approved.

Council may think that the use does not easily fit into this category and advertise the proposal before determining it.

Council could impose conditions such as landscaping, shed colour or size limitations, hours of operation etc.

There is another zinc shed in the locality so zinc is obviously acceptable.

The neighbouring shed does not have any landscaping however Council can stipulate this if considered appropriate.

The building would be a class 7 building as determined by the Building Code of Australia (BCA).

As there would be no one on site (employee) when the building is being used, there would be no need to provide toilet facilities.

Recommendation: That Council determines that the application to operate a self storage unit from Lot 254 Cowcher Street is considered Industry-light and is therefore prepared to approve the application subject to

- The issue of a building license and
- The hours of operation being restricted to daylight hours.

Medlen/Cavanagh

That Council determines that the application to operate a self storage unit from Lot 254 Cowcher Street is considered Industry-light and is therefore prepared to approve the application subject to

- The issue of a building license and
- The hours of operation being restricted to daylight hours.

**Carried 7/0
Resolution 63/12**

8.3.5 Development Application

A development application has been received from Co-operative Bulk Handling (CBH) to upgrade the drainage at the Narrakine site just to the north of town on Albany Highway.

The lot is lot 15 and is 28.65 Ha in area and is zoned Rural in the Town Planning Scheme (TPS).

In October 2010 the Shire issued Planning Approval for remedial earthworks at the site and for the erection of a toilet block adjacent to the samplers hut.

CBH did not proceed with the drainage works but did put in the toilet block. A copy of what currently exists is Attachment 4.

CBH has submitted another application for the drainage works which will comprise upgrades to the dam at the northwest corner of the lot and building a new dam at the southeast corner of the same lot (Attachments 5 & 6).

I am unsure why the new dam is being installed in the southeast corner as there have not been any problems with drainage there to the best of my knowledge.

It maybe being installed as it is their intention to direct more water to that area from higher up the site. As the proposed dam will abut Albany Highway and will ultimately discharge onto the highway reserve, the proposal has been forwarded to Main Roads for comment by CBH.

CBH have employed an engineering firm to calculate water volumes and design the remedial works.

Main Roads have replied with a request for a review of the plans concerning culverts capacities and anti scouring measures along Albany Highway.

With the upgrade of the dam in the north-western corner, it appears that another 375mm pipe will be cut into the dam to help ease the pressure on the dam and the overflow embankment.

The water currently collects in the dam and overflows to the adjacent embankment and then discharges through a pipe onto Playle Road reserve.

This system clearly did not work last winter as the accompanying photos show (Appendix 7).

I have discussed the proposal with the Shire's Works manager and we believe that an upgrade to the culvert under Playle Road is necessary.

A proposal has been forwarded to CBH whereby the culvert will be upgraded at an approximate cost of \$4000 (purchase and installation), with the cost to be split between CBH and the Shire.

At this point in time I have not heard back from them concerning the proposal.

Council can issue development approval to CBH to proceed as per the plan submitted, can reject the application or approve the proposal with conditions.

As the dam to the southeast corner involves Main Roads they will have to be satisfied before CBH can proceed so it should be a condition that Main Roads is entirely satisfied with the upgrade.

As to the proposed work at the northwest corner, CBH may well argue that the works proposed will not require the upgrade to Playle Road that we have recommended.

In that case the Shire would probably need to seek another engineer's opinion that the works are insufficient. This would obviously be a costly exercise.

However the problems to Playle Road are as a result of the increased, concentrated volumes of water due to the development of the site so I believe the Shire is in a strong position to request a contribution towards the proposed culvert upgrade.

It might be argued that they should be responsible for 100% of the cost of the culvert upgrade, but as mentioned, this might require an independent engineer's report.

Recommendation

That Development approval be issued to CBH Engineering to carry out the remedial drainage works as per the submitted plans subject to:

- Main Roads signing off the plans and
- The culvert across Playle Road being upgraded to the Shire's satisfaction with half the cost of the upgrade being met by CBH

Cavanagh/Carne

That Council defer a decision on this matter until an on site meeting is arranged with CBH, the Works Supervisor and Building Surveyor.

**Carried 7/0
Resolution 64/12**

Mr Kett left the meeting at 2.52pm following discussion on this item.

8.3.6 Building Approval Comparisons

I have attached building approval figures for the financial year just past (2010/2011) and the previous two years for comparison purposes.

I have often said how "dead" building was however the figures actually show 2010/2011 to have been quite productive.

BUILDING ACTIVITY REPORT

2008/2009

BUILDING TYPE	NUMBER OF APPROVALS	VALUE	SHIRE FEES
HOUSES	5	\$1,002,014	\$3,388.23 (INC SEPTICS)
HOUSE EXTENSIONS	0	\$0	\$0
SHEDS	5	\$53,950	\$425
PATIOS/VERANDAHS ETC	9	\$54,520	\$765
COMMERCIAL	4	\$1,332,281	\$3,182.60
POOLS	1	\$9,800	\$85
DEMOLITION	1	\$0	\$50
TOTALS	25	\$2,452,565	\$7,895.83

2009/20010

BUILDING TYPE	NUMBER OF APPROVALS	VALUE	SHIRE FEES
HOUSES	2	\$346,472	\$1,102.41 (INC SEPTICS)
HOUSE EXTENSIONS	3	\$38,704	\$181.10
SHEDS	7	\$70,378	\$595
PATIOS/VERANDAHS/CPORTS ETC	7	\$64,381	\$595
COMMERCIAL/UNITS	1	\$98,000	\$178.18
POOLS	0	\$0	\$0
DEMOLITION	0	\$0	\$0
TOTALS	20	\$617,935	\$2,651.69

