

SHIRE OF WILLIAMS

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

1.0 OPENING

1.1 DECLARATION OF OPENING

The President declared the meeting open at 1.10pm

1.2 ANNOUNCEMENT OF VISITORS

Nil

2.0 RECORD OF ATTENDANCE

2.1 PRESENT

Cr John Cowcher	President
Cr David Earnshaw	Deputy President
Cr Greg Cavanagh	
Cr Richard Johnstone	
Cr Moya Carne	
Cr Gilbert Medlen	
Cr Natalie Major	
Cr Peter Paterson	
Cr Jarrad Logie	(Until 2.52pm)
Ryan Duff	Chief Executive Officer
Ian Ball	Deputy Chief Executive Officer
Heidi Cowcher	Community Development Officer (1.15pm – 1.46pm)
Tony Kett	Works Supervisor (1.47pm – 1.55pm)

2.2 APOLOGIES

Nil

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/Johnstone

That the minutes of the Ordinary Meeting held in the Council Chambers on Wednesday 16th November 2011, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 9/0
Resolution 101/12**

6.2 WALGA CENTRAL COUNTRY ZONE MEETING MINUTES

Johnstone/Earnshaw

That the minutes of the WALGA Central Country Zone Meeting held in Williams on Friday 25th November 2011, as circulated, be received.

**Carried 9/0
Resolution 102/12**

6.3 WAGIN REGIONAL WASTE GROUP MEETING MINUTES

Major/Medlen

That the minutes of the Wagin Regional Waste Group Meeting held in Narrogin on Friday 9th December 2011, as circulated, be received.

**Carried 9/0
Resolution 103/12**

6.4 4WD VROC MEETING MINUTES

Meeting cancelled

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

8.0 REPORTS OF COMMITTEES/OFFICERS AND COUNCILLORS

Community Development Officer Heidi Cowcher attended the meeting at 1.15pm to discuss her report.

8.1 COMMUNITY DEVELOPMENT OFFICER'S REPORT

8.1.1 CSRFF – Small Grants – Reticulation Upgrade Williams Oval

The Shire made an application to the CSRFF Small Grants round for an upgrade to the reticulation at the Shire oval to accommodate the use of treated wastewater on the oval. The Shire applied for the following:

Reticulation upgrade (oval, mainline and pump equipment)	\$82,000
Contingency (3%)	\$ 2,460
TOTAL COST	\$84,460
<i>CSRFF Funding (50%)</i>	<i>\$42,230</i>
Shire of Williams contribution	\$42,230

As Council may be aware, it was a general understanding that fencing was a requirement due to the use of treated wastewater, however the Water Corporation has advised the Shire that this is no longer a requirement, therefore the fencing component of the CSRFF application was removed. The agreement

between the Water Corporation and the Shire of Williams in relation to the use of treated wastewater was also to be amended to reflect this change.

The Shire applied for up to 50% of the total cost of the project as a development bonus based on a sustainability initiative (water saving). It was noted that with the use of treated wastewater for watering the Shire's recreational facilities this would lessen the reliance on scheme water – a benefit for the Shire (savings on cost of purchasing scheme water) and the Water Corporation.

The Shire has been advised that it has been successful in being allocated up to \$41,000 towards the reticulation upgrade (50% of the total cost of the project – less the contingency).

CDO Attachment 1 includes letter and a summary of all projects funded in this round – for information.

For information

8.1.2 CLGF – Individual Local Governments Application 2011/12

As Council would be aware, the Shire of Williams is notionally allocated funding under the Royalties for Regions Country Local Government Fund. In 2011/12, the Shire of Williams has been allocated \$260,104.

In the November 2011 CEO Report, Council agreed to changing the Forward Capital Works Plan to expend this allocation on the sport and recreation facilities upgrade.

Indicatively, the cost estimates as provided by the Quantity Surveyor as part of the *Shire of Williams Active Recreation Facilities Needs Analysis and Feasibility Study*, are as follows:

Tennis courts upgrade (include multi-marking for netball/basketball)	\$ 56,000
Upgrade of multi-use shelter/storage building (currently tennis clubrooms)	\$ 60,000
Bitumen sealing ram shed (multi-marking for tennis/netball/basketball)	\$ 35,000
New rectangular playing field (hockey/soccer)	\$158,000
Upgrade lighting (tennis/netball/basketball)	\$ 40,000
SUB-TOTAL	\$349,000
+ 10% contingency	\$ 34,900
+ 7% design fees	\$ 24,430
+ Upgrade of pavilion kitchen (not previously costed/included in Rec Plan)	\$ 50,000
GRAND-TOTAL	\$458,330

These costs are all indicative only, and will only be finalised once plans are finalised and tenders are called.

Funding sources potentially are as follows:

CLGF 2011/12 (individual allocation)	\$260,104
Department of Sport & Recreation CSRFF	\$136,110
Building reserve (to be confirmed)	\$ 50,000
Sporting clubs (tennis/netball/hockey/Ram breeders)	\$ 12,116
GRAND-TOTAL	\$458,330

It is anticipated that a meeting with the sporting clubs involved will happen in early 2012 to commence the planning phase of the project.

CLGF funding is to be applied by 30/12/11, and the outcome will be known/funds released in early 2012. The preference is for the funds to be spent in the year in which they are to be paid (2012), however local governments can take up to two years from the signing of the Financial Assistance Agreement (which is not likely until early 2012) to acquit the funds to the satisfaction of the Department.

Building reserve allocation will have to be determined during budget deliberations in May 2012 for the 2012/13 financial year.

Sporting club cash contributions will have to be discussed with, and agreed to by the affected clubs, and will be subject to their financial position to be able to contribute, or whether they are prepared to raise a loan for their contributions.

CSRFF applications will be made in September/October 2012, with the outcome known in approx March 2013.

With these timelines, it is not envisaged that the work will be able to be completed until early-mid 2013.

Recommendation

That the Shire of Williams supports an application to the CLGF 2011/12 for the upgrade of the Williams Sport and Recreation facilities (as per the Forward Capital Works Plan).

Earnshaw/Major

That the Shire of Williams supports an application to the CLGF 2011/12 for the upgrade of the Williams Sport and Recreation facilities (as per the Forward Capital Works Plan).

Potential Funding sources to be amended as follows:

CLGF 2011/12 (individual allocation)	\$260,104
Department of Sport & Recreation CSRFF	\$136,110
Sporting clubs (tennis/netball/hockey/Ram breeders)	\$ 62,116
GRAND-TOTAL	\$458,330

**Carried 9/0
Resolution 104/12**

Logie/Major

That the Community Development Officer's report be received.

**Carried 9/0
Resolution 105/12**

Ms Cowcher left the meeting at 1.46pm

Works Supervisor Tony Kett attended the meeting at 1.47pm to discuss his report.

