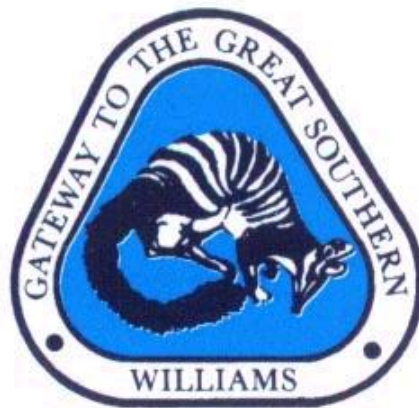


SHIRE OF WILLIAMS

***MINUTES ORDINARY MEETING HELD ON WEDNESDAY
21ST FEBRUARY 2018***



COUNCIL DIARY

WEDNESDAY 21st FEBRUARY 2018

1.00pm

Ordinary Meeting

WEDNESDAY 21st MARCH 2018

1.00pm

Ordinary Meeting



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MINUTES – ORDINARY MEETING OF COUNCIL HELD 21ST FEBRUARY 2018

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Separate Documents

1. Minutes – Council; HWEDA, CRG
2. CEO General Report
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6. Appendix to Manager of Finance Report
7. Payment Listings x2
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11. Info Statement



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Williams for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Williams disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Williams during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Williams. The Shire of Williams warns that anyone who has any application lodged with the Shire of Williams must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Williams in respect of the application.



AGENDA

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

(PREVIOUSLY APPROVED)

Cr John Cowcher President

Cr Jarrad Logie Deputy President

Cr Moya Carne

Cr Gilbert Medlen

Cr Natalie Major

Cr Greg Cavanagh

Cr Simon Harding

Cr Alex Watt

Cr Bob Baker

Geoff McKeown Chief Executive Officer

Cara Ryan Manager of Finance (5.13pm – 5.53pm)

Heidi Cowcher Economic Development Officer (1.18pm – 1.38pm) (4.13pm - 5.13pm.)

Tony Kett Works Supervisor (1.40pm – 2.05pm)

Gordon Tester Environ. Health Officer/Building Surveyor (2.07pm – 2.16pm)

Manuela Lenehan Minute Taker

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS



5.0 DECLARATIONS OF INTEREST

| DECLARATION OF INTEREST | |
|-------------------------|---|
| Name / Position | Cr Robert Baker / Councillor |
| Item No. / Subject | 8.4.6 Williams Men's Shed – Sub-lease of CBH Property |
| Type of Interest | Impartiality Interest |

| DECLARATION OF INTEREST | |
|-------------------------|--|
| Name / Position | Cr Gilbert Medlen / Councillor |
| Item No. / Subject | 8.4.9 Proposed Subdivision/Amalgamation – var. Lots on Sattler and Dardadine Roads |
| Type of Interest | Proximity Interest |

| DECLARATION OF INTEREST | |
|-------------------------|---|
| Name / Position | Cr Alex Watt / Councillor |
| Item No. / Subject | 8.4.10 Proposed Agricultural Knifepoint Repair Business, Lot 441 Marjidin Way, Williams – Request for Change to Planning Conditions |
| Type of Interest | Financial Interest |

| DECLARATION OF INTEREST | |
|-------------------------|---|
| Name / Position | Cr Jarrad Logie / Deputy President |
| Item No. / Subject | 8.4.10 Proposed Agricultural Knifepoint Repair Business, Lot 441 Marjidin Way, Williams – Request for Change to Planning Conditions |
| Type of Interest | Proximity Interest |



| DECLARATION OF INTEREST | |
|--------------------------------|--|
| Name / Position | Cr Gregory Cavanagh / Councillor |
| Item No. / Subject | 8.4.12 Quindanning Picnic Race Day Inc.- Request for Support |
| Type of Interest | Impartiality Interest |

6.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 HWEDA MEETING HELD 12TH DECEMBER 2017

Officer's Recommendation

That the Minutes of the HWEDA Meeting held on 12th December 2017, as previously circulated, be received.

Council Resolution

Cavanagh/Major

That the Minutes of the HWEDA Meeting held on 12th December 2017, as previously circulated, be received.

**Carried 9/0
Resolution 119/18**

6.2 ORDINARY COUNCIL MEETING HELD 20TH DECEMBER 2017

Officer's Recommendation

That the Minutes of the Ordinary Meeting held on 20th December 2017, as previously circulated, be confirmed as a true and accurate record.

Council Resolution

Baker/Major

That the Minutes of the Ordinary Meeting held on 20th December 2017, as previously circulated, be confirmed as a true and accurate record.

**Carried 9/0
Resolution 120/18**



6.3 CRG MEETING HELD 12TH FEBRUARY 2018

Officer's Recommendation

That the Minutes of the CRG Meeting held on 12th February 2018, as previously circulated, be received.

Council Resolution

Major/Medlen

That the Minutes of the CRG Meeting held on 12th February 2018, as previously circulated, be received.

Carried 9/0
Resolution 121/18

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.0 REPORTS

8.1 ECONOMIC DEVELOPMENT OFFICER'S REPORT

The Economic Development Officer, Mrs Heidi Cowcher, attended the meeting at 1.18pm to discuss her report.

8.1.1 4WDL WELL AGED HOUSING PROJECT

| | |
|----------------------------|--|
| File Reference | EDO Files |
| Statutory Reference | N/A |
| Author & Date | Heidi Cowcher 8 th February 2018 |

Background

The Shire of Williams, as lead agency on behalf of the 4WDL Regional Group, has secured funding to construct a total of up to 50 units across seven local governments from Royalties for Regions funding programs since 2010.

Comment

Funding totalling \$5,023,648 was secured to construct an additional 14 units across 6 shires. The project is now complete, with all units constructed and most tenanted.

Over the delivery of the project, an additional \$135,276.01 in interest was earned, of which \$60,487.13 was allocated to project management, audits and signage. The balance was distributed to the shires to use on the construction of their units. All funds have now been fully distributed, and I am preparing the final acquittal report for the final audit and then submission to the Department by the 30th March 2018.



Strategic Implications

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

- ED 2.1 Plan and develop relevant aged housing suitable to meet needs of growing population.
- ED 2.3 Promote and support the availability of accommodation suitable for young people, families and retirees.
- CL 2.1 Maximise and leverage grant funding opportunities to balance and support Council investment
- CL 3.1 Participate in, and actively collaborate with, the 4WDL Voluntary Regional Organisation of Councils on resource sharing opportunities.
- CL 3.2 Foster, nurture and develop strategic alliances with local governments, major industry and government agencies.

Financial Implications

Project Management and Audit expenses attributed to this project are funded from the interest earned on the investment of the funding. The Shire of Williams does not incur any additional expenditure on this project that is not funded from the project interest.

Voting Requirements

Simple Majority

Officer’s Recommendation

The report on progress of the 4WDL Well Aged Housing Project is received.

Council Resolution

Major/Watt

The report on progress of the 4WDL Well Aged Housing Project is received.

**Carried 9/0
Resolution 122/18**

8.1.2 GENERAL PROJECTS UPDATE

| | |
|----------------------------|--|
| File Reference | EDO Files |
| Statutory Reference | N/A |
| Author & Date | Heidi Cowcher 8 th February 2018 |
| Attachments | 1. <i>Williams Town Hall Playground Concept Plan and Option of Probable Cost</i> 2. <i>‘Draft’ Final Plan for Williams Lions Park Redevelopment</i> |



Background

The EDO manages and supports the management of a variety of projects that are either currently being implemented, in the final stages of delivery/reporting or awaiting outcome advice on potential funding.

Comment

Williams Bowling Club

Williams Bowling Club has been successful in all 3 of the funding applications submitted for the construction of the 3 new shade structures. Funding was received from CBH, Newmont, Stronger Communities Program and 'The Williams'.