2010/2011

BUILDING TYPE	NUMBER OF APPROVALS	VALUE	SHIRE FEES
HOUSES(INC SEPTICS)	8	\$1,321,883	\$5,086.01 (INC SEPTICS)
HOUSE EXTENSIONS	0	\$0	\$0
SHEDS/EXTENSIONS	3	\$34,800	\$255
PATIOS/VERANDAS/CPORTS ETC	8	\$58,000	\$680
COMMERCIAL/UNITS/SIGNS	3	\$330,188	\$1,324.23 (INC SEPTICS)
POOLS	1	\$14,729	\$85
DEMOLITION	0	\$0	\$0
TOTALS	23	\$1,759,600	\$7,430.24

8.3 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR'S REPORT - LATE ITEM**8.3.5 Development Application - Further Information**

The following e-mail was received from Tim Dolling after writing the above item:

I refer to CID Consultants site drainage report for the remedial drainage works at the Narrakine grain receival point attached to correspondence dated 08/08/11.

I also refer to your email received 19/08/11 advising Tony's concerns regarding the culvert under Playle Road not being designed for concentrated catchment runoff and advice that with the proposed improvements, the culvert may be be inadequate.

The matter was referred to CID Consultants on 01/09/11.

Apologies for the delay.

CID Consultants advised yesterday as follows.

As part of the drainage amendments proposed and drainage assessment of the site undertaken, it was found that the existing northwest basin did not adequately meet storage requirements for large storm events for both the external upstream catchment and the internal catchment discharging to Playle Road. This was mainly due to lack of outlet control, and from the survey indicating a break in the bund wall in the south west

corner at a level that would cause the storage to overflow to Playle Road in an uncontrolled manner, and exceeding predevelopment flow rates. The survey indicates two culverts along Playle Road – a 450mm dia. adjacent to the existing basin bund, and a 375mm dia. further to the east adjacent to the proposed bund extension.

As part of the assessment the 5 year ARI predevelopment flow rates for the site and upstream catchment were calculated, as well an estimate on the flow capacity of the two existing culverts under Playle Road based on the survey. The two values were compared and the lower of the two (the existing culverts) was used as the allowable attenuated flow rate to be discharged from the upgraded storage bunds/basin. As such 2 x 375mm culverts were proposed, with sufficient storage within the upgraded basin for the 50 year ARI post developed event. This information is described on pages 7 and 8 of the Drainage Report.

As the assessment was made without a site visit, the survey provided was used and assumed the existing culverts under Playle Road outside the CBH site were maintained and operational. The Shire are correct that if these culverts are blocked and not operational, then the overall system will obviously not work. The flows leaving the CBH site will however be restricted to less than the generally required 5 year predevelopment flow rates as a result of the site improvements (this was previously not the case).

Regards,
Tim Dolling

Earnshaw/Major

That the Environmental Health Officer/Building Surveyor's Report be received.

**Carried 9/0
Resolution 65/12**

Mr Friend left the meeting at 3.05pm

Anglican Minister Des Burgess attended the meeting at 3.05pm to meet Council and give a brief background on himself.

Afternoon Tea

Council adjourned for afternoon tea at 3.11pm and resumed the meeting at 3.45pm

8.4 CHIEF EXECUTIVE OFFICER'S REPORT

Report Reference:	8.4.1
Subject:	Industrial Land Purchase – Additional Payment
File Reference:	14.25.30
Statutory Reference:	N/A
Author & Date:	R.N. Duff 14 th September 2011

Background:

The Shire of Williams made an approach to Mr. D Carter to purchase approximately 30 hectares of Location 12070 Albany Highway Williams as a potential site for a light industrial precinct.

A letter was written to Mr. Carter formally offering the amount resolved at the February 2010 meeting. Mr. Carter declined this offer stating that the offer was too low.

Council agreed at the March 2009 meeting to conduct a feasibility study to determine what would be a reasonable purchase price given that there would be substantial development costs involved.

An offer was made to Mr. Carter in October 2009 but as there were errors on the original concept plan he was not willing to respond until the area to be purchased was correctly identified. The plan was amended by our Planners.

March 2010

Cavanagh/Medlen

That Council makes a final offer of \$9,000.00 per hectare for the purchase of portion of Part Location 12070 subject to WA Planning Commission approval.

Carried 8/0

April 2010

Johnstone/Cavanagh

That Council proceeds with the purchase of part location 12070 for an amount of \$9,000 per hectare including the following conditions to which Council would be responsible for under this current offer:

- *Any GST liability*
- *All subdivision and survey costs*
- *All re-zoning costs*
- *Fencing on the southern boundary.*

Plus additional considerations;

- *The remaining land in 12070 being on separate title*
- *Payment of a 15% Deposit on signing an offer and acceptance*
- *Price will be fixed for 12 months from signing O&A and after that period the price will be indexed with CPI*

Carried 9/0

Resolution 213/10

February 2011

Johnstone/Cavanagh

That the Shire President and the Chief Executive Officer be authorised to sign the offer and acceptance to purchase part lot 12070 as set out in Council Resolution 213/10

That Council borrow an amount equal to the full purchase price (and fees) of \$265,000 as per s.6.20(2) of the Local Government Act 1995 from the WA Treasury Corporation over a period of 20 Years @ 6.31%

Carried 8/0

Resolution 163/11

Comment:

The Subdivision process has been continuing since March 2011. The application has been approved by WAPC and is currently at Landgate and has been given "In order of dealings" status. Documentary Services acting on behalf of the Shire and Mr Carter are currently in the process of applying for title.