8.2 WORKS SUPERVISOR'S REPORT

8.2.1 Maintenance Grading

Road Name	Length Graded (kms)
Mundays Road	8.7
Darkan-Quindanning Rd	12.0
Plank Rd	4.7
Roccis Rd	4.1
Kelly Rd	8.4
Marling Rd	7.1
Culbin-Boraning Rd	18.0
Chapman Rd	2.1
Top End Rd	1.3
Cowcher Rd	4.4
Tin Shed Rd	2.5

Pig Gully Rd	11.0
Taylor Rd	9.1
Matthews Rd	2.2
English Rd	6.5
Kennedy Rd	2.7
Johnstone Rd	1.3
Playle Rd	3.7
Yarrabin Rd	4.5
Higham Rd	3.1
Wangelling Gully Rd	8.8
Medlen Rd	8.2
Culbin Rd South	2.5
Total Length Graded	136.9

8.2.2 Road Maintenance Works

- Tree clearing on Darkan-Quindanning Rd

8.2.3 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	Tree clearing	Finished 8/12/2011
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		

8.2.4 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	Serviced, 4 new tyres
Kia 2 Tonne Truck		Jeff Cowan	9-Oct-07	54,346	
Holden Rodeo Crew Cab Utility		Andrew Wood	15-Nov-06	166,400	
Holden Rodeo Single Cab Utility		James Lenehan	20-Nov-06	62,354	
Mitsubishi Triton Single Cab Utility		Aaron	22-Sep-99	190,051	

		Goulden			
Multipac Multi-Tyre Road Roller	Construction Equipment		21-Oct-04	200	
Case Vibromax Roller			29-Sep-04	2,573hr	Fixed oil leak, adjusted tappets
Caterpillar 12H Road Grader		Kevin Burman	17-Nov-03	8,628hr	
Volvo G930 Road Grader		Andrew Wood	20-Oct-06	4,569hr	
JCB 416HT Front End Loader			6-Feb-06	5,568hr	
Volvo EC210BLC Excavator		Phil Reed	18-Jul-07	3,031hr	
John Deere 315SE4 Backhoe			17-Sep-01	754hr	Fixed oil leak
Road Broom		Works	New		
John Deere MFWD Tractor			21-Oct-97	1,849hr	New shaft and universal joint for slasher
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	Trucks & Trailers	Jeff Cowan	20-Mar-00	6,288hr	
Toyota DA115 Tip Truck (Water Truck)			24-Aug-94	232,556m	
Isuzu FVZ1400 Tip Truck			31-Dec-03	206,365	
Mercedes Benz Actross Prime Mover		Ray Scobie	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	
SFM Side Tipping Trailer		Ray Scobie	21-Dec-05		
Howard Porter Low Loader			31-Aug-07		
Howard Porter Pig Trailer		Justin Murdock	10-Dec-08		

8.2.5 Staff

Nil to report

8.2.6 Town and Facilities Report

- Extended refuse site pit
- Replaced two solenoids on town oval

Recent flood damage to roads was discussed with the Works Supervisor.

Carne/Paterson

That the Works Supervisor's Report be received.

**Carried 9/0
Resolution 106/12**

Mr Kett left the meeting at 1.55pm

8.3 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR'S REPORT**8.3.1 Building Permits**

#292	S Draper	Lot 254 Cowcher Street, Williams	Zinc storage shed
#293	J Price	Lot 101 Brooking Street, Williams	Colorbond shed

Building inspections ongoing.

8.3.2 Food Premises Inspection

Williams Woolshed – Everything clean and tidy. Premises are always well maintained. Some out of date milk products brought to the attention of management.

Caltex Roadhouse – Very cleanly maintained. All outstanding health matters have been completed.

Shell Roadhouse – Several issues raised with management. Some concern structural matters and some management issues. Premises were cleanly maintained overall.

8.3.3 Other Business

Quindanning Hotel Renovations – Work has recommenced on the toilet block at the Quindanning Hotel. It is my belief that the builder has been required to complete the works and make other changes due to poor workmanship.

The septic system has been extensively examined by myself and two independent people with a view to making the changes necessary to make the system work.

Although at the time of writing the report I am unaware of the findings of the second person, it would seem likely that the wrong type of soil has been used as backfill which has prevented the effluent being able to move from the leach drains to the surrounding medium.

Once all the reports are in an approach to the plumber who undertook the original work will be made (by the owners) to rectify the problems.

8.3.4 Swimming Pool Samples

Samples have been taken of the water quality of the Williams swimming pool. Results indicate good water quality.

8.3.5 Private Swimming Pool Inspection

The swimming pool barrier at Lot 19 (25) Growse Street has been inspected and has not passed. I have instructed the owner to make modifications to make it comply. A follow up inspection will be undertaken in the new year to check for compliance.

Paterson/Earnshaw

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

**Carried 9/0
Resolution 107/12**

8.4 CHIEF EXECUTIVE OFFICER'S REPORT

Report Reference:	8.4.1
Subject:	Main Roads WA – Request for Submissions for Proposed Clearing associated with the Williams Bridges Project
File Reference:	12.15.33
Statutory Reference:	N/A
Author & Date:	R.N. Duff 12 th December 2011

Background:

Main Roads WA is proposing to construct a new section of Albany Highway, including all associated infrastructure and intersections through Williams. Prior to road construction, preliminary works include Geotechnical Investigations within the location of two new bridges.

In October 2011 Main Roads conducted a Preliminary Environmental Impact Assessment which identified that a small area (0.1ha) is to be cleared to allow access for a drill rig to take soil samples.

Comment:

The Chief Executive Officer has provided feedback to Main Roads. The feedback states that the Shire of Williams does not have any objection to the minor clearing taking place.

Further information is attached at **APPENDIX 1**. Submissions closed on the 19th December 2011.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council endorse the actions of the Chief Executive Officer in writing to Main Roads WA advising that the Shire of Williams does not object to clearing 0.1ha in the Williams River and Coaling Brook area to carry out investigations for the new bridges in these locations.

Johnstone/Earnshaw

That Council endorse the actions of the Chief Executive Officer in writing to Main Roads WA advising that the Shire of Williams does not object to clearing 0.1ha in the Williams River and Coaling Brook area to carry out investigations for the new bridges in these locations.

**Carried 9/0
Resolution 108/12**

Report Reference:	8.4.2
Subject:	Memorandum of Understanding – Williams Communication Facility
File Reference:	5.10.60
Statutory Reference:	Nil.
Author & Date:	R.N Duff 12 th December 2011

Background:

- In 1997 Council negotiated a lease (copy attached) for portion of Williams location 12026 (4,330m²) as a site for a Council emergency services communication tower. This site was identified as the most suitable, locality-wise for Council's and the Williams Bush Fires Brigade's radio network.
- The Shire of Williams is party to a taking order under the Land Administration Act 1997 on Lot 500 on DP 59026 owned by Mr. RN Petchell for the purposes of a Communications Tower Site and Access.
- The Taking Order was registered at the Office of Titles on the 11th May 2009.
- 3rd July 2009 - claim for compensation was received from Mr. Petchell's representative Ferguson Fforde Miller (FFM).
- The original claim submitted under s211 of the Land Administration Act 1997 was for \$200,000.
- Ferguson Fforde Miller then compiled a compensation assessment and amended the claim. The new claim for compensation was \$455,000
- December 2009 meeting of Council received a further valuation from Preston Rowe Paterson WA Pty Ltd. Council resolved to reject the valuation of \$225,500.
- 28th January 2010 - Shire President and CEO meet with the Minister for Emergency Services and representatives from WA Police and FESA.
- Mr. Petchell's representatives referred this matter to the State Administrative Tribunal (SAT).
- SAT Directions Hearing on the 29th January 2010.
- Mediation session on the 24th March 2010.
- SAT Hearing – 24th March 2010. No agreement with the applicant, although some dialogue was helpful in working a way forward to a suitable compromise on the compensation settlement. Further mediation has been set for the 28th April 2010.
- April 2010 - Police Valuation- Valuation from Independent Valuers of Western Australia \$140,000
- SAT Hearing – 28th April 2010. Amount agreed to by all parties subject to Western Australian Police and FESA accepting the amount and agreeing to fund the compensation amount. The final settlement is currently being progressed through a 'without prejudice' SAT mediation process' and therefore cannot be made public at this stage, but Councillors will be informed.
- SAT Mediation 24th May 2010.
- 1st July 2010 – Meeting with FESA and Police and an agreement reached on what their contribution to the compensation payment would be.