The acquittal for CBH has been completed. I am awaiting the Acquittal Pack for the SCP funding to complete that report. The Newmont funding acquittal will be completed once all invoices are received to support the expenditure of their funding.

Solar Power – Williams CRC and Childcare Centre

The Shire was successful with funding from the *Stronger Communities Program* (Rick Wilson Federal MP funding) Round 3. Total cost for the project is \$17,809 (incl. GST). Funding of \$7,555 was secured. Sunwise installed the panels in January 2018 at Willi Wag Tails and the Community Resource Centre. The funding has been acquitted and all reporting completed.

Williams Town Hall Playground Upgrade

The final plan and Option of Probable Cost has now been received and is attached at EDO Appendix 1. Currently the project appears in the Corporate Business Plan for potential implementation in 2019/20. Funding would need to be identified and applied for in early 2019 prior to the finalisation of the 2019/20 Budget in July 2019. The parents who initiated the project have offered to assist with identifying and sourcing funding if needed.

Williams Police: Community Crime Prevention Funding

The outcome of this project will not be known for another couple of months.

Willi Wag Tails Childcare Centre – Sustainability Funding

The current sustainability funding of approximately \$50,000 per year ceases as at 30th June 2018. A new funding program has been introduced, but is an open, competitive fund Australia-wide. Up to \$50 million is available nationally per year. It is anticipated the likely average grant amount will be \$25,000. The Shire of Williams applied for \$55,000 for 2018/19; \$44,000 in 2019/20 and \$43,000 in 2020/21 (inc GST). This takes into consideration the potential for the transition to the new regional model, which is still pending. The outcome of the funding should be known in April, which will be timely with budget deliberations in June/July.

Williams Lions Park Redevelopment

The Final design was received on 29th January 2018, in readiness for community consultation and stakeholder engagement (as attached in EDO Appendix 2).



However, as is reported in the CEO General Report, the Shire received written notification from MRWA on the 19th January 2018 of a land resumption advice for a portion of the Williams Lions Park, together with other reserve locations adjacent to the bridges and highway. These land resumption orders were both permanent and temporary in nature and were attributable to both bridges replacements and the temporary access requirements during construction.

Given that there was no previous knowledge or awareness of these land resumption requirements, Shire staff requested a site meeting with MRWA to discuss this further. The meeting was held on 7th February 2018 attended by CEO, Shire President and EDO.

At the meeting, MRWA staff admitted that this land resumption was always required, however was unfortunately overlooked throughout the development of the project to date. Discussion took place in regards to how the impact on the Williams Lions Park could be lessened. MRWA agreed in principle to reduce the land resumption requirements, however this needed to be reviewed by the designers (ARUP) to ensure that the safety requirements could be addressed with a reduced land resumption. It was noted that perhaps the batter requirements could be altered from a 1:4 to a 1:2 slope which would reduce the amount of land required, but would also more than likely require a crash barrier to definitely be reinstated (which is a bonus, as this is what we had previously requested).

MRWA are currently in discussion with ARUP in regards to this land resumption and new plans will need to be drafted to formalise the land requirements. Until such time as the land resumption issue is confirmed, the Lions Park plans cannot be finalised and made available for public comment. It is hoped that the issue can be resolved in a short timeframe as Phase 3 are anticipating an early to mid-March 2018 construction commencement.

WA Governor Visit – Friday 9th March 2018

The Wheatbelt Development Commission has facilitated an itinerary for Her Excellency the Honourable Kerry Sanderson AC to visit the Wheatbelt region from Thursday 8th March to Friday 9th March.

During her time in the Wheatbelt, she will visit the following locations:

- Women's Business – Economic Forum in Quairading – where she will present the keynote address
- Hyden-Wave Rock Resort
- Kulin Camp School – Camp Manager is Tanya Dupange (Rural Woman of the Year 2017)
- Cambinata Yabbies
- Dumbleyung Lake & Bluebird display (drive by)
- Narrogin Cottage Homes (including new dementia wing)
- Jamtree Lane – Shire of Williams ILUs

The Shire of Williams will host a garden party afternoon tea (weather permitting) in Jamtree Lane public open space after a tour of one of the recently completed aged units (Bob & Lyn Baker). The



Governor will be arriving at 2:15pm and leaving to return to Perth at 3:15pm. All Councillors will be invited to attend the afternoon tea, together with the residents of Jamtree Lane.

Strategic Implications

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

- ED 1.2 Develop and invest in the redevelopment of the Williams Lions Park.
- ED 1.5 Encourage business and community groups' initiatives to promote the Shire has a place to live, work, play and invest.
- SCD 1.1 Provide, maintain and improve community infrastructure.
- SCD 1.4 Implement strategies that will support increased usage of the Williams Recreation Ground facilities (including swimming pool).
- SCD 1.5 Continue to support and develop tourism opportunities for the Shire.
- SCD 1.6 Investigate the feasibility for the redevelopment of the Town Park, Skatepark and Cullen Park.
- SCD 2.4 Continue to promote community events, initiatives and programs.
- LUE 2.1 Provide quality amenities and accessible public open spaces for the community.
- LUE 2.2 Ensure townsite amenities are maintained and improved where required.
- LUE 3.1 Undertake energy audits and investigate alternatives energy solutions for Shire owned facilities.
- CL 2.1 Maximise and leverage grant funding opportunities to balance and support Council investment.
- CL 2.2 Maintain accountability, transparency and financial responsibility
- CL 3.2 Foster, nurture and develop strategic alliances with local government, major industry and government agencies.

Financial Implications

Project based, budgeted for as appropriate. Funding identified and secured where appropriate.

Voting Requirements

Simple Majority

Officer's Recommendation

That the General Projects update be received.

Council Resolution

Logie/Harding

That the General Projects update be received.

**Carried 9/0
Resolution 123/18**

Heidi Cowcher left the meeting at 1.38pm.



8.2 WORKS SUPERVISOR'S REPORT

The Works Supervisor, Mr Tony Kett, attended the meeting at 1.40pm to discuss his report.

| | | |
|---------------------|-----------|--------------------------------|
| File Reference | 12.15.36 | |
| Statutory Reference | N/A | |
| Author & Date | Tony Kett | 12 th February 2018 |

8.2.1 MAINTENANCE GRADING ACTIVITY

| Road Name | Length Graded (km) |
|-----------------------------------|--------------------|
| Mundays Rd | 8.7 |
| Zilko Rd | 19.3 |
| Quindanning-Darkan Rd | 14.2 |
| Plank Rd | 4.7 |
| Roccis Rd | 4.1 |
| Kelly Rd | 8.4 |
| Pig Gully Rd | 11.0 |
| Taylor Rd | 9.1 |
| English Rd | 6.5 |
| Dardadine Rd | 21.5 |
| Sattler Rd | 5.4 |
| Culbin-Boraning Rd | 17.7 |
| Higham Rd | 3.3 |
| Hurley Rd | 13.8 |
| Medlen Rd | 8.2 |
| Wangling Gully Rd | 8.8 |
| Total Length for the Month | 164.7 km |

8.2.2 ROAD MAINTENANCE WORKS

- Patching done on Quindanning-Darkan Rd.