Due to the length of time taken to settle this matter Mr Carter is seeking additional payment to the 15% deposit already paid by Council. Further discussion will be had with Mr Carter, the settlement agent and the Chief Executive Officer regarding this payment and a recommendation will be provided to Council at the meeting.

Financial Implications:

Council took out a loan for the purchase of the property and after making a 15% deposit the balance of these funds have been invested and will be until such time that the funds are required for payment. Therefore any payment to Mr Carter would not affect the Council Budget.

Voting Requirements:

Simple Majority

Recommendation:

To be provided at the Council meeting.

Cavanagh/Paterson

That Council approve an advance payment of \$50,000.00 to DA Carter for the purchase of Part Location 12070 Albany Highway, subject to discussions and approval from the mortgagee.

**Carried 7/0
Resolution 66/12**

Report Reference:	8.4.2
Subject:	Annual Report & Annual Electors Meeting
File Reference:	4.1.20
Statutory Reference:	Local Government Act 1995 s5.54 – 5.55 &
Author & Date:	R.N. Duff 14 th September 2011

Background:

A local government must prepare an Annual Report each financial year. The Annual Report includes:

- The President's report & CEO's report
- Compliance statements/reports relating to the Plan for the Future, National Competition Policy, Disability Services Plan and Records Keeping Plan
- Financial Statements & Auditor's report

Statutory Environment

The Local Government Act 1995: Section 5.53 states a local government must prepare an annual report and details the items that should be included.

Section 5.54 specifies that the Annual Report must be accepted by the local government no later than 31 December after the financial year or if the Auditor's report is not available by this date no later than 2 months after the Auditor's report becomes available.

Section 5.55 requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted.

Section 5.27 - Electors' general meetings

1. A general meeting of the electors of a district is to be held once every financial year.
2. A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
3. The matters to be discussed at general electors' meetings are to be those prescribed.

Comment:

In order to have an Electors meeting which is relevant to the financial year in which it is being discussed it is recommended that the Electors meeting again be held after the October Council meeting. To achieve this, the annual report needs to be adopted, made available to the public and Council resolve to hold the Electors meeting after the October meeting of Council.

The 2010/11 Annual Report is attached at **APPENDIX 1**.

Financial Implications:

Nil.

Voting Requirements:

Absolute Majority

Recommendation:

That Council:

1. Adopt the Annual Report for the year ended 30th June 2011
2. Hold the Annual Meeting of Electors on the 19th October 2011 commencing at 7.00pm

Earnshaw/Major

That Council:

1. Adopt the Annual Report for the year ended 30th June 2011
2. Hold the Annual Meeting of Electors on the 19th October 2011 commencing at 7.00pm

**Carried 7/0
Resolution 67/12**

Report Reference:	8.4.3
Subject:	Williams Bushfires Brigades – Appointment of Chief Bush Fire Control Officer and Deputy
File Reference:	5.10.1
Statutory Reference:	Section 38 of the <i>Bush Fires Act 1954</i>
Author & Date:	R. Duff 14 th September 2011

Background:

Council is required to appoint the Chief and Deputy Bush Fire Control Officers prior to the Annual General Meeting of the Williams Bush Fires Brigades which will be held in October 2011.

The current office holders are Brian Liddelow (Chief) and Ross Major (Deputy).

Comment:

Both Brian and Ross have indicated their willingness to continue on in the positions, therefore they should be given thanks for their dedication last year and re-appointed for the upcoming year.

The Bushfire Brigade AGM is to be held on the 6th October 2011 at 4.00pm

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council appoints Brian Liddelow as Chief Bushfire Control Officer and Ross Major as Deputy Chief Bush Fire Control Officer for the 2011/2012 financial year.

Paterson/Medlen

That Council appoints Brian Liddelow as Chief Bushfire Control Officer and Ross Major as Deputy Chief Bush Fire Control Officer for the 2011/2012 financial year.

**Carried 7/0
Resolution 68/12**

Report Reference:	8.4.4
Subject:	Councillor Nominations – October Elections
File Reference:	4.1.40
Statutory Reference:	Nil.
Author & Date:	R.N. Duff 14 th September 2011

Background:

Council Elections are due to be held on Saturday 15th October 2011.

This year the following Councillors term expires:

Cr John Cowcher
 Cr Moya Carne
 Cr Greg Cavanagh
 Cr Natalie Major
 Cr Gilbert Medlen

Nominations were called for the following In-person Elections to be held Saturday 15th October 2011 to fill vacancies as follows:

Offices Vacant and Terms of Office

District - Five (5) Councillors – 4 year terms

Nomination Time and Place

- Nominations for all vacancies open Thursday 1st September 2011
- Nominations must be lodged by 4pm Thursday 8th September 2011
- Nominations must be lodged with the Returning Officer at any time during the above period at the Council Office.

The method of counting votes in the October 2011 elections will be by First Past the Post.