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- SAT Mediation 7th July – Agreement that the Shire of Williams will present a formal compensation offer to Mr. Petchell no later than 27th July 2010.
- Special Council meeting 9th August – Council resolution to make an open offer of \$140,000 plus interest.
- The final SAT hearing was held on the 29th November 2010. Due to time constraints, both lawyers were not able to give closing argument and were instructed to submit written arguments to SAT. It is not expected to know the outcome of the hearing until some time in February 2011.
- The State Administrative Tribunal handed down its decision regarding compensation to Mr RN Petchell after the taking of portion of location 12026. The decision was dated 12th April 2011.
- July 2011 – SAT Decision handed down on compensation to be paid. The Tribunal's decision was that the land value component was \$100,000. Other matters were still to be negotiated by the parties.
- August 2011 – Deed of Settlement Signed. The content of the settlement deed, ie. total settled at \$220,000 plus interest (inclusive of the \$100,000 component already determined by Tribunal). The matter of legal costs was still to be determined.
- 26th October 2011 – Mr. Petchell's claim for costs was at \$96,000+ with a final settlement of the costs claim at \$37,500.

Comment:

To secure contributions from FESA, WA Police and St John Ambulance a Memorandum of Understanding and C-location Agreement has been developed. The agreement outlines each Parties rights and obligations and joint contributors to the Communication Facility compensation payment.

The MOU is attached at **APPENDIX 2**.

Financial Implications:

The MOU is the document that will trigger the agreed contribution from the users of the tower site.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council authorise the Chief Executive Officer to sign the Memorandum of Understanding and Co-location Agreement for the Williams Emergency Services Communications Facility.

Cavanagh/Medlen

That Council authorise the Chief Executive Officer to sign the Memorandum of Understanding and Co-location Agreement for the Williams Emergency Services Communications Facility.

**Carried 9/0
Resolution 109/12**

Report Reference:	8.4.3
Subject:	St John Ambulance Australia (WA) – Self Supporting Loan
File Reference:	16.01.10
Statutory Reference:	<i>Local Government Act 1995 s6.20(2)</i>
Author & Date:	R.N Duff 12 th December 2011

Background:

St John Ambulance Australia is party to the Williams Emergency Services Communication Facility agreement and has previously agreed to contribute to the compensation payment made to the landowner. With the matter being concluded at the State Administrative Tribunal the Shire of Williams is now in a position to request a contribution from all users of the facility.

Comment:

Section 6.20(2) of the Local Government Act 1995 relating to “**Power to Borrow**” states:

Where, in any financial year, a local government proposes to exercise a power under subsection (1) (“**power to borrow**”) and details of that proposal have not been included in the annual budget for that financial year

—
(a) unless the proposal is of a prescribed kind, the local government must give one month’s local public notice of the proposal; and

(b) the resolution to exercise that power is to be **by absolute majority**.

Loan funds have not been included in the Annual Budget and therefore as per the Act the Shire of Williams must advertise its intent to borrow funds.

The proposal is to borrow \$145,000 over 20 years at an interest rate of 5.01%

A loan schedule is attached at **APPENDIX 3**.

Civic Legal are currently drawing up an agreement between the Shire of Williams and St John Ambulance to ensure the loan is fully recouped by the Shire.

Financial Implications:

The loan will be self support and cost neutral to Council.

Voting Requirements:

Absolute Majority

Recommendation:

The Shire of Williams advertises its intent to borrow \$145,000 for 20 years at an interest rate of 5.01% for the purpose of a self supporting loan for the St John Ambulance Australia in lieu of a contribution towards the Communication Tower Compensation payment.

Carne/Medlen

The Shire of Williams advertises its intent to borrow \$145,000 for 20 years at an interest rate of 5.01% for the purpose of a self supporting loan for the St John Ambulance Australia in lieu of a contribution towards the Communication Tower Compensation payment.

**Carried by absolute majority 9/0
Resolution 110/12**

Report Reference:	8.4.4
Subject:	Water Corporation – Recycled Water Supply Agreement Amendment
File Reference:	19.1.40
Statutory Reference:	Nil.
Author & Date:	R.N Duff 12 th December 2011

Background:

The Water Corporation is currently constructing a new \$9.5 million Waste Water Treatment facility to replace the existing 32kl facility. The new facility has the capacity to treat 150kl of wastewater per day which once operation will provide the Shire of Williams with treated wastewater to use on the Town oval.

An agreement with the Water Corporation was signed in December 2008 giving the Shire of Williams rights to the treated wastewater subject a number of conditions being met by both Parties.

Comment:

At the time of signing the agreement advice was received that the oval must be fully fenced in order for the Shire of Williams to reticulate the oval with treated wastewater. Subsequent advice from the WA Health

Department stipulates that the fencing is not a requirement and therefore the agreement with the Water Corporation has been amended.

The Chief Executive Officer has signed off on the following amendment:

To give effect to this variation Schedule 1 will be varied as follows:

In “Corporations Infrastructure obligations”, the words

Upgrade the Recipients oval fence and signs.

Shall be deleted from the Agreement and the following words inserted in their place:

Install warning signs at entry points to the Recipients oval.

In “Recipients’ Infrastructure obligations”, the words:

Refund costs of fencing and signage upgrade to the Corporation on completion.

Shall be deleted from the Agreement and the following words inserted in their place:

Refund the costs of signage to the Corporation on completion.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council endorse the Chief Executive Officer’s actions in signing the amendments to the Recycled Water Supply Agreement with the Water Corporation.

Major/Cavanagh

That Council endorse the Chief Executive Officer’s actions in signing the amendments to the Recycled Water Supply Agreement with the Water Corporation.

**Carried 9/0
Resolution 111/12**

Report Reference:	8.4.5
Subject:	Department of Local Government – Performance Measurement Survey 2011
File Reference:	4.50.00
Statutory Reference:	Nil.
Author & Date:	R.N Duff 12 th December 2011

Background:

Letter Received from the Department of Local Government

Thank you again for your participation in the Performance Measurement Survey recently conducted by the Department of Local Government. The responses to the survey have been analysed and the results for your local government and how they compare to the State average are attached.

The baseline survey represents the first phase in the implementation of the Local Government Performance Measurement Framework. This first year of collection is a starting point that provides a benchmark for

measuring capacity improvement, particularly as the sector moves towards full adoption of the Integrated Planning and Reporting Framework by 30 June 2013. Accordingly, the initial results are low but provide a platform from which ongoing progress can be measured. The results are also a useful indicator to individual local governments and will guide the State Government in driving a process of continuous improvement by identifying areas where particular attention is required.