8.2.3 2017/18 ROAD CONSTRUCTION PROGRAM

| Road Construction Program 2017-2018 | | | | | | | | |
|-------------------------------------|-------------------------|--|-------------------------|---------|--------|------------|-------------|--|
| Road No | Road Name (Road Length) | Description of Work | Start SLK | End SLK | Total | Start Date | Finish Date | Comments |
| 128 | Williams-Darkan Rd | Pavement stabilisation | Various SLKS | | | | | |
| 10 | Pingelly Road | Seal to 7m | 3.50 | 5.0 | 1.5 km | | | Gravel in and mixed. sealing on the 27 Feb |
| 1 | York-Williams | Reseal | 3.10 | 6.10 | 3 km | | | |
| 7 | Clayton Road | Seal Shoulders | 0.0 | 2.00 | 2 km | | | Sealing on 26 Feb |
| 7 | Clayton Road | Widen Shoulders | 2.00 | 4.00 | 2km | | | Completed |
| 11 | Marradong Road | Seal 600m. Install drainage and repair pavement failures for a further 600m. | Various slks | | | | | |
| 12 | Zilko Road | Drainage and Seal 300 Metres over culvert | 14.0 | 14.3 | 300m | | | |
| 9 | Dardadine Road | Tree Trimming | | | 4 km | | | |
| 15 | Glenfield Road | Tree Trimming | | | 4 km | | | |
| | 2017 Flood Damage | Road and Culvert Repairs | Various Roads in Shire. | | | | | |



8.2.4 MECHANICAL REPORT

| Plant Description | | Driver | Date Purchased | Hours/Km 1 December 2017 | Works Completed this month |
|--|-----------------------|------------------------|-----------------------|--------------------------------|-------------------------------|
| Mazda CX5 WL 16 | Light Vehicles | Cara Ryan | 23 Sep 15 | 81,328 km | |
| Toyota Prado 16 WL | | Geoff McKeown | 10 Sep 16 | 44,000 km | |
| Holden Rodeo Dual Cab Utility WL 5499 | | Outside staff | 5-Nov-04 | 253,523 km | |
| Holden Colorado Dual Cab WL 19 | | Tony Kett | 11-Sep-17 | 8,883 km | Serviced. |
| Kia 2 Tonne Truck WL 954 | | Jeff Cowan | 9-Oct-07 | 156,265 km | Serviced |
| Isuzu D-Max WL 5802 | | Andrew Wood | 5-Nov-14 | 105,753 km | Serviced. 2 new tyres. |
| Isuzu 4x2 Single Cab Ute WL 916 | | Maintenance | 25-Nov- 2016 | 13,376 km | |
| Holden Rodeo Single Cab Utility WL 826 | | Outside works crew | 20-Nov-06 | 121,918 km | |
| Isuzu 4x2 Single Cab Ute WL 915 | | James Lenehan | 25 Nov 2016 | 9,449 Km | Serviced |
| Skid Steer Track Loader 1EVV725 | | Construction Equipment | Outside works crew | Sep 2015 | 592 hr |
| Multipack Multi-Tyre Road Roller WL 49 | Outside works crew | | 21-Oct-04 | 6,861 hr | |
| Vibromax Roller WL 126 | Outside crew | | 29-Sep-04 | 4,448 hr | |
| Caterpillar 12M Grader WL 61 | Richard Hewitt | | Dec 2011 | 5,563 hr | Serviced |
| Caterpillar 12M Grader WL 361 | Andrew Wood | | 15-10-2014 | 2,676 hr | |
| 721E Case Loader WL 5639 | Roger Gillett | | May 2012 | 6,527 hr | |
| Volvo EC210BLC Excavator WL 499 | Phil Reed | | 18-Jul-07 | 7,321 hr | Fitted new grease line. |
| John Deere 315SE4 Backhoe WL 745 | Trevor Palframan | | 17-Sep-01 | 2,975 hr | |
| Toro Reelmaster SP Mower WL 5502 | Works | | Aug-09 | 1,165hr | |
| Kubota Generator | Refuse Site | | | 4,163 hr | |
| Toro Groundmaster 360 WL 917 | Parks & Gardens | Jeff Cowan | Nov 2016 | 148 hr | |
| Toro Z400 Kholer Ride on Mower WL 5302 | | Jeff Cowan | 8-Aug-05 | 636 hr | |
| Honda TRX Four Wheel M/cycle WL 429 | | Jeff Cowan | 20-Mar-00 | 1,456 hr | |
| Toyota DA115 Tip Truck (Water Truck) WL 595 | | James Lenehan | 24-Aug-94 | 237,020 km | |



| | | | | | |
|--|-------------------|--------------------|-------------------------------------|--------------|--|
| Isuzu FVZ1400 Tip Truck WL 093 | Trucks & Trailers | | 31-Dec-03 | 300,919 km | . |
| Mercedes Benz Actross Prime Mover WL 91 | | Phil Reed | 21-Dec-05 | 336,474 km | Fitted new P.T.O. pump. New Hydraulic hose. |
| Isuzu Giga CXZ Tip Truck WL 128 | | Justin Murdock | 10-Dec-08 | 230,126 km | |
| Isuzu NPR 300 Truck WL 016 | | David Munday | 21-Jan-13 | 91,715 km | Serviced. |
| SFM Side Tipping Trailer WL 3730 | | Works | 21-Dec-05 | 154,500 km | 12 new tyres. |
| Howard Porter Low Loader WL ITIF 238 | | Works | 31-Aug-07 | 146,500km | |
| Howard Porter Pig Trailer WL 3792 | | Justin Murdock | 10-Dec-08 | 153,500 km | 8 New tyres |
| Nissan Patrol Fire Ute 1CXV788 | | BFB Fast attack | 2008 Received 23- Feb 2016 | 167,500 km ? | |

8.2.5 STAFF

- Nil to report

8.2.6 TOWN AND FACILITIES REPORT

- Verti-mowed football and hockey ovals.
- Dug trench at new industrial block and put down a concrete pad for the power box.
- Removed light pole from Lions Park.
- Completed retainer wall between shire's industrial block and Alex Watt's.

8.2.7 PRIVATE WORKS

- Nil to report

8.2.8 WORKS SUPERVISOR REPORT ACCEPTANCE

Voting Requirements

Simple Majority Required

Officer's Recommendation

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

Council Resolution

Medlen/Cavanagh

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

Carried 9/0
Resolution 124/18

Tony Kett left the meeting at 2.05pm.



8.3 ENVIRONMENTAL HEALTH / BUILDING SURVEYOR'S REPORT

The Environmental Health and Building Surveyor, Gordon Tester, attended the meeting at 2.07pm to discuss his report.

8.3.1 BUILDING PERMITS

File Reference 13.34.10
Statutory Reference Building Act 2011, Building Regulations 2012
Author & Date Gordon Tester 14 February 2018

Comment
 Nil

| Permit Number | Owner | Address | Description |
|---------------|--------------|------------------------------------|---|
| 398 | S & C Medlen | Lot 450,16 Growse Street, Williams | Addition to Existing House and Stone Retainer Wall. |

Voting Requirements
 Simple Majority Required

Officer's Recommendation

That Building Report as presented above be endorsed by Council.

Council Resolution

Logie/Harding

That Building Report as presented above be endorsed by Council.

**Carried 9/0
 Resolution 125/18**

8.3.2 WILLIAMS PUBLIC SWIMMING POOL

File Reference 11.20.20
Statutory Reference Health (Aquatic Facilities) Regulations
Author & Date Gordon Tester 14 February 2018

Comment
 Pool water testing and sampling was carried out with satisfactory results being returned.

Officer's Recommendation

For Council's Information.



8.3.3 RECLAIMED WATER – OVAL IRRIGATION

File Reference 7.60.20
Statutory Reference Heath Waste Water Regulations
Author and Date Gordon Tester 14 February 2018

Comment

The oval irrigation tank (reclaimed water) was sampled with satisfactory results being returned.

Council Resolution

For Council's information.

8.3.4 PRIVATE SWIMMING POOL INSPECTIONS

File Reference 13.34.40
Statutory Reference Building Regulations 2012
Author & Date Gordon Tester 14 February 2018

Comment

In accordance with statutory obligations on all Local Governments in Western Australia, a private swimming pool inspection is currently being undertaken of all known private swimming pools in the Shire of Williams.