Comment:

The following nominations were received:

CANDIDATES NAME	NAME TO APPEAR ON BALLOT PAPER	DATE NOMINATION ACCEPTED
Moya Carne	Moya Carne	2 nd September 2011
John Cowcher	John Cowcher	6 th September 2011
Natalie Major	Natalie Major	6 th September 2011
Gilbert Medlen	Gilbert Medlen	7 th September 2011
Gregory Cavanagh	Gregory Cavanagh	7 th September 2011

As there are only five nominations for five positions all of the above were declared elected and will be sworn in prior to the October Council meeting. The appointments of President and Deputy President will also take place at this meeting.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

For Council's information

Report Reference:	8.4.5
Subject:	Childcare Centre
File Reference:	6.10.20
Statutory Reference:	Nil.
Author & Date:	R.N Duff 14 th September 2011

Background:

The Shire of Williams conducted a survey of the community in August 2010 to assist with the identification of present and future needs for childcare in our community. In summary, the results indicated an overwhelming need for childcare options to be made available to our community, with an average of 12 children requiring care 5 days per week.

At the October 2010 Council meeting, it was resolved to further investigate the feasibility of establishing a childcare service in Williams, with a view of basing the service at Lot 101 Growse Street – the old St John Ambulance centre. This would be a new service based in an existing facility.

At the December 2010 the following resolution was made:

Major/Logie

That Council resolve to establish a Long Day Care Centre operating out of Lot 101 Growse Street and in doing so:

- 1. Apply for funding for the renovation and improvement of the building to meet Childcare Licensing requirements*
- 2. Any shortfall of capital funding to be sourced from either the Country Local Government Fund allocation or the Building Reserve*
- 3. Council to be responsible for the management of the Childcare Centre as an additional service to the Community*
- 4. The project be reconsidered by Council if funding applications are not successful*

***Carried 7/1
Resolution 134/11***

Comment:

Three separate funding applications were submitted by the Community Development Officer to set up the Childcare Centre. The Shire of Williams was fortunate enough to gain access to funds as below;

Lotterywest	\$100,000	Successful
Regional Grants Scheme	\$100,000	Successful
FRRR	\$20,000	Unsuccessful

Should Council give the final approval to commence this project, then the following actions will be required:

In reference to a previous query regarding the possibility of using the Education Department Old Kindy building a letter has been received from the Department offering the Shire of Williams a 21 year lease of that premises. The letter is attached at **APPENDIX 2**. It is recommended that Council do not take up this offer because:

1. The property is not located on Council land and any alteration/improvements to the building would not be recoverable at the end of the lease.
2. Funding received from Lotterywest is specific to Lot 101 Growse Street.
3. Funding received from the RDL is specific to Lot 101 Growse Street.

To finalise the concept plan a meeting has been set up with the Department for Communities (State) and the Department of Education, Employment and Workplace Relations (Federal). In addition some further community consultation will take place before finalising the plans and specification prior to inviting tenders.

Signing of Funding Agreement

The Chief Executive Officer is required to sign and seal the funding agreement with the Wheatbelt Development Commission.

Financial Implications:

A building estimate given by Dolphin Design and Drafting has come in at \$310,000, but as was proved in the recent Hall Tender the initial estimate was overstated and tenders came in below budget. The builders estimate did not take into account any Shire in-kind contribution which would significantly reduce the cost of areas such as the outdoor play area and fencing. The Builders estimate will be taken into account when finalising the building design.

Voting Requirements:

Simple Majority

Recommendation:

1. That the Chief Executive Officer finalise the plans and specifications for the conversion of Lot 101 Growse Street into a Long Day Care Centre and that tenders be called for the conversion.
2. That the Chief Executive Officer be authorised to sign and seal the Grant Agreement with the Wheatbelt Development Commission for \$100,000

Major/Medlen

1. That the Chief Executive Officer finalise the plans and specifications for the conversion of Lot 101 Growse Street into a Long Day Care Centre and that tenders be called for the conversion.
2. That the Chief Executive Officer be authorised to sign and seal the Grant Agreement with the Wheatbelt Development Commission for \$100,000
3. That the Education Department be advised that Council will not take up their offer to lease the old Kindergarten building.

**Carried 7/0
Resolution 69/12**

Report Reference:	8.4.6
Subject:	Eira Rosser – Subdivision of Rosselloty Street
File Reference:	10.64.20
Statutory Reference:	Shire of Williams Town Planning Scheme No. 2
Author & Date:	R.N Duff 14 th September 2011

Background:

In July 2011 Mrs Eira Rosser wrote to the Shire of Williams seeking Council support for the possible subdivision of her lot on Rosselloty Street.

July 2011 Council Meeting

Johnstone/Logie

That Council supports the subdivision of large lots on Rosselloty Street subject to the requirement of sealed access from the rear laneway being paid for by any person wishing to subdivide their lot.

Letters were written to land owners on Rosselloty Street seeking their interest in contributing to the upgrade of the ROW. The Chief Executive Officer has received two verbal responses in which the landowners would support the upgrade of the ROW more so, for better access to the rear of their block rather than that of subdivision.

Comment:

There does not appear to be an overwhelming interest in upgrading the Rosselloty Street ROW and therefore Council could leave this matter in abeyance until such time that there is more support for such a proposal.

Financial Implications:

When considering upgrading Council's laneways the following issues should be considered:

- Sealing
- Kerbing
- Storm water Drainage
- Street Lighting (solar v fixed power)
- Traffic Calming Devices

Voting Requirements:

Simple Majority

Recommendation:

That the Chief Executive Officer writes to Mrs Eira Rosser advising her that the ROW will not be upgraded at this stage as there was not enough interest shown by landowners in the vicinity of her block.