The key performance indicators used to establish these baseline levels are consistent with National Frameworks being developed by the State, Territory and Commonwealth Governments as a measure of local government sustainability.

It should be noted that individual local government results will remain confidential and only an aggregated rating for the State will be publicly available. It is a matter for individual local governments should they wish to share their results with their community, other local governments or other organisations.

I appreciate your participation in the baseline survey and your continued support for the Performance measurement Framework

Comment:

A local government was deemed to be at baseline level if it satisfactorily met criteria within the four key capacity building areas.

The criteria are that:

- the **Strategic Community Plan** has a 10 year timeframe, states community aspirations, vision and objectives, was adopted by an absolute majority of Council and developed with community input;
- the **Workforce Plan** identifies the current workforce profile and organisational structure, identifies gaps between the current workforce profile and the organisational requirements, identifies organisational activities to foster and develop workforce and is budgeted for;
- the **Financial Plan** must show the local government having an Operating Surplus Ratio greater than 0; and
- the **Asset Management** baseline requires the local government to be able to calculate the asset consumption ratio, that is depreciated replacement cost (DRC) of assets (Written down value) divided by current replacements costs (CRC) of depreciable assets, expressed as a percentage.

Baseline Survey Results –	Williams	State Average
• Operating Surplus Ratio (Finance)	Yes	83.6%
• Asset Consumption Ratio (Asset Management)	No	40.7%
• Strategic Community Plan (Integrated Planning)	Yes	13.6%
• Workforce Plan (Workforce Planning)	No	5.9%
• Number of Baseline Levels Met	2/4	
• % of LGA's meeting all 4 Baseline Levels		1.4%
• Capability Index (% of baseline activity being met across the sector)		33.6%

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

For Council's information.

Report Reference:	8.4.6
Subject:	Shire of Narrogin - Dual Fire Control Officers
File Reference:	5.10.1
Statutory Reference:	<i>Bushfires Act 1954, s.38</i>
Author & Date:	R.N Duff 12 th December 2011

Background:

The Shire of Narrogin has requested that Mr. Russell Ashley and Mr. Brenton Hardie be appointed as dual fire control officer for the Shire of Williams and Shire of Narrogin for 2011/12.

Comment:

BUSH FIRES ACT 1954 - SECT 38

38. Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

Financial Implications:

Nil

Voting Requirements:

Simple Majority

Recommendation:

The Shire of Williams appoints Mr. Russell Ashley and Mr. Brenton Hardie as a dual fire control officer for the Shire of Williams and Shire of Narrogin for the 2011/12 financial year.

Earnshaw/Logie

The Shire of Williams appoints Mr. Russell Ashley and Mr. Brenton Hardie as a dual fire control officer for the Shire of Williams and Shire of Narrogin for the 2011/12 financial year.

**Carried 9/0
Resolution 112/12**

Report Reference:	8.4.7
Subject:	Purchase of Pt Lot 12070 Albany Highway – Signing and Sealing Documents
File Reference:	19.1.40
Statutory Reference:	Nil.
Author & Date:	R.N Duff 12 th December 2011

Background:

The Shire of Williams has purchased 29.3679ha of Pt Lot 12070 Albany Highway Williams. This land has been earmarked for future light industrial developments.

Comment:

The settlement date for the purchase of this land was the 8th December 2011 with the Shire President and Chief Executive Officer signing and sealing documents relating to the purchase.

Financial Implications:

Purchase price \$264,249

Voting Requirements:

Simple Majority

Recommendation:

That Council endorse the actions of the Shire President and Chief Executive Officer in signing and sealing documentation relating to the purchase of Lot 1 Location 12070 Albany Highway.

Johnstone/Paterson

That Council endorse the actions of the Shire President and Chief Executive Officer in signing and sealing documentation relating to the purchase of Lot 1 Location 12070 Albany Highway.

**Carried 9/0
Resolution 113/12**

Report Reference:	8.4.8
Subject:	Minister for Local Government – Integrated Planning and Reporting Funding Assistance Eligibility
File Reference:	4.50.00
Statutory Reference:	Nil.
Author & Date:	R.N Duff 12 th December 2011

Background:

Letter received from the Minister for Local Government

Thank you for your letter dated 26 October 2011 regarding your Shire's eligibility for funding assistance to undertake Integrated Planning and Reporting. I welcome your comments regarding the value of the Integrated Planning Master Class and congratulate you on the strategic documents that the Shire has produced to date.

In response to your comments regarding funding granted to other local governments, I remind you of my commitment to provide financial assistance to support the implementation of integrated planning and reporting to those local governments participating in amalgamation, Regional Transition Groups (RTDs) and Regional Collaborative Groups (RCGs). This funding is to ensure that these local governments are assisted with the additional task of integrated planning and reporting for the group, as well as individual members.

As you have noted, some funding was also allocated to those local governments who have formally committed to progressing structural reform in accordance with my commitment for sector led voluntary reform and capacity building, but have been prevented from doing so by a lack of regional partnerships.

The Shire of Williams' Council, in response to my invitation to participate in the reform process, resolved not to participate in an RTG, though it did indicate its willingness to explore the formation of an RCG with the other 4WD Voluntary Regional Organisation of Councils' member Councils. However, my correspondence of 7 December 2009 clearly indicated that my optimal reform option for the Shire of Williams was the formation of an RTG with its neighbouring local governments rather than the formation of an RCG. As the funding that was available was prioritised in accordance with this commitment to voluntary reform, funding was not offered to your Shire.

The Department of Local Government is supporting and assisting all local governments in the State to enhance their capacity to meet legislative requirements through:

- *Integrated Planning Master Classes for local government Chief Executive Officers and Senior Officers provided until December 2011;*
- *Integrated Planning training for elected members commencing November 2011;*
- *Tools and supporting documents such as the Integrated Planning Framework and Guidelines, Asset Management Framework and Guidelines and Long Term Financial Planning Framework and Guidelines; and*

- A website dedicated to supporting integrated planning across the State, integratedplanning.dlg.wa.gov.au

I encourage you to use these tools and resources to efficiently and strategically allocate resources to assist your integrated planning efforts

Comment:

The letter from the Minister for Local Government was in reply to a letter written by the Chief Executive Officer.

“Over the last two days I have attended the Integrated Planning Master Class in Narrogin. I thoroughly enjoyed the training and believe that the changes that you have implemented will be of great benefit to the Industry. The Shire of Williams is already part way down the journey of integrated planning, with some 19 odd documents planning for the future of our community. Most of these documents have been compiled after community consultation, but now there is an opportunity to revisit our previous plans, integrated each of them and finalise the project by June 2013.

The task you have set our Council is going to take significant staff time and resources. To ensure adequate community consultation takes place we need to engage the services of a suitable person. My Councillors will require training on Integrated Planning. Therefore my question to you is why we are not eligible for any funding assistance from the Department to undertake this process?

I was appalled to learn that a number of Councils at the Master Class had received significant funding to implement the framework. I understand that several Councils are engaged in the RTG process and are therefore entitled to receive assistance. However could you please advise why Councils such as Wagin, Katanning, Boddington and Boyup Brook, who are not involved in the RTG process, have been advised that they are eligible for funding to implement the framework. I believe your decision to fund these Councils is grossly unfair and disenfranchises those communities who decided that they did not want to form a Regional Transition Group. The framework you have implemented plans for our future as a sustainable single Council and I believe the Department in implementing change should assist Councils to do so.