Of the fourteen private swimming pools inspected thus far, thirteen will require reinspecting with one rural based private swimming pool deemed to comply.

Officers Recommendation

For Council's Information

Gordon Tester left the meeting at 2.16pm.



8.4 CHIEF EXECUTIVE OFFICER'S REPORT

8.4.1 CHIEF EXECUTIVE OFFICER'S GENERAL REPORT

| | | |
|----------------------------|---------------|--------------------------------|
| File Reference | 4.1.20 | |
| Statutory Reference | N/A | |
| Author & Date | Geoff McKeown | 15 th February 2018 |
| Attachment | Nil | |

Background

The Chief Executive Officer's General Report provides Council with an update on the activities of the CEO and other matters that do not necessarily require a decision of Council.

Comment

The CEO General Report is provided to Council as a separate document.

Strategic Implications

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

Financial implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

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

Council Resolution

Major/Watt

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

Carried 9/0
Resolution 126/18



8.4.2 REVIEW OF CODE OF CONDUCT

| | |
|----------------------------|--|
| File Reference | 4.1.10 |
| Statutory Reference | Section 5.103 <i>Local Government Act 1995</i> , <i>Local Government (Administration) Regulations 1996</i> and <i>Local Government (Rules of Conduct) Regulations 2007</i> |
| Author & Date | Geoff McKeown 15 th February 2018 |
| Attachment | Appendix 1 - WALGA Model Code of Conduct |

Background

The Public Sector Commission recommends that local government conduct regular reviews of their Code of Conduct to ensure it continues to address current and emerging conduct risks. It may not be necessary to update the Code of Conduct at every review but the process itself helps to ensure the document remains relevant and does not become outdated.

Comment

It is timely that Council review its Code of Conduct which is included in the Shire's Policy Manual. It is also relevant at this time as newly elected Councillors made declarations on taking office that they will observe the *Local Government (Rules of Conduct) Regulations 2007* in undertaking their role.

It is recommended that a new Code of Conduct be adopted to replace the current wording in the Policy. The Western Australian Local Government Association (WALGA) has produced a Model Code of Conduct that can be used by local government as the basis for its document.

As mentioned, the Shire's Policy Manual contains the current Code of Conduct and it is recommended that once the new Code of Conduct is adopted the Policy Manual be updated accordingly. A modified version of the WALGA document is provided for Council's consideration as Appendix 1.

Strategic Implications

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

- CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans
- CL 2.2 Maintain accountability, transparency and financial responsibility
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business

Financial Implications

Nil

Voting Requirements

Simple Majority



Officer's Recommendation

That Council adopt a new Code of Conduct as proposed and the content be included in the Shire's Policy Manual.

Council Resolution

Logie/Medlen

That Council adopt a new Code of Conduct as proposed and the content be included in the Shire's Policy Manual.

**Carried 9/0
Resolution 127/18**

8.4.3 REVIEW OF PURCHASING POLICY

| | |
|----------------------------|---|
| File Reference | 4.1.10 |
| Statutory Reference | <i>Local Government Act 1995, Local Government (Functions and General) Regulations 1996</i> |
| Author & Date | Geoff McKeown 15 th February 2018 |
| Attachment | Appendix 2 - Modified WALGA Model Purchasing Policy |

Background

Following the outcome of the recent tender process for the construction of an industrial unit, the Shire was asked to consider its Purchasing Policy to give weight to businesses that add to the social and economic benefits to the local community.

In order to do this it is necessary to review the Shire current Purchasing Policy.

Comment

A Model Purchasing Policy has been obtained from WALGA and it has been modified to suit the needs of the Shire of Williams. The policy has a Sustainable Procurement component that encourages the development of competitive local businesses. It also states that as much as practical the Shire will:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
- explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to local suppliers.



To this extent, a qualitative weighting will be included in the evaluation criteria for quotes and Tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy. This criterion will relate to local economic benefits that result from the quote or tender process.

In a separate item of this Agenda, Council will be asked to consider the adoption of a new policy known as the Regional Price Preference Policy, which can be applied when undertaking all purchasing activities. This policy establishes limits where local suppliers that submit compliant quotes or tenders can be considered similarly despite having a higher price.

Strategic Implications

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

- CL 1.3 Maintain, review and ensure relevance of Council’s policies, local laws and operational plans
- CL 2.2 Maintain accountability, transparency and financial responsibility
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council adopt the revised Purchasing Policy as proposed and the content be included in the Shire’s Policy Manual.

Council Resolution

Medlen/Harding

That Council adopt the revised Purchasing Policy as proposed and the content be included in the Shire’s Policy Manual.

**Carried 9/0
Resolution 128/18**



8.4.4 REGIONAL PRICE PREFERENCE POLICY

| | |
|----------------------------|---|
| File Reference | 4.1.10 |
| Statutory Reference | <i>Local Government Act 1995, reg 24D Local Government (Functions and General) Regulations 1996</i> |
| Author & Date | Geoff McKeown 15 th February 2018 |
| Attachment | Nil |

Background

Following the outcome of the recent tender process for the construction of an industrial unit, the Shire was asked to consider a Policy that considers price variations for local suppliers competing for contracts to supply goods and services to the local government.

Comment

The revised Purchasing Policy discussed earlier assumes that the Shire has a Regional Price Preference Policy in order to meet its objectives for sustainable procurement. The following is draft Regional Price Preference Policy for Council's consideration;

Regional Price Preference Policy

Policy: **Aim:**

To provide for a price preference framework for the purchase of goods and services from local Shire of Williams suppliers.

Objectives: **Purpose:**

The policy aims to deliver a higher than average take-up of local supply, by detailing the extent of consideration given to local suppliers.

A price preference will apply to suppliers who are based in, operate from or source goods or services from within the Shire of Williams in relation to all quotes or tenders invited by the Shire for the supply of goods, services and construction (building) services, unless quote or tender document specifically states prior to advertising that this policy does not apply.

Practice:

General Purchasing (other than Tenders)

When quotations for purchase of goods or services are invited, quotations must be obtained from businesses (if in existence) that can provide the goods or services required that are located within the Shire of Williams.

Tenders – Regional Price Preference

In accordance with regulation 24D of the Local Government (Function and General) Regulations 1996 preference will be given to businesses operating within the boundary of the Shire of Williams by assessing the tender from that local tenderer as if the price bids were reduced by —



- (a) up to 10% — where the contract is for goods or services, up to a maximum price reduction of \$50 000; or
- (b) up to 5% — where the contract is for construction (building) services, up to a maximum price reduction of \$50 000; or
- (c) up to 10% — where the contract is for goods or services (including construction (building) services), up to a maximum price reduction of \$500 000, if the local government is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by the local government.

A copy of this policy must be supplied with each tender document.

The Regional Price Preference Policy will apply to all tenders unless otherwise resolved by Council and information that outlines the power of the Council to make that decision is to be included in the Tender advertising and specifications, (i.e. the lowest or any Tender not necessarily accepted)

Other

When the provision of goods or services is not being sought by tender the following preference will be provided to local suppliers whose business is based within the Shire of Williams and the product quality is comparable.

5% for any purchase up to \$3,000

2% for any purchase between \$3,001 and \$149,999

History: Adopted 20th December 2017

Review: CEO

Strategic Implications

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

CL 1.3 Maintain, review and ensure relevance of Council's policies, local laws and operational plans

CL 2.2 Maintain accountability, transparency and financial responsibility

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

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council adopt the Regional Price Preference Policy as proposed and the content be included in the Shire's Policy Manual.



Council Resolution

Cavanagh/Carne

That Council not adopt a Regional Price Preference Policy as it believes support for local businesses is catered for in the sustainable procurement component of the Purchasing Policy.

**Carried 9/0
Resolution 129/18**

The resolution differed from the recommendation as Council is satisfied that support for local businesses is taken into consideration under the current Purchasing Policy.