Medlen/Paterson

That the Chief Executive Officer writes to Mrs Eira Rosser advising her that the ROW will not be upgraded at this stage as there was not enough interest shown by landowners in the vicinity of her block.

**Carried 7/0
Resolution 70/12**

Report Reference:	8.4.7
Subject:	Brooking St Footpath – Land Resumption
File Reference:	12.15.3
Statutory Reference:	Nil
Author & Date:	RN Duff 14 th September 2011

Background:

A survey of Lot 13315 had revealed that the Council footpath is partially constructed on Mrs Wheeler's property. Mrs Wheeler has indicated if she were to sell this property in the future there may be some issues and has asked that the matter be looked into.

The simplified process is as follows

1. Council resolves to purchase Blue area
2. Council resolves to seek comment on Closure ROW (orange area)
3. Write to neighbouring property owners and utility providers
4. Council formally resolves to close ROW
5. S.58 Taking of Land
6. Valuation on 2 parcels of land
7. Offer and acceptance document
8. Request submitted to RDL

February 2011 Council Meeting

Medlen/Cavanagh

1. *That Council resolves to negotiate a land exchange for the land marked blue on APPENDIX 2 by closing the ROW marked orange to enable a s.87 amalgamation with Lot 13315*
2. *That Council resolve its intention to close the Right of Way (ROW) abutting Lot 13315 Brooking St, as shown at (APPENDIX 2) and advertise, in accordance with Section 58 of the Land Administration Act 1997.*
3. *That in the event no objections are received at the end of the notice period, the closure of the portion of road reserve is recommended to the Minister for Planning.*

Comment:

The public submission period closes on the 14th September 2011.

Two objections were received from Mr Alex Playle and Mrs Helen Bunch which are attached at **APPENDIX 3**. Given that objections have been received Council could decide just to subdivide and purchase the portion of land which the footpath is on. The area purchased would then be incorporated into the road reserve. This would simplify the process in that it is purely a transaction between the owner of the land and the Shire of Williams.

Financial Implications:

- Cost of surveying the land
- Cost of valuer (If agreement on the cost of land can not be reached)
- Purchase of portion of Lot 13315.

Voting Requirements:

Simple Majority

Recommendation:

That Council resolve:

1. Not to Close the Right of Way adjacent to lot 13315 Brooking Street because of the objection received;
2. That the Chief Executive Officer negotiate a price to purchase part of Lot 13315 with Mrs Wheeler for consideration by Council;
3. That a subdivision application is submitted to WAPC and the portion of the land purchase from Mrs Wheeler be incorporated into the road reserve.

Carne/Major

That Council resolve:

1. Not to Close the Right of Way adjacent to lot 13315 Brooking Street because of the objection received;
2. That the Chief Executive Officer negotiate a price to purchase part of Lot 13315 with Mrs Wheeler or consideration by Council;
3. That a subdivision application is submitted to WAPC and the portion of the land purchase from Mrs Wheeler be incorporated into the road reserve.

**Carried 7/0
Resolution 71/12**

Report Reference:	8.4.8
Subject:	Main Roads WA – Bridge Maintenance Program
File Reference:	12.21.00
Statutory Reference:	Nil.
Author & Date:	R.N Duff 14 th September 2011

Background:

Letter received from Main Roads WA

“The following bridge(s) in your shire have been recommended for funding on the 2012 / 2013 Program of Works:

<i>Road Name</i>	<i>Bridge No</i>	<i>Works Description</i>	<i>Funding Type</i>	<i>Budget</i>
<i>Williams-Darkan Rd</i>	<i>0884</i>	<i>Substructure Repairs</i>	<i>SDR/STA</i>	<i>\$ 105,000</i>
Total				\$ 105,000

Bridges with Funding Type ‘SDR/STA’ are funded 2/3 from West Australian Local Government Grants Commission (WALGGC) and 1/3 from Main Roads. The budget amount(s) shown are the maximum funds available and include design and construction activities.

You will receive a request from the WAGGC for an application for Special Project Funding of Bridges for 2012/13. It is recommended that the Council’s application aligns with the above programme (bridges with Funding Type ‘SDR/STA’ only.) The breakdown of funding is detailed on the attached form. Bridges with Funding Type ‘STA’ are fully funded by Main Roads and are not to be included in your application to WALGGC.

As previously advised by the WA Local Government Grants Commission in a letter sent in May 2011, in order to be eligible for funding on the Bridge Maintenance Programme, Local Government Authorities will be required to demonstrate that they are maintaining their bridges appropriately. To demonstrate compliance with this requirement, please provide a copy of your 5 Year Bridge Preventative Maintenance Programme. Main Roads may also audit the routine and preventative maintenance carried out on bridges identified on your Programme for 2011/12. Routine and preventative maintenance activities required on your bridges were detailed in a letter from Main Roads sent in January 2011.

Main Roads will shortly be programming the delivery of the design and construction of bridgeworks for 2012/13. Please indicate if you require assistance from Main Roads to deliver any of the above works. This advice will enable the works to be incorporated into the Main Roads’ Delivery Programme.