The Shire of Williams requests your consideration to assist with funding to implement the Integrated Strategic Planning Framework.”

Financial Implications:

As an example the Shire of Wagin has received \$140,000 to undertake the Integrated Planning and Reporting process.

Voting Requirements:

Simple Majority

Recommendation:

For Council's information.

Report Reference:	8.4.9
Subject:	Patrick Harrison – Approval to lay water services on Munthoola Rd
File Reference:	10.64.20
Statutory Reference:	Nil.
Author & Date:	R.N Duff 12 th December 2011

Background:

Mr Patrick Harrison has agreed to purchase Lot 56 Munthoola Rd. This lot was previously part lot 51 & 52 Eddington Rd which has been referred to by Council as the Munthoola Subdivision.

The subdivision of lot 51 & 52 is covered by WAPC application 143703 and is yet to be signed off by the Shire of Williams, Water Corporation and Western Power. This particular request concerns condition 2 of the WAPC approval:

“2. Suitable arrangements being made with the Water Corporation so that the provision of a suitable water supply service will be available to proposed Lots 1 & 3 shown on the approved plan of subdivision.”

A written request has been received from Mr Harrison seeking Council approval to run a water supply pipe along the Shire road reserve.

The current owner of the land Mr Gordon Atwell has received a Water Corporation Land Developer Agreement which will clear the relevant WAPC Conditions relating to water services. The agreement stipulates;

Water

In relation to water services

- Service by Agreement to service proposed lots to be entered into as required (notes: this does not have to be completed as part of the subdivision, section 70A notice on the title will be required as part of this process).
- Make payment for the provision of future water service connection/s
- Relocation of Meter BC0738034 (lot 3) to Lot 1. Lot 3 to have fully pre-laid service installed
- Letter of permission from the Shire of Williams to use future road reserve for internal water plumbing.

Comment:

The proposal could be supported with the Landowner to provide copies of any plans showing the locations of pipes to the Shire for records, and the stipulation that the Shire does not take any responsibility for the infrastructure in the event that it is damaged.

This would not be a permanent arrangement as it is assumed that the pipe will have to be upgraded for future infill subdivision.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council grant approval to the owner of Lot 56 Munthoola Rd to install a water supply pipe along the proposed extension on Munthoola Rd subject to:

1. the Landowner to provide copies of any plans showing the locations of pipes to the Shire for records,
2. that the Shire does not take any responsibility for the infrastructure in the event that it is damaged.

Earnshaw/Medlen

That Council grant approval to the owner of Lot 56 Munthoola Rd to install a water supply pipe along the proposed extension on Munthoola Rd subject to:

1. the Landowner to provide copies of any plans showing the locations of pipes to the Shire for records,
2. that the Shire does not take any responsibility for the infrastructure in the event that it is damaged.

**Carried 9/0
Resolution 114/12**

Report Reference:	8.4.10
Subject:	Western Australian Planning Commission – Application 145186, Lot 502 Albany Highway Williams
File Reference:	10.64.20
Statutory Reference:	Nil.
Author & Date:	R.N Duff 12 th December 2011

Background:

Correspondence has been received from the Western Australian Planning Commission seeking Council comment on the proposed subdivision of Lot 502 Albany Highway Williams. The Williams Hotel is situated on this lot and the purposed of the subdivision is to create a lot containing Water Corporation Infrastructure (sewer pump station) and create access to the pump station.

Comment:

The proposed subdivision is as follows:

Existing
 Lot 502 9352m²
 Lot 123 76m²

Proposed
 Lot A 9185m²
 Lot B 167m²

Application 145186 is attached at **APPENDIX 4**.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Council have no objections to WAPC application 145186 – Lot 502 Albany Highway Williams.

Cavanagh/Logie

That Council have no objections to WAPC application 145186 – Lot 502 Albany Highway Williams.

**Carried 9/0
Resolution 115/12**

Report Reference:	8.4.11
Subject:	Department of Local Government – Imposition of Non-Compliant Minimum Rates
File Reference:	4.50.00
Statutory Reference:	<i>Local Government Act 1995 s6.35(4)</i>
Author & Date:	R.N Duff 12 th December 2011

Background:

Letter received from the Department of Local Government

The Department's monitoring of annual budgets identified a number of local governments across the State that imposed rates or minimum payments in 2011/12 that did not comply with the rating provisions of the Local Government Act 1995.

In August 2011, we wrote to you to advise that the Shire of Williams was one of the affected local governments. The Shire's non-compliance specifically related to imposing a minimum payment on more than 50 per cent of GRV Townsites land contrary to s 6.35(4) of the Act.

The Department has taken extensive legal advice on this matter from the State Solicitor's Office. That advice is that s 6.82 of the Act provides the appropriate mechanism for dealing with questions of general interest as to whether a rate has been imposed in accordance with the Act. Based on that advice, the Minister has authorized me to instruct the State Solicitor's Office to commence proceedings in the State Administrative Tribunal (SAT), under s 6.82 of the Act, to quash the invalid minimum payment. If the SAT decides to quash the minimum payment, the Shire will need to re-impose a minimum payment that complies with the Act.

Notwithstanding the SAT action, my Department will work with the Shire to bring this matter to a satisfactory conclusion. You will be contacted further when the SAT action commences, however, if you wish to discuss this in the meantime, please contact Mr Vern McKay, Principal Project Officer, on 6552 1513.

Comment:

Council were previously advised on the issue with rates raised by the Department of Local Government. No action is to be taken until such time as SAT makes a determination and we receive instructions from the Department of Local Government.

Financial Implications:

The Deputy Chief Executive Officer has done some modelling to calculate the financial implications to the Shire of Williams should the State Administrative Tribunal determine our GRV minimum payment be quashed.

To comply with the requirements of s 6.35 (4) of the Local Government Act 1995 our minimum rate would need to be altered. The net effect would be a reduction in Council revenue of \$14,677. This is based on reducing our minimum rate to \$380 instead of \$450 which will then ensure we comply with the Act.

Voting Requirements:

Simple Majority

Officers Recommendation:

For Council's consideration.

Report Reference:	8.4.12
Subject:	Shire of Williams Storm Damage – Event on the 12th December 2011
File Reference:	12.15.36
Statutory Reference:	Nil.
Author & Date:	R.N Duff 15 th December 2011

Background:

On the 12th December 2011 the Williams Post office recorded 126mm of rain had fallen in Williams, there were reports of significantly higher falls in other areas, notably around Glenfield Rd where over 200mm of rain fell. It was also reported that 150mm of rain fell on the York-Williams Rd area.

The rain event caused the closure of the Albany Highway at Coaling Brook and significant road damage to the Shire road network. (Photos of the damage will be available at the meeting).

Comment:

The entire network has been inspected and the majority of the damage was restricted to 10 roads.

York-Williams Rd – 3 damaged culverts
Glenfield Rd – culvert damage and road formation washed out
Playle Rd – culvert damage
Marradong Rd – culvert damage and some shoulder damage
Graham Rd – road formation washed out
Carne Rd – 3 damaged culverts
Westmere Rd - culvert damage and road formation washed out
Kennedy Rd – minor culvert damage
Richmond St – minor shoulder damage
Brooking St – bitumen washed off floodway

Relief and recovery assistance can only be considered once a proclamation has been declared under the Western Australia Natural Disaster Relief and Recovery Arrangements (WANDRRA). The repair estimate has been submitted to Main Roads and it is hoped that the event is eligible for recovery relief.