Afternoon Tea

The President adjourned the meeting for afternoon tea at 3.01pm and the meeting resumed at 3.33pm.

8.4.5 PROVISION OF LICENSING SERVICES

| | | |
|----------------------------|---------------|--------------------------------|
| File Reference | 4.24.20 | |
| Statutory Reference | | |
| Author & Date | Geoff McKeown | 15 th February 2018 |
| Attachment | Nil | |

Background

On the 21st December 2017 the Department of Transport provided new agreements for the delivery of licensing services on its behalf of a three (3) year period. The previous agreement was in place for ten (10) years and was due to conclude on the 31st December 2017.

Comment

The Department recognised the short period of time given to consider the new agreement and offered a three (3) month extension to the 31st March 2018, to provide adequate time to consider the new agreement. This extension was accepted.

Provision of licensing services to the Williams community is an essential service that the Shire can provide. The Department will continue to offer more options for people to pay online and it expects the Shire will see fewer people present with these ‘simple’ transactions over time.

It is recommended that the Shire enter into the new agreement which will ensure the service continues through to the 31st December 2020.

Strategic Implications

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



CL 1.1 Promote a positive image of Council through appropriate marketing activities and high standards of customer service

Financial Implications

The Shire is paid a commission for each transaction based on a common schedule provided to each licensing agent.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council agrees to enter into new agreements with the Department of Transport for the provision of licensing services for a period up to the 31st December 2020. Further, the President and Chief Executive Officer are authorised to sign the agreements and affix the common seal.

Council Resolution

Cavanagh/Logie

That Council agrees to enter into new agreements with the Department of Transport for the provision of licensing services for a period up to the 31st December 2020. Further, the President and Chief Executive Officer are authorised to sign the agreements and affix the common seal.

**Carried 9/0
Resolution 130/18**

Cr Baker declared an Impartiality Interest for the following item 8.4.6 Williams Men’s Shed – Sub-Lease of CBH Property and remained in the chamber. The nature of his interest relates to being a member of the Williams Men’s Shed.

8.4.6 WILLIAMS MEN’S SHED – SUB-LEASE OF CBH PROPERTY

| | |
|----------------------------|--|
| File Reference | 11.70.100 |
| Statutory Reference | |
| Author & Date | Geoff McKeown 5 th January 2018 |
| Attachment | Appendix 3 - Draft Sub-Lease Document |

Background

Williams Men’s Shed has been working with the Shire to find a suitable location for a permanent facility. A site that has the support of the members is on the corner of Brooking Street and the Narrogin Road. It is included in the old railway station site, currently leased from the Public Transport Authority (PTA) by Cooperative Bulk Handling Ltd (CBH).

The Shire has been negotiating on behalf of the Williams Men’s Shed with the PTA and CBH to get access to a portion of this leased area. All parties are supportive of a sub-lease agreement being entered into to secure tenure over the land so that a shed facility can be built.

Comment

CBH has provided a draft sub-lease agreement for consideration. This will be an interim agreement with the ultimate arrangement being a separate lease directly with the PTA and the portion of land excised from CBH’s Head Lease.

A Draft Sub-lease agreement is attached as Appendix 3. It includes the following key points:

- the Shire of Williams will be the Lessee;
- lease period is for two (2) years;
- the lease area is 3,076m²;
- permitted use is for the Williams Men’s Shed Facility;
- rent set at \$1.00 per annum;
- the Shire will maintain public risk insurance; and
- it is acknowledged and agreed that the PTA and CBH propose to proceed with the partial surrender of the Head Lease to the extent of the Premises in order to formally excise the Premises out of the Head Lease Premises.

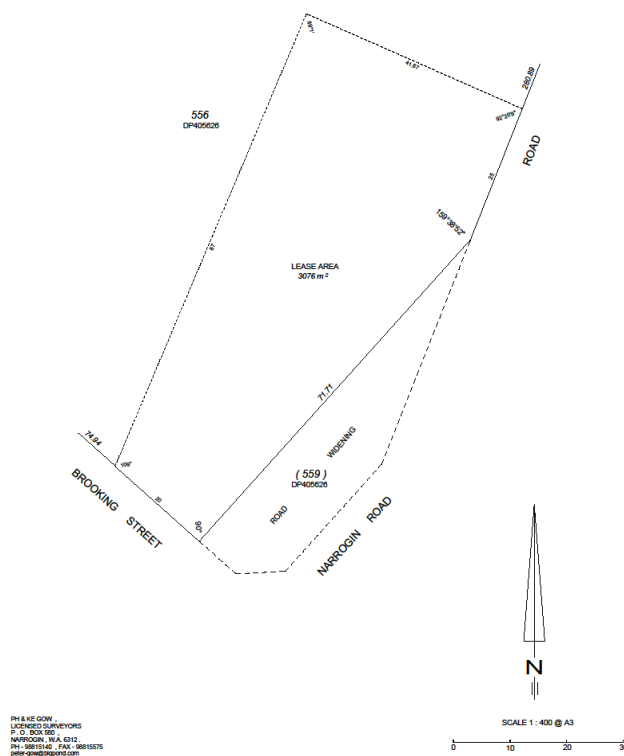
This site has been identified for the reasons that it is accessible, with a footpath on the southern boundary and vehicle access available from the Narrogin Road. Main Roads has been contacted about the proposed vehicle access and acknowledges that a suitable location on the Narrogin Road is available that does not conflict with CBH’s normal operations and the access is likely to be intermittent and of low volume.

The site is also close to power and water services, although no work has been done at this stage to identify the cost for these service connections. Finally, the site is very visible which will assist with security, once a shed is constructed, and give the Williams Men’s Shed the ability to promote its activities.

The following plans show the site in more detail:



LEASE AREA OVER LOT 556 ON DP405656
FORMERLY RAILWAY RESERVE
BROOKING STREET, WILLIAMS (SHIRE OF WILLIAMS)



Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):
SCD 1.2 Support the initiatives of the Williams Men’s Shed in establishing a facility that will support men’s health and well-being

Financial Implications

The draft Sub-Lease document includes a modest rental amount of \$1 per annum. Future development of the site will require significant investment, although this will be the subject of separate decisions by the Williams Men’s Shed and the Shire.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council supports:

1. the Shire of Williams entering into a sub-lease for portion of the land currently leased by Cooperative Bulk Handling Ltd on the corner of Brooking Street and the Narrogin Road, identified as having an area of 3,076m²;



2. the President and Chief Executive Officer signing the sub-lease agreement and affixing the common seal;
3. the Public Transport Authority and Cooperative Bulk Handling Ltd proceeding with the partial surrender of the land identified in the sub-lease from the Head Lease with a view to preparing a separate longer term lease with the Public Transport Authority; and
3. the preparation of a memorandum of understanding between the Shire of Williams and the Williams Men's Shed for the development of the site and its future management.

Council Resolution

Medlen/Watt

That Council supports:

1. the Shire of Williams entering into a sub-lease for portion of the land currently leased by Cooperative Bulk Handling Ltd on the corner of Brooking Street and the Narrogin Road, identified as having an area of 3,076m²;
2. the President and Chief Executive Officer signing the sub-lease agreement and affixing the common seal;
3. the Public Transport Authority and Cooperative Bulk Handling Ltd proceeding with the partial surrender of the land identified in the sub-lease from the Head Lease with a view to preparing a separate longer term lease with the Public Transport Authority; and
3. the preparation of a memorandum of understanding between the Shire of Williams and the Williams Men's Shed for the development of the site and its future management.