Delivery options for the programmed bridges are:

1. Local Authority to arrange Design and Construction:

- ° Main Road’s funding will be held over until all of the following items have been addressed:
 - Designs are in accordance with Main Roads and AS 5100 Bridge Design requirements, (Main Roads recommends the use of suitable Consultants for structural design work and can provide a list of Consultants on request.)
 - A copy of the construction drawings are issued to Main Roads prior to construction commencing.

- *Work is constructed in accordance with construction drawings and specification. (Main Roads may inspect the work.)*
- *A copy of the “as-constructed” drawings is received by Main Roads.*
- *Outstanding issues identified by Main Roads are addressed.*

2. Main Roads to arrange Design and Local Authority to arrange Construction.

- ° *Please indicate when you anticipate commencing construction works, so that the designs can be prepared in advance.*
- ° *Local Authority staff will be invited to have input in the design process.*
- ° *Main Road’s funding (less design costs) will be held over until all of the following items have been addressed:*
 - *Work is constructed in accordance with construction drawings and specifications. (Main Roads may inspect the work.)*
 - *A copy of the “as-constructed” drawings is received by Main Roads.*
 - *Outstanding issues identified by Main Roads are addressed.*

3. Main Roads to arrange Design and Construction.

- ° *Local Authority staff will be invited to have input in the design and construction process.*

Please notify me by 17th September 2011 of the delivery options for the design and construction for each bridge on the 2012/13 Bridge Program assuming the funding is ultimately approved. Please use the attached Request for Assistance form for this notification. As previously mentioned, you should also attach a copy of your 5 Year Bridge Preventative Maintenance Programme.

Comment:

The Chief Executive Officer has recently engaged Brett Howson to inspect and develop a preventative maintenance program for Bridges as required by the Commonwealth Grants Commission. The program will entitle the Shire of Williams to the bridge funding as advised by Main Roads. Therefore, as in previous years the Shire should select Option 3, Main Roads to arrange design and construction.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That the Chief Executive Officer request Main Roads to arrange the design and construction of sub-structure repairs to the Williams Darkan Road Bridge No. 0884 with a budget of \$105,000 funded 2/3 from West Australian Local Government Grants Commission (WALGGC) and 1/3 from Main Roads.

Earnshaw/Medlen

That the Chief Executive Officer request Main Roads to arrange the design and construction of sub-structure repairs to the Williams Darkan Road Bridge No. 0884 with a budget of \$105,000 funded 2/3 from West Australian Local Government Grants Commission (WALGGC) and 1/3 from Main Roads.

**Carried 7/0
Resolution 72/12**

Report Reference:	8.4.9
Subject:	Department of Local Government – Budget Issues
File Reference:	4.50.00
Statutory Reference:	<i>Local Government Act 1995</i>
Author & Date:	R.N Duff 14 th September 2011

Background:

Letter received from the Department of Local Government

“The Department has examined the Shire’s annual budget for 2011/12 and has identified discrepancies when checking the Rate Setting Statement against the Budget Notes and the imposition of minimum payments that do not comply with the Act.

- 1. The Rate Setting Statement reports the Disposals of Assets as \$430,000 whereas Note 4 – Disposals of Assets reports an amount as \$110,000, a variance of \$320,000.*
- 2. Note 6 Reserves details an estimated balance of cash reserves at 30 June 2012 of \$629,193. However, in estimating the net current assets (surplus) at that same date, Note 7 only shows \$595,360 as being restricted, a variance of \$33,833.*

If the reported figures in Notes 4 and 6 are correct, it appears that the Rate Setting Statement should show a deficit of \$353,833 and not a surplus of \$5,000 as shown in the budget. This deficit exceeds the statutory limits in s. 6.34 of the Act. The Department’s rate setting calculations are shown on page two of this letter.

The rating information disclosed in your 2011/12 Annual Budget at note 8 indicates that the Shire has imposed minimum payments for GRV rated properties that do not comply with the Act.

Section 6.35(4) of the Act provides that a minimum payment is not to be imposed on more than 50% of properties. In applying this percentage (and in accordance with s. 6.35(6)), the 50% limit is calculated separately for each general differential rate category. Note 8 indicates that the GRV Residential rate of \$0.04056 is applied to 46 properties and therefore a maximum of only 46 properties should also be subject to the minimum payment. While there is no GRV Residential minimum payment, note 8 indicates that 249 properties in the GRV Townsites rate type are affected by the minimum payment. These rates do not conform to the Act and may not be recoverable.

While s. 9.64 of the Act can be used to rectify an accidental omission this section cannot be used to correct an unlawful imposition of a rate. The Department is taking legal advice on this matter and will advise you of this in due course. In the meantime it is requested that you review your annual budget and report the budget and rating issues to the Council. If the budget deficit as indicated by the notes does exist and the unlawful minimum payments cannot be recovered, the Shire will need to take immediate action to address this.

It is requested that a response be provided to the Department within 30 days of the receipt of this letter.

Should you wish to discuss this further please contact Vern McKay on 6552 1715.”

Comment:

A review of the budget has been undertaken. The Chief Executive Officer can confirm that both note 4 and 7 are incorrect and will need to be amended.

Note 4 is incorrect because the possible sale of lots in the Quindanning Townsite Development was not included. The income would be received from pre-sales once the development commenced but is not guaranteed, but it must be noted the expenditure side of this project is dependant on a certain amount of pre-sales and without these the project and the associated expenditure may be delayed.