Financial Implications:

A schedule of repairs costs is attached **APPENDIX 5** with the initial estimate being in excess of \$260,000 not including opening up costs of the roads in the immediate time period after the event.

Voting Requirements:

Simple Majority

Recommendation:

That Council note the above

Report Reference:	8.4.13
Subject:	Childcare Tender
File Reference:	6.10.20
Statutory Reference:	N/A
Author & Date:	R.N. Duff 15 th December 2011

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
<i>That Council resolve to establish a Long Day Care Centre operating out of Lot 101 Growse Street and in doing so:</i>
<i>1. Apply for funding for the renovation and improvement of the building to meet Childcare Licensing requirements</i>
<i>2. Any shortfall of capital funding to be sourced from either the Country Local Government Fund allocation or the Building Reserve</i>
<i>3. Council to be responsible for the management of the Childcare Centre as an additional service to the Community</i>
<i>4. The project be reconsidered by Council if funding applications are not successful</i>
Carried 7/1 Resolution 134/11

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

At the September 2011 the following resolution was made:

Major/Medlen
<i>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.</i>
<i>2. That the Chief Executive Officer be authorised to sign and seal the Grant Agreement with the Wheatbelt Development Commission for \$100,000</i>
<i>3. That the Education Department be advised that Council will not take up their offer to lease the old Kindergarten building.</i>
Carried 7/0 Resolution 69/12

Comment:

Tenders were advertised 3rd December and close on Monday 19th December 2011. The tenders will be presented to the Council meeting for consideration. At the time of writing this report 8 tender packages were sent out.

Financial Implications:

To be advised.

Voting Requirements:

Simple Majority

Recommendation:

To be provided at the meeting.

Major/Medlen

That Council accept the tender of \$187,294.00 including GST submitted by P&F Kulker Building Contractors for the Childcare Centre upgrade (Tender 2-11/12) and commence the application for licensing.

**Carried 9/0
Resolution 116/12**

Cr Logie left the meeting at 2.52pm

Major/Cavanagh

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

**Carried 8/0
Resolution 117/12**

8.4 CHIEF EXECUTIVE OFFICER'S REPORT – LATE ITEMS

Report Reference:	8.4.14
Subject:	Proposed Subdivision – Mark Bombara – Lot 5 Darkan Quindanning Rd
File Reference:	10.64.20
Statutory Reference:	Shire of Williams Town Planning Scheme No. 2
Author & Date:	R.N. Duff 20 th December 2011

Background:

Correspondence received from Mark Bombara

“Firstly, I was wondering what Council’s attitude to a subdivision of this nature would be.

*Secondly I was wondering whether Council would consider letting me go a bit further and instead of creating one additional lot, permit me to create 2 additional lots – ie the exiting lot into a total 3 lots. The configuration I have in mind is identical to the attached sketch but instead of the 800ha lot in the east, 2 * 400ha (1,000 acre) lots in the east.*

As discussed your TPS contains a presumption against rural subdivision, as do nearly all other Schemes. With Council’s support, in this instance, I believe a successful argument can be delivered to WAPC to allow subdivision down to 400ha with the argument being:

- due to the rainfall (old scale 720mm to 850mm) the land has a highest and best use of plantation which will probably remain so forever.*
- this rainfall range and the soil types of this property would only occur on another handful of properties in the Shire of Williams.*
- the presumption against subdivision applies to agricultural grazing or cropping land – I don’t believe it is relevant to plantations, or even bush for that matter.*

If Council has any reservations about any of the aspects of this proposal or has any useful comments or proposed adjustments, I will be happy to discuss.”

Comment:

Mr Bombara is seeking in principle support for the above proposal prior to going to the expense of engaging a surveyor to submit an application to WAPC.

The Shire of Williams Town Planning Scheme No. 2 would support the Subdivision of Lot 5 into 2 lots under the following clause because of the large area of bush in the east of the lot:

“the lots have already been significantly divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit”

In relation to further subdivision into 3 lots (1000ha plus 2 x 400ha) Council would be required to determine if this would be allowable, the complicating factors in this decision is the small section of lot 5 directly adjacent to the Quindanning Darkan Rd is located in the Shire of Boddington and approval would need to be given by the Shire of Boddington as road access should be provided to both these lots.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

For Council consideration

Major/Earnshaw

That the Chief Executive Officer seek clarification from Mr Bombara regarding use of the land which is to be subdivided and how issues of access to the proposed lots is going to be addressed.

**Carried 8/0
Resolution 118/12**

Afternoon Tea

Council adjourned for afternoon tea at 3.05pm and resumed the meeting at 3.30pm

Report Reference:	8.4.15
Subject:	Australia Day Award Nominations
File Reference:	4.11.30
Statutory Reference:	Nil.
Author & Date:	R.N. Duff 20 th December 2011

Background:

The Council has adopted the Australia Day awards program and has calling for nominations for inspiring community members or groups from our Shire for an award to be presented at a ceremony on Australia Day - 26th January. The three awards highlight active citizenship, outstanding contribution to the local community and Australian pride and spirit. Nominations closed 20th December 2011.

The Shire has previously appointed a committee consisting of Cr Carne, the Chief Executive Officer, Community Development Officer and a community member to oversee the Premier's Australia Day Active Citizenship Award.

Comment:

The awards will be presented at the Council Australia Day Breakfast which is currently being organized by office staff.

At the time of closing nominations 2 new nominations were received and 2 nominations from previous year have been carried over.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That Cr Carne, the Chief Executive Officer, Community Development Officer and a community member be appointed to oversee the Premier's Australia Day Active Citizenship Award.

Major/Earnshaw

That Cr Carne, the Chief Executive Officer, Community Development Officer and a community member be appointed to oversee the Premier's Australia Day Active Citizenship Award.

**Carried 7/0
Resolution 119/12**

Report Reference:	8.4.16
Subject:	Tender – Design and Construction of Aged Units, New Street Williams
File Reference:	9.20.85
Statutory Reference:	<i>Local Government Act 1995 – s3.57</i>
Author & Date:	R.N. Duff 20 th December 2011

Background:

Council has previously declared it's intent to construct Aged Units on Lot 32, 33, 34 New Street and Lot 110 & 111 Growse Street. A concept plan of the proposed development that incorporated 13 potential units was endorsed by Council at the May 2011 meeting.

The project is being funded by the Country Local Government Fund (Regional Component) in conjunction with the 4WD/Lakes Group which equate to a total of 28 units across the 7 Shires. An additional application has been submitted to the Department of Regional Development Action Agenda Fund which would increase the scope of the project to 42 units if successful.

Comment:

The Shire of Williams is now at a point where serious planning and project development needs to be undertaken. The Council Committee has done a lot of work putting together the concept plan but can go no further until a builder is selected and the plans for the units are satisfactory to our requirements. Therefore it is proposed to call for tenders from suitably qualified building companies to undertake the following:

Town Planning

- ☐ Subdivision of the 6 Lots to allow a 13 lot subdivision

Design and Construction

- ☐ Draw up plans for the staged development of 13 Lots similar to Council's adopted concept plan
- ☐ Immediate construction of 4 Aged Person Units

The Chief Executive Officer would like to advertise for tenders to be considered at the February 2012 Council meeting.