Carried 9/0
Resolution 131/18

8.4.7 RENT REDUCTION – JAMTREE LANE UNITS

| | |
|----------------------------|--|
| File Reference | 9.20.85 |
| Statutory Reference | <i>Local Government Act 1995, Section 6.12</i> |
| Author & Date | Geoff McKeown 24 th January 2018 |
| Attachment | Nil |

Background

The Department of Social Services (Federal) has provided information relating to the National Rental Affordability Scheme (NRAS) market index for 2017/18. The market index for Western Australia is based on the rental movement in Perth and it has been assessed as reducing by 7.2% for 2017/18.

Comment

The Jamtree Lane Units are included in NRAS. Previous correspondence from the Department stated:



“NRAS has two rent components; market value rent and rent charged. Market value rent represents the full market value that is expected to be paid to reside in a dwelling, in respect to a time period. Rent charged is the amount of rent that an NRAS eligible tenant must pay to reside in a dwelling under the Scheme, which must not at any time during an NRAS year exceed 80% of the market value rent.

In circumstances where an approved participant is required to obtain a market rent valuation, the NRAS market index will have no implications for those dwellings. A market rent valuation is only undertaken in circumstances contemplated by Regulation 16(4) of the National Rental Affordability Scheme Regulations 2008. This is when the dwelling is:

- *First available for rent, or;*
- *At the end of the fourth year of the incentive period, or;*
- *At the end of the seventh year of the incentive period.*

If the above circumstances do not exist, approved participants are required to review market value rent against the NRAS market index of the immediately preceding NRAS year. Once market value rent has been determined, the maximum permissible rent charged can be calculated by reducing the market value rent by 20%.”

A market value rent for the Units was obtained in February 2015 when they became available for occupancy. The market rent was valued at \$220 per week. The rent charged was set at 80%, or \$176 per week.

The Units were first occupied on the following dates:

- Unit 2 – 13th April 2015
- Unit 4 – 3rd March 2015
- Unit 8 - 27th April 2015
- Unit 10 - 17th March 2015
- Unit 12 – 30th April 2015

In setting the fees and changes for the 2017/18 financial year, Council did not vary the rents for the Jamtree Lane Units. Given the reduction in the market index to apply in Western Australia, as advised by the Department, the Shire is obliged to pass on that reduction.

The *Local Government Act 1995* includes powers for the Council to defer, grant a discount, waive or write off debts. In this situation it can be considered that Council is waiving a portion of the rent charge to meet its NRAS obligations.

Section 6.12 of the *Local Government Act 1995* states:

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

(1) Subject to subsection (2) and any other written law, a local government may —

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
- (b) waive or grant concessions in relation to any amount of money; or*
- (c) write off any amount of money, which is owed to the local government.*



Advice from the Shire’s NRAS service provider is that rents will have to be reduced, commencing on the 2nd February 2018, in line with the market index reduction. Applying the 7.2% market index reduction for 2017/18 will result in the rents being reduced from \$170 per week to \$162.40. Notice of this change will be given to the tenants.

Council is asked to approve the waiver.

Strategic Implications

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

ED 2.1 Plan and develop relevant aged housing suitable to meet needs of growing population

Financial Implications

The reduction in rent will impact on rental income for 2017/18 to the value of approximately \$800 (based on 21 weeks at the new rental amount).

Voting Requirements

Absolute Majority

Officer’s Recommendation

That Council approve a reduction in the rent charge for the Jamtree Lane Units, from \$170.00 to \$162.40 per week, to meet the Shire of Williams’ obligations under the National Rental Affordability Scheme, with the reduction to be applied from the first available rental period for each unit on or after the 2nd February 2018.

Council Resolution

Cavanagh/Major

That Council approve a reduction in the rent charge for the Jamtree Lane Units, from \$170.00 to \$162.40 per week, to meet the Shire of Williams’ obligations under the National Rental Affordability Scheme, with the reduction to be applied from the first available rental period for each unit on or after the 2nd February 2018.

**Carried by Absolute Majority 9/0
Resolution 132/18**

8.4.8 PARTIAL ROAD CLOSURE – UNMADE ROAD OF RICHMOND STREET, WILLIAMS

| | |
|----------------------------|--|
| File Reference | 12.15.38 |
| Statutory Reference | <i>Land Administration Act 1997</i> |
| Author & Date | Geoff McKeown 6 th February 2018 |
| Attachments | Nil |



Background

Late last year the Shire was approached by Mr Neal Brown seeking information about the process and the possibility of having a section of unmade road reserve adjacent to his property closed and made available for purchase. The initial enquiry was followed by a letter that stated:

“I made a visit to the Shire Offices and talked to Geoff about the possibility of having Coalling Street closed. As I would like to purchase it to add to my property.

There is access to the block behind my place via Flynn Street and the access to the reserve all along Richmond street as there are only three house blocks. The rest is the reserve and this is how the shire workers access the area to put in fire breaks. They do not use Coalling Street.”

In response to the request the Council passed the following resolution:

Council Resolution

Carne/Major

That Council seek comment from its Consultant Planner on the proposal to permanently close an unmade road reserve adjacent to Lot 148 Richmond Street, Williams and subject to no adverse issues being identified proceed to advertise the closure in accordance with the requirements of the Land Administration Act 1997.

**Carried 7/0
Resolution 37/18**

Contact was made with the Shire’s Consultant Planner who raised no planning issues relating to the proposed closure.

Comment

The Shire proceeded with the advertising as mentioned in the Council resolution.

Correspondence was sent to various government departments and agencies and to the owner of lot that adjoins to the north east of the proposed closure, i.e. Lot 1 D74281. In addition, a notice was placed in the *Narrogin Observer* inviting submissions. Thirty five (35) days was given for receipt of public submissions with the closing date being Wednesday, 14th February 2018.

At the closing date the following submissions were received:

| Department/Agency/ Landowner | Submission |
|---|---|
| Department of Mines, Industry Regulation and Safety | The Department of Mines, Industry Regulation and Safety has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. |



| | |
|---|---|
| <p>Department of Planning, Lands and Heritage (Lands)</p> | <p>The Department of Lands is unable to provide a formal position on the proposal until section 58 of the <i>Land Administration Act 1997</i> has been complied with.</p> <p>When considering a request to dedicate land as a public road the Minister for Lands under delegation has the option of:</p> <ol style="list-style-type: none"> 1. by order grant the request; or 2. direct the relevant local government to reconsider the request, having regard to such matter as he or she thinks fit to mention in that direction; or 3. refuse the request. <p>Once a formal request is received and the Local Government has complied with the attached, the Department will liaise with you regarding the possible amalgamation into the adjoining land.</p> |
| <p>Department of Planning, Lands and Heritage (Land Use Planning)</p> | <p>The portion of land off Richmond Street is classified as a road reserve under the Shire of Williams Local Planning Scheme No. 2 (the Scheme), and is an unconstructed public road. It is understood the purpose of the closure is to allow the landowners of Lot 148 Richmond Street to acquire the land and amalgamate it into their landholding.</p> <p>The proposed road closure will not affect established access rights for abutting Lots 148 or 49 Richmond Street or the adjoining reserve (Reserve 10196) as all lots will still have access via Richmond Street or the alternative unconstructed public road connecting to Richmond Street.</p> <p>It should be noted that the portion of road reserve to be closed is designated bushfire prone by the Fire and Emergency Services Commissioner and additional planning and building requirements may apply to future development on the land.</p> <p>In light of the above, the Land Use Planning division has no objection to the proposed closure. If the proposed road closure and amalgamation proceeds, it would be appropriate that the classification of land under the Scheme be addressed as part of a future scheme amendment.</p> |
| <p>Water Corporation</p> | <p>This proposed road closure will not impact on the Water Corporations' infrastructure or operations. (See attached Plan)</p> <p>Please provide the above comments to the land owner, developer and/or their representative.</p> |

| | |
|---------------------------------|--|
| <p>Richmond Street Resident</p> | <p>Regarding the portion of road that you have received a submission to close: I wish to point out that this is part of Flynn Street that runs off Richmond Street down the side of my block 35 Richmond Street on between Shaun Council (sic) and Linda Wheelers on around to Kelsey and Neals house coming back out on Richmond Street. As this is a registered road if the blocks that are for sale along this road were to sell would these new owners appreciate this closure of one end of the road. One (sic) the other hand if Kelsey & Neal wish to use this part of land to put removable material on temporary (nothing structural) I would have no argument with this.</p> |
|---------------------------------|--|

Following is a plan highlighting the section of road reserve that is the subject of this request.