Note 6 is correct, however Note 7 is incorrect as the Reserve figure should be that as was stated in Note 6 (\$629,193). The alteration of this figure will have a nil effect on Note 7 and ultimately the Rate Setting Statement because Reserve funds do not form part of the Estimated Surplus/Deficiency carried forward.

In respect to the non-compliance with section 6.35(4) of the Act, the Department of Local Government is still awaiting on legal advice. The Departmental Officer indicated that the Shire of Williams was not the only local government to have this issues raised and the Minister for Local Government was currently being briefed. Council will be advised of the outcome of this matter in due course.

Financial Implications:

To be advised.

Voting Requirements:

Simple Majority

Recommendation:

1. That the Chief Executive Officer write to the Department of Local Government advising that errors were made on Notes 4 and 7 in the 2011/12 Adopted Budget and that these will be corrected and a new budget distributed.
2. That Council note the Department of Local Government's advice in relation to section 6.35(4) of the Act and await further advice.

Earnshaw/Paterson

1. That the Chief Executive Officer write to the Department of Local Government advising that errors were made on Notes 4 and 7 in the 2011/12 Adopted Budget and that these will be corrected and a new budget distributed.
2. That Council note the Department of Local Government's advice in relation to section 6.35(4) of the Act and await further advice.

**Carried 7/0
Resolution 73/12**

Report Reference:	8.4.10
Subject:	Western Australian Planning Commission – Application 144839 Yarrabin Rd, Lot 12843 & 3338
File Reference:	10.64.20
Statutory Reference:	<i>Planning and Development Act 2005 – s 151(1)</i>
Author & Date:	R.N. Duff 14 th September 2011

Background:

The Western Australian Planning Commission has received a planning application from AJ Marsh Pty Ltd on behalf of the GT Higham and BD Liddelow to rationalize boundaries on Location 12843 & 3338 Yarrabin Rd.

Comment:

The Land is zoned 'RURAL' under the Shire of Williams Town Planning Scheme No.2. Policy Statement 4.7 (3) (c) states that Council will favourably consider applications for the adjustment of lot boundaries where no additional lots are created.

The applicant's subdivision application and additional information is attached at **APPENDIX 4**.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council advise the Western Australian Planning Commission that it has no objection to Application 144839 Yarrabin Rd, Lot 12843 & 3338.

Cavanagh/Earnshaw

That Council advise the Western Australian Planning Commission that it has no objection to Application 144839 Yarrabin Rd, Lot 12843 & 3338.

**Carried 7/0
Resolution 74/12**

8.4 CHIEF EXECUTIVE OFFICER'S REPORT – LATE ITEMS

Medlen/Earnshaw

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

**Carried 7/0
Resolution 75/12**

Report Reference:	8.4.11
Subject:	Proposed Lot 2 Munthoola Rd Subdivision – Developer Contribution
File Reference:	10.64.20
Statutory Reference:	Shire of Williams Town Planning Scheme No. 2
Author & Date:	R.N. Duff 20 th September 2011

Background:

The Munthoola Subdivision (Lot 51 and 52 Eddington Road) has been before Council on many occasions in recent years. The Subdivision Guide Plan approved by Council gave potential for 125 residential lots. In March 2011 Council gave consideration and approved the subdivision to be staged. In doing so, Council approved a four (4) lot subdivision with the possibility of future subdivision in accordance with the previously approved Subdivision Guide Plan. In July 2011 Council made a determination on the trigger point for the requirement to seal Munthoola Road.

July 2011

Johnstone/Cavanagh

That Council advises prospective developers of the Munthoola Estate that any future subdivision of lots under the Subdivision Guide plan would be a trigger for the requirement to have the access road sealed.

**Carried 8/0
Resolution 13/12**

Correspondence received from Jeremy Genders;

“Further to our discussions and your last presentation to the Shire meeting (and their decision) re the bitumising of Munthoola Road, if the 5 blocks, in Lot 2 along the river were developed. I would like you to present the following to the Shire meeting next week if possible.

I can understand the Shires position but also feel that it is unfair that the total cost of sealing the road would be incurred by the developer of those 5 blocks. There are another 15 blocks which border Munthoola road and obviously the Farmstay at the end of the road which would get more benefit out of the sealing than anyone.

If I decide to go ahead and purchase Lot 2 would the Shire look at a proposal of a pro rata cost per block, for the sealing of the road, and as the blocks were sold or developed a figure put in Trust with the Shire for that purpose and the road to be completed when the blocks on the other side were developed ? I think we worked out that there was about 1.25 km of road so if for example the sealing cost was \$100,000 then there would be a levy of \$5,000 per block. If the total cost is incurred by Lot 2 it would make the project unattractive in the present climate. My view is that we need some blocks like these around Williams and if they are done successfully it will be an encouragement for either the present owners of Munthoola or a prospective purchaser to develop more blocks where at the moment everything is at a standstill. Even if I do not decide to purchase Lot 2 I believe this is a decision that the Shire will have to make in the near future.

Thank you for your time this morning and if you think attendance at the meeting would help could you please give me a time that this item would be discussed."

Comment:

The Proponents of the 4 lot subdivision will be required to construct Munthoola road to Council standard, the only concession that they have been given is the requirement to bituminise the road due to the small number of lots involved. The guidelines for subdivisions are outlined below:

Subdivisional Development Guidelines – Adopted February 2008

2.2.8 Rural Living Streets

The minimum standard for rural living streets within a subdivision shall be as follows:

Straight Pavements: 6 metre wide, two coat seal (2x10mm stone) with 1.2 metre shoulders, 1 coat seal (10mm stone)

Intersections:

(a) All intersections shall be provided with concrete kerbing to at least 10 metres beyond the tangent point of the sweep. This kerbing shall repeat on the opposite side of the intersection on the straight section of road. At the terminating end, the kerbing shall be flared towards the verge.