Financial Implications:

Shire of Williams

Shire of Williams	2010/11	2011/12	2012/13	2013/14	Total
Project Income	CLGF Confirmed	CLGF Confirmed	CLGF Estimated	CLGF Estimated	
Williams CLGF	\$ 159,326	\$ 260,104	\$ 260,104	\$ 520,208	\$ 1,199,742
R4R RDC Funding		\$ 50,000	\$ 318,500	\$ 346,500	\$ 715,000
Carryover CLGF (previous year)		\$ 79,326			
Cash contribution		\$ 150,000			\$ 150,000
Total cash available (with carryover)	\$ 159,326	\$ 539,430	\$ 578,604	\$ 866,708	\$ 1,349,742
Project Expenditure					
Surveyors	\$ 5,000				\$ 5,000
Architecture/drawings	\$ 15,000				\$ 15,000
Tender prep/alloc	\$ 10,000				\$ 10,000
Site costs	\$ 50,000	\$ 25,000			\$ 75,000
Services /Tel/gas/elc/water		\$ 75,000	\$ 12,500	\$ 12,500	\$ 100,000
Building costs		\$ 460,000	\$ 556,000	\$ 612,000	\$ 1,628,000
Driveway		\$ 10,000	\$ 15,000	\$ 15,000	\$ 40,000
Footpath		\$ 10,000	\$ 15,000	\$ 15,000	\$ 40,000
Fencing		\$ 15,000	\$ 30,000	\$ 30,000	\$ 75,000
Landscaping		\$ 15,000	\$ 30,000	\$ 30,000	\$ 75,000
Insurance		\$ 1,000	\$ 1,500	\$ 1,500	\$ 4,000
Total Expenditure	\$ 80,000	\$ 611,000	\$ 660,000	\$ 716,000	\$ 2,067,000
In kind Budget					
Land		\$ 120,000	\$ 40,000	\$ 40,000	\$ 200,000
Project Management	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 60,000
Total	\$ 15,000	\$ 135,000	\$ 55,000	\$ 55,000	\$ 260,000
Surplus/deficit	\$ 79,326	-\$ 71,570	-\$ 81,396	\$ 150,708	-\$ 717,258
Total Units built		2 UNITS	2 UNITS	2 UNITS	6
		2 CLGF	1 CLGF; 1 R4R	1 CLGF; 1 R4R	

Voting Requirements:

Simple Majority

Cr Johnstone returned to the meeting at 3.35pm during discussion on this item.

Recommendation:

That Council call tenders for planning and design services for a possible staged 13 Aged Person Unit Development at Lot 32, 33 & 34 New and Lot 110 & 111 Growse Williams, in addition for the immediate construction of up to four (4) aged persons units as stage 1 of the development.

Major/Paterson

That Council call tenders for planning and design services for a possible staged 13 Aged Person Unit Development at Lot 32, 33 & 34 New and Lot 110 & 111 Growse Williams, in addition for the immediate construction of up to four (4) aged persons units as stage 1 of the development.

Carried 8/0
Resolution 120/12

Report Reference:	8.4.17
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Subject:	Proposed Town Planning Scheme Amendment
File Reference:	10.64.20
Statutory Reference:	<i>Shire of Williams Town Planning Scheme No.2</i>
Author & Date:	R.N. Duff 20 th December 2011

Background:

The Shire owns Lots 110 – 111 Growse Street and Lots 32 – 34 New Street in Williams town site, and has been working with WA Country Builders to develop plans for a unit development.

A location plan is included as Attachment 1.

Comment:

The subject lots are zoned ‘Residential’ under the Shire of Williams Town Planning Scheme No 2 (‘the Scheme’) and have a density coding of ‘R20’. The density code loosely explained, in effect means that it is possible to develop it at a density of approximately 20 units per hectare.

The density codes operate through the Residential Design Codes which is a State Planning Policy applied to residential areas throughout Western Australia, and are also illustrated on the Shires Town Planning map.

Under the Residential Design Codes minimum and average areas per dwelling apply to each density code, which dictates how many dwellings or lots can be created. At the current R20 density a minimum of 440m² and average of 500m² applies per dwelling unit.

The preliminary plans developed for the Shire land in Growse and New Street propose development at an R30 density. Under an R30 density a minimum of 270m² and average of 300m² applies per dwelling unit.

In order to facilitate an R30 development on the subject land, the Shire would need to undertake a formal amendment to it’s Town Planning Scheme (map) to change the density code from Residential ‘R20’ to ‘R30’ for the Shire owned lots.

Any Scheme Amendment requires not only Council approval, but final approval by the Minister for Planning. Gray & Lewis is of the view that any scheme amendment would only be successful if the R30 density was applied for the whole streetblock bound by Growse Street, New Street, Rosselloty Street and the rear laneway. It would be undesirable to have mixed density codes in a streetblock as it results in varied streetscape, different potential lot sizes, different site requirements such as setbacks, and is not in the interest of orderly planning.

Gray & Lewis recommends that any scheme amendment would need to include the Shire owned land, and Lots 35 and 36 New Street which are owned by Graham and Verna Harding. For the amendment to be a success, it will be essential for the Shire to undertake preliminary consultation and discussions with the owners of Lots 35 and 36, and gain their agreement for their land to be rezoned to R30 (at the Shires cost). Any scheme amendment needs to follow a statutory process in accordance with the Town Planning Regulations and the Planning and Development Act 2005. In short, the scheme amendment process includes:

1. Compilation of formal scheme amendment documents which explain the proposal, show the existing and proposed zoning on a scheme amendment map, and include formal signing and council resolution pages. Gray & Lewis can compile the documents on behalf of the Shire.

2. A report item to Council to initiate a formal scheme amendment and adopt the amendment for the purpose of conducting formal public advertising. The Council resolution needs to be in accordance with legislative requirements.
3. Referral of the Scheme Amendment to the Environmental Protection Authority (EPA). No scheme amendment can be advertised until the EPA formally advises that it does not require any environmental assessment.
4. Advertising for a minimum of 42 days. The Shire can refer the amendment to the Western Australian Planning Commission “up front” and request a reduced advertising period of 21 days.
5. A report item to Council after advertising to consider any submissions and determine whether to adopt the amendment for final approval (with or without modification).
6. Lodgment of the amendment with the WAPC seeking final approval by the Minister for Planning.
7. Once the amendment is approved by the Minister, the amendment has to be published in the Government gazette and advertised in a local newspaper.

Gray & Lewis considers it unlikely that the Minister would support re-zoning of Lots 35 and 36 unless the owners were supportive of their land being included in the amendment. Gray & Lewis therefore recommends that Council support the re-zoning “in principle” however undertake preliminary consultation with the owners of Lots 35 and 36 before proceeding.

WA Country Builders have liaised directly with the WAPC who (at an officer level) has indicated preliminary support for an R30 density code over the whole streetblock, and a reduced advertising period for any formal scheme amendment.