The *Land Administration Act 1997* outlines the process that a local government must comply with before submitting a request to the Minister for Lands. Section 58 of the Act states:



58. Closing roads

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.
- (4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —
 - (a) by order grant the request; or
 - (b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or
 - (c) refuse the request.
- (5) If the Minister grants a request under subsection (4) —
 - (a) the road concerned is closed on and from the day on which the relevant order is registered; and
 - (b) any rights suspended under section 55(3)(a) cease to be so suspended.
- (6) When a road is closed under this section, the land comprising the former road —
 - (a) becomes unallocated Crown land; or
 - (b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Similarly, Regulation 9 of the *Land Administration Regulations 1998* includes detail of the information required by the Minister for Lands to consider the request.

9. Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

- (a) written confirmation that the local government has resolved to make the request, details of the date when the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and
- (b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and
- (c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and



- (d) a copy of the relevant notice of motion referred to in paragraph (c); and
- (e) any other information the local government considers relevant to the Minister's consideration of the request; and
- (f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

Strategic Implications

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

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

Financial Implications

Nil

Voting Requirements

Simple Majority

Officer's Recommendation

That Council:

1. Request the Minister for Lands to permanently close a portion of unconstructed road reserve adjacent to Lot 148 Richmond Street, Williams in accordance with the section 58 of the *Land Administration Act 1997*.
2. Advise the Minister for Lands that the Shire has fulfilled the requirements of Part 2 clause 9 (a) and (f) of the *Land Administration Regulations 1998* in regards to condition 1 above and that it has complied with section 58(2) and (3) of *the Act* in relation to public advertising and considerations of the submissions received as outlined in the Shire of Williams Minutes of the Council Meeting held on 15 June 2016.
3. Forward all documentations in regards to the proposed road closure to the Minister for Lands for consideration.
4. Authorise the Shire President and CEO to affix the Common Seal to any documentations associated with the application for approval.

Council Resolution

Logie/Watt

That Council:

1. Request the Minister for Lands to permanently close a portion of unconstructed road reserve adjacent to Lot 148 Richmond Street, Williams in accordance with the section 58 of the *Land Administration Act 1997*.
2. Advise the Minister for Lands that the Shire has fulfilled the requirements of Part 2 clause 9 (a) and (f) of the *Land Administration Regulations 1998* in regards to condition 1 above and that it has complied with section 58(2) and (3) of *the Act* in relation to public advertising and considerations of the submissions received as outlined in the Shire of Williams Minutes of the Council Meeting held on 15 June 2016.



3. Forward all documentations in regards to the proposed road closure to the Minister for Lands for consideration.
4. Authorise the Shire President and CEO to affix the Common Seal to any documentations associated with the application for approval.

Carried 9/0
Resolution 133/18

Cr Medlen declared a Proximity Interest for the following item 8.4.9 Proposed Subdivision/Amalgamation – Lots 2345, 4196, 4770, 4772, 4773, 6321, 762 and 763 Sattler and Dardadine Roads, Williams and left the meeting at 3.48pm. The nature of his interest relates to being the owner of land that is adjacent to land that is the subject of the application.

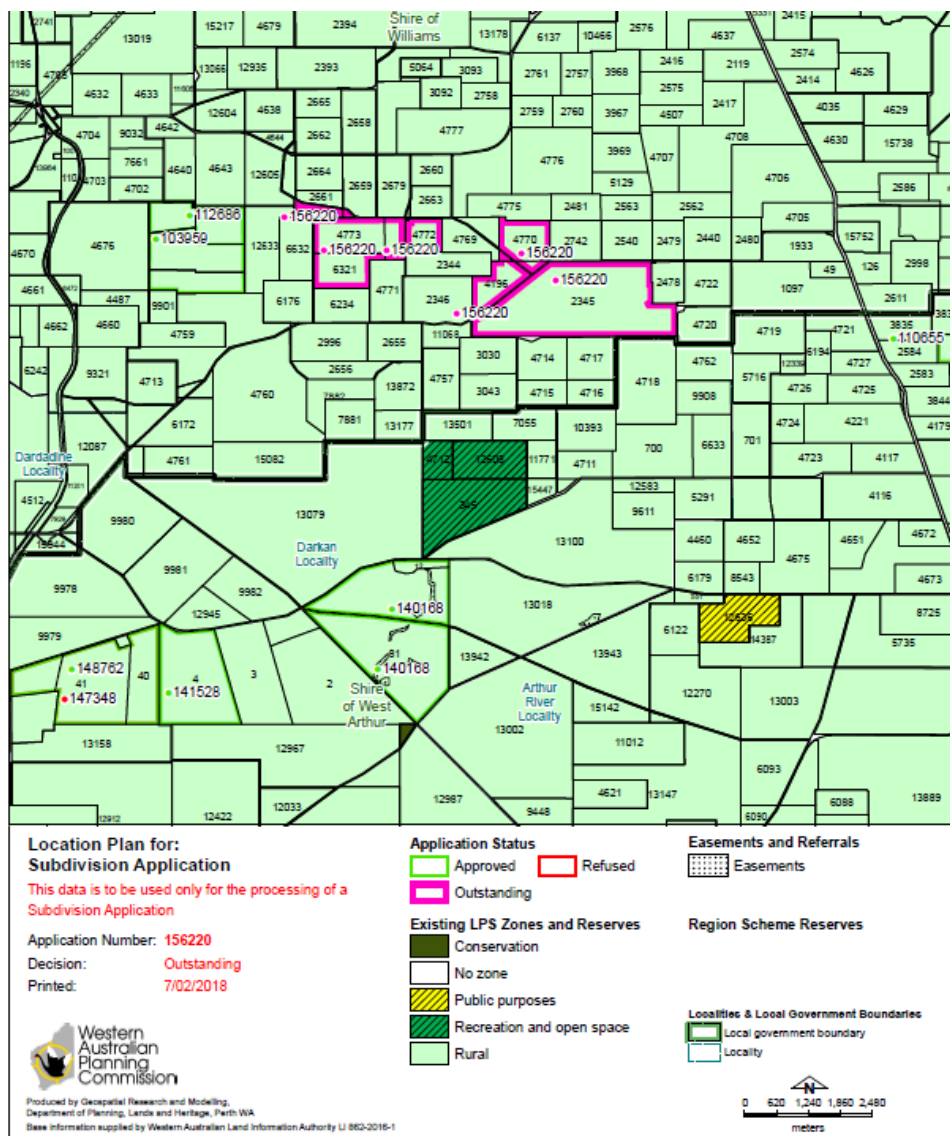
8.4.9 PROPOSED SUBDIVISION/AMALGAMATION – LOTS 2345, 4196, 4770, 4772, 4773, 6321, 762 AND 763 SATTLER AND DARDADINE ROADS, WILLIAMS

| | |
|----------------------------|--|
| File Reference | 10.64.20 |
| Statutory Reference | Shire of Williams Town Planning Scheme No 2 |
| Author & Date | Geoff McKeown 12 th February 2018 |
| Attachments | Nil |

Background

An application has been lodged with the Western Australian Planning Commission (WAPC) seeking planning approval to subdivide and amalgamate Lots 2345, 4196, 4770, 4772, 4773, 6321, 762 and 763 Sattler and Dardadine Roads, Williams. The WAPC has referred the application to the Shire of Williams for comment (by 23 March 2018).