(b) All intersections shall be provided with a 25mm asphalt surface on a primer seal, to the full extent of the concrete kerbing.

Geometric design shall be according to 'Rural Road Design', Austroads 1989. The maximum design speed for access roads shall be 60 km/hr, collector roads 70 km/hr and arterial roads 90 km/hr. These design speeds shall be verified by Main Roads Western Australia.

The maximum longitudinal grade of a road shall be 12.5% unless otherwise approved. The minimum longitudinal grade shall be 0.5% unless table drains are graded independently of the road to provide satisfactory drainage.

All changes of grade of more than 1% shall be joined by a vertical curve. The length of all vertical curves shall be in accordance with the relevant Austroads publications, and shall take into account overtaking and stopping sight distances and comfort factors.

One-way cross fall to a maximum of 3% may be approved for access roads when excessive cross fall exists in the natural surface. Roads shall normally have two-way cross-falls of 3% except where geometric design requirements dictate that superelevation is required.

Table drains shall be provided for all roads for a minimum width of 1.2m, flat bottomed, with side slopes of a minimum 1:3 grade (33%).

Cut batters shall generally be no steeper than 1 in 3 (33%) except in hilly terrain, where depth of cut is considerable, or where ground conditions are such that it is not practical to comply with this requirement without excessive cost or environmental disturbance. Subject to the approval of Council's Engineer, cut batters may be increased to a maximum of 1 in 1 (100%). Fill batters shall generally be no steeper than 1 in 4 (25%) except in hilly terrain or where fill heights are considerable, in which case a maximum slope of 1 in 2 (50%) may be used subject to the approval of Council's Engineer.

Verges shall have sufficient width to install public utility services. In particular sufficient width must be provided to install overhead power lines with poles located at least 2.5m from the invert of the table drain.

Roads shall be designed to enable access to lots at an absolute maximum grade of 16%.

Cul-de-sac heads shall have a minimum head radius of 9m to edge of seal, with 15m radius tapers.

Memorial of Title

As is with the subdivision condition placed on the proponents of the 4 lot subdivision, a 70A memorial should be placed on the titles of any lots being developed from Lot 2. The memorial would advise prospective purchasers that the road will only be maintained to a gravel rural standard and that sealing will occur as stipulated by Council as part of any future subdivision at the developers cost, less any contributions already held in trust for this purpose.

Crossovers (To Council Standards)

To be the responsibility of the developer, initial installation is estimated at \$1,500 per crossover.

Financial Implications:

Council has indicated that it should not be adversely affected as a result of development/subdivision being implemented within the Shire of Williams. Council does not have a specific policy relating to developer contributions but it is expected that developers should contribute towards the cost of providing appropriate infrastructure which would be required as a result of their proposal.

In this case, the creation of an additional Five (5) Rural Residential Lots and the Council requirement to seal the road would not make the development viable, in Mr Gender's opinion. However given that the subdivision guide plan approved by Council in TPS amendment 13 allows for an additional 17 lots fronting Munthoola Rd the requirement to seal the road would definitely be required by Council, either now or into the future.

Mr Genders has indicated that he would be willing to make a developer contribution, to be held in trust, to seal the road when Council stipulates this requirement. Council has previously resolved that in order to approve a 5 lot subdivision on Lot 2 the road would have to be sealed. It's the Chief Executive Officer's opinion that the rationale behind this decision is that Council did not want to incur any costs in relation to sealing the road and also the complex nature of who would contribute to the sealing of the road if and when Lot 3 is further subdivided.

Should Council consider a developer contribution in relation to the subdivision of Lot 2 it is recommended that an amount of \$5,000 per lot be requested from the developer to cover the future upgrade of Munthoola Rd.

Voting Requirements:

Simple Majority

Recommendation:

This item is for Council's consideration and should a developer contribution be an option then Resolution 13/12 would need to be rescinded.

Council did not wish to change the July decision therefore no further action was taken on this item.

8.5 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

Cavanagh/Paterson

That Municipal Fund cheques 103381 – 103392, EFT Transfers and Direct Debits totalling \$321,594.85 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 103393 – 103 404 totalling \$13,866.78 and EFT Transfers totalling \$87,980.39 be approved for payment.

**Carried 7/0
Resolution 76/12**

8.5.2 FINANCIAL STATEMENTS

Paterson/Medlen

That the financial statements presented for the period ending 31st August 2011 be received.

**Carried 7/0
Resolution 77/12**

8.6 COUNCILLORS

8.6.1 – Grader/Loader Demonstration

Crs Cowcher, Earnshaw and Johnstone together with grader operators Andrew Wood and Richard Hewitt attended Komatsu, John Deere and Volvo grader and loader demonstrations at Woodanilling and Dumbleyung.

8.6.2 – Art Acquisition Meeting

Cr Carne advised that the Art Acquisition Committee have recently held a meeting.

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

10.2 STAFF

Nil

11.0 LEAVE OF ABSENCE

12.0 INFORMATION SESSION

13.0 MEETING CLOSURE

There being no further business for discussion the President declared the meeting closed at 5.16pm