POLICY REQUIREMENTS:

N/A

LEGISLATIVE REQUIREMENTS:

Shire of Williams Town Planning Scheme No 2 – Clause 4.6 requires residential development to comply with the Residential Design Codes. The applicable density code is shown on the Scheme map.

Planning and Development Act 2005 – legislative requirements for scheme amendments.

Town Planning Regulations 1967 (as amended) – legislative procedural requirements for scheme amendments.

Environmental Protection Act 1986 (as amended) – environmental assessment requirements.

STRATEGIC IMPLICATIONS:

The majority of Williams townsite is zoned ‘Residential R20’. Introduction of an R30 density through a scheme amendment will facilitate development that will allow for greater housing choice and diversity of housing stock in the Shire, in a location close to services. A higher density also maximises use of existing infrastructure.

SUSTAINABILITY IMPLICATIONS:

➤ Environment

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

➤ **Economic**

The proposed R30 density will have economic benefits and may generate employment.

➤ **Social**

The proposed R30 density has social benefits as it would allow for a more diversified housing stock that can cater for different accommodation needs in the local community.

FINANCIAL IMPLICATIONS:

Council will be responsible for paying all costs associated with any scheme amendment, including consultancy fees and public advertising costs.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: NO

STAFF (CONSULTANT PLANNER) RECOMMENDATION
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That Council:

1. Support a proposed scheme amendment 'in principle' for Lots 110-11 Growse Street, and Lots 32 – 36 New Street subject to consultation with the owners of Lots 35 and 36.
2. Authorize the Chief Executive officer to write to the owners of Lots 35 and 36 New Street and seek their support for an R30 coding to be applied to their land by a future proposed scheme amendment to be facilitated by the Shire (at the Shires costs).
3. Note that a separate future report will be referred to Council following consultation with the owners of Lots 35 and 36 to consider formal initiation of a scheme amendment.

Cavanagh/Major

That Council:

1. Support a proposed scheme amendment 'in principle' for Lots 110-11 Growse Street, and Lots 32 – 36 New Street subject to consultation with the owners of Lots 35 and 36.
2. Authorize the Chief Executive officer to write to the owners of Lots 35 and 36 New Street and seek their support for an R30 coding to be applied to their land by a future proposed scheme amendment to be facilitated by the Shire (at the Shires costs).
3. Note that a separate future report will be referred to Council following consultation with the owners of Lots 35 and 36 to consider formal initiation of a scheme amendment.

**Carried 8/0
Resolution 121/12**

8.5 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

Johnstone/Cavanagh

That Municipal Fund cheques 103464 – 103476, EFT payments and Direct Debits totalling \$419,949.21 and Trust Fund cheques 1134 – 1135 totalling \$760.00 approved for payment by the Chief Executive Officer be

endorsed and that Municipal Fund cheques 103477 - 103496 totalling \$30,690.89 and EFT Transfers totalling \$128,570.38 be approved for payment.

**Carried 8/0
Resolution 122/12**

8.5.2 FINANCIAL STATEMENTS

Paterson/Earnshaw

That the financial statements presented for the period ending 30th November 2011, be received.

**Carried 8/0
Resolution 123/12**

8.6 COUNCILLORS REPORT

Report Reference:	8.6.1
Subject:	Works Supervisor's Contract
File Reference:	Staff File – T Kett
Statutory Reference:	N/A
Author & Date:	R.N. Duff 19 th December 2011

Background:

Tony Kett was appointed Works Supervisor on the 19th July 2007 with his final contract being signed and commencing on the 1st January 2008.

On commencement the following package was indicated on the letter of appointment:

“Salary \$57,000
Housing Allowance \$50 per week
Full private use of motor vehicle
Mobile phone for work related calls
Rental of house phone”

The current contract expires on the 31st December and Council has agreed to offer a further 3 year extension.

May 2011 Council Meeting

Works Supervisor Johnstone/Major

That Tony Kett be offered a three year contract extension commencing 1st January 2012 subject to negotiation on Section 6 – Remuneration Package.

***Carried 9/0
Resolution 248/11***

On adoption of the 2011/12 Budget the Works Supervisor's Package is as below:

Works Supervisor (A Kett)

Salary	\$66,199
Super @ 9%	\$5,958
Leave Loading	\$865
Housing Allowance	\$2,860
Private Vehicle Use	<u>\$8,240</u>
	\$84,122

Home phone rental and mobile phone are work related items included in the package.

Comment:

The Shire President has met with the Works Supervisor to discuss the Remuneration Package to be included in the contract.

Option 1 – Renewal Based on existing conditions

Salary	\$66,199	
Super @ 9%	\$ 5,958	
Leave Loading	\$ 865	
Rental Subsidy	\$ 5,720	(52 x \$110 per week benefit)
Private Vehicle Use	<u>\$ 8,240</u>	(\$158.46 per week benefit)
	\$86,982	

Option 2 – No Vehicle Private Usage during Holidays – Cash in Lieu

Salary	\$66,199	
Cash in Lieu	\$ 1,500	
Super @ 9%	\$ 5,958	
Extra super	\$ 135	
Leave Loading	\$ 911	
Rental Subsidy	\$ 5,720	(52 x \$110 per week benefit)
Private Vehicle Use	<u>\$ 7,606</u>	(48 x \$158.46)
	\$88,029	

Option 3 – No Vehicle Private Usage during Holidays – Extra Weeks Leave in Lieu

Salary	\$66,199
Super @ 9%	\$ 5,958
Leave Loading	\$ 1,082
Rental Subsidy	\$ 5,720
Private Vehicle Use	<u>\$ 7,606</u>
	\$86,565

** Extra weeks holiday value = \$1,273

#Leading Hand on Higher duties during extra weeks leave would incur additional costs.

Financial Implications:

The Works Supervisor's salary and conditions are included in the annual budget and the alterations above would not be considered significant enough to warrant a budget amendment.

Voting Requirements:

Simple Majority

Recommendation:

That the Works Supervisor's employment contract commencing 1st January 2012 include the following:

Salary	\$
Super @ 9%	\$
Leave Loading	\$
Rental Subsidy	\$
Private Vehicle Use	\$
	\$

and is signed by the Shire President and Chief Executive Officer.

Cavanagh/Major

That the Works Supervisor's employment contract commencing 1st January 2012 include the following:

Salary	\$67,199 (Base \$66,199 plus \$1,000 in lieu of annual leave vehicle use)
Super @ 9%	\$ 5,958
Leave Loading	\$ 865
Rental Subsidy	\$ 5,720
Private Vehicle Use	\$ 7,606 (When on call)
	\$89,029

and is signed by the Shire President and Chief Executive Officer.

**Carried 7/1
Resolution 124/12**

Report Reference:	8.6.2
Subject:	Boddington Super Towns Project
Author:	Cr Cavanagh

Cr Cavanagh advised that he attended another Boddington Super Towns Project meeting. At this stage they are not really offering very much to Williams and Wandering.

Cr Medlen left the meeting at 4.45pm

Report Reference:	8.6.3
Subject:	WALGA Central Country Zone Meeting
Author:	Cr Earnshaw

Cr Earnshaw reported on the WALGA Central Country Zone Meeting held in Williams.

Mayor Don Ennis (Town of Narrogin) was elected as Central Country Zone State Council representative.
Cr Phil Blight (Shire of Wagin) was elected Central Country Zone Deputy President.

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 4.53pm