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



Comment

➤ Description of Application

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

- Re-subdivide the existing eight (8) lots into eight (8) new lots with more logical boundaries;
- Provide a number of currently landlocked lots legal and/or constructed road frontage; and
- Allow for road widening where an existing constructed road currently traverses private property.

In addition, the Applicant requests that no power condition be imposed as part of the subdivision approval as such a condition will add significant cost and make it unviable. Whilst this is a matter for Western Power as the servicing authority it is noted for Council’s information.



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

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

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

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

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

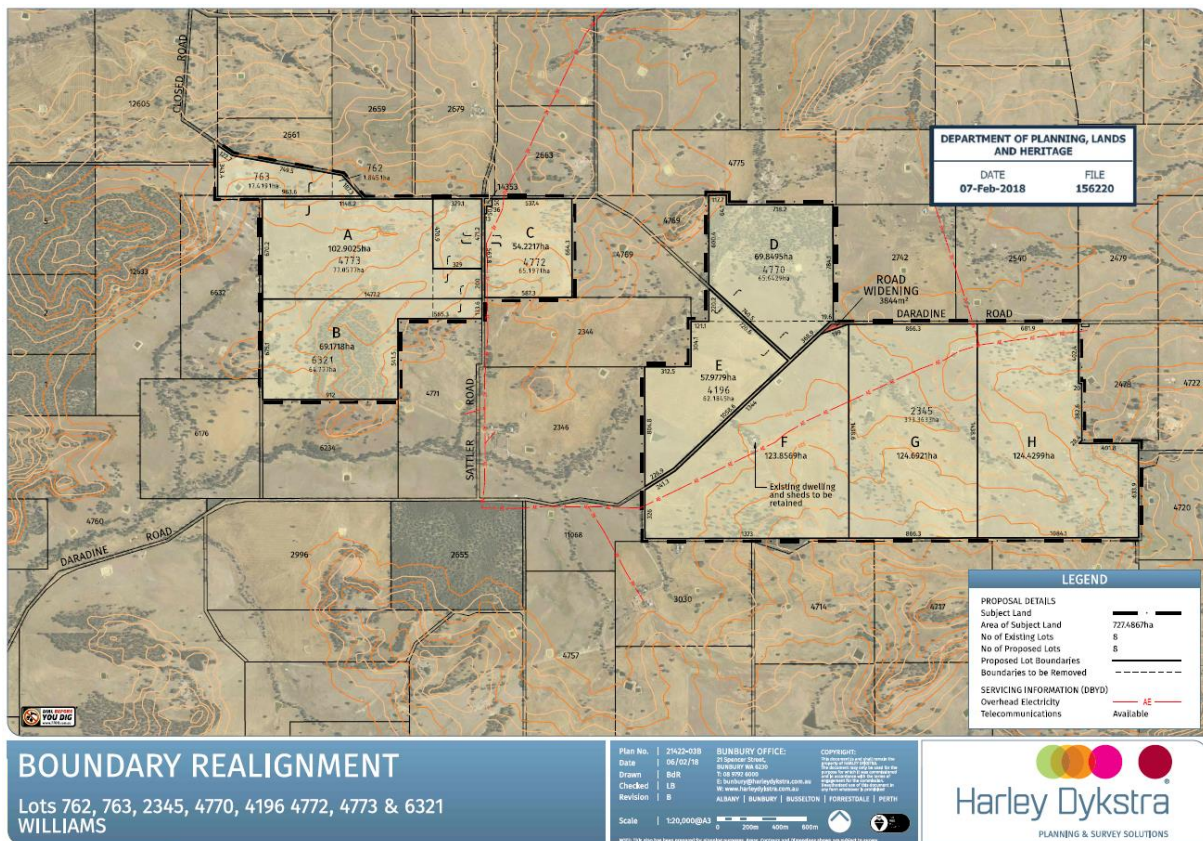
DCP 3.4 outlines exceptional circumstances where subdivision of rural land will be considered as followed:

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

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

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

Accordingly, it is recommended that the application be supported.



➤ **Bush Fire Prone Mapping**

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

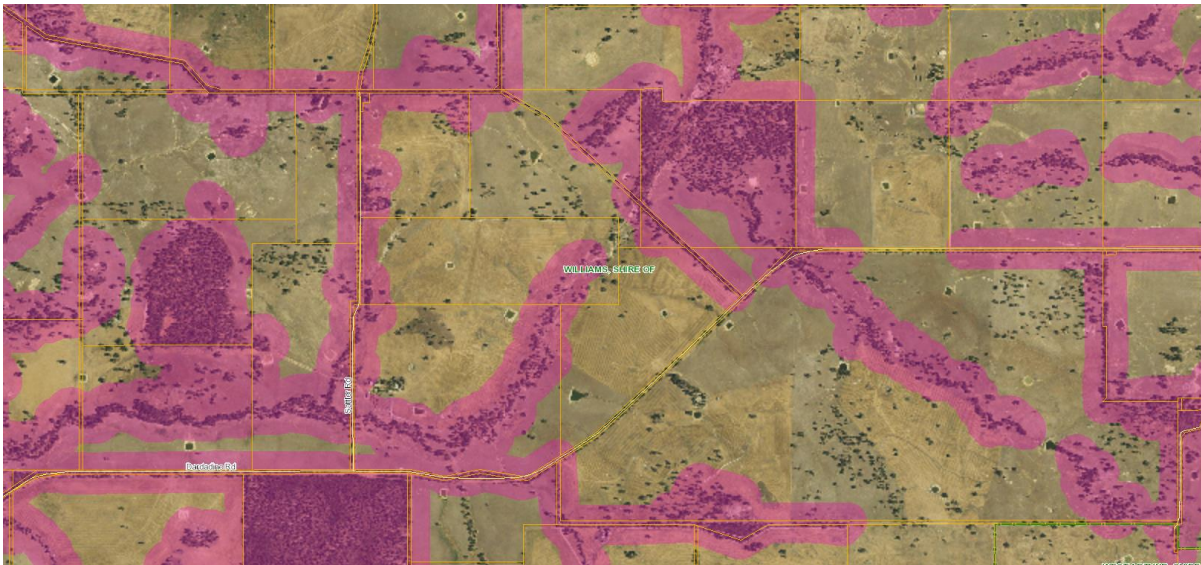
The bush fire prone areas have been designated by the Fire and Emergency Services Commissioner.

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

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

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

The applicant has stated that no detailed fire assessment has been provided as there is an exemption for amalgamations or boundary realignments. It further that any potential future development on the site will require appropriate assessment at that time.



Legislative Requirements

Planning and Development (Local Planning Schemes) Amendment Regulations 2015

The Regulations include ‘deemed provisions’ which automatically apply to the Shire, without the need to amend the Shire’s Scheme.

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

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

Strategic Implications

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

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

Financial Implications

Nil

Voting Requirements

Simple Majority



Officer’s Recommendation

That Council:

1. Recommend that the Western Australian Planning Commission approve the application to subdivide and amalgamate Lots 2345, 4196, 4770, 4772, 4773, 6321, 762 and 763 Sattler and Dardadine Roads , Williams highlighting the following reasons:
 - (i) The application complies with ‘Development Control Policy 3.4 – Subdivision of Rural Land’ as the proposal is to realign boundaries without creating additional lots; and
 - (ii) The Shire of Williams Town Planning Scheme No.2 allows support for subdivision of ‘rural’ zoned land where adjustment of lot boundaries is proposed and where no additional lots are created.

Council Resolution

Cavanagh/Harding

That Council:

1. Recommend that the Western Australian Planning Commission approve the application to subdivide and amalgamate Lots 2345, 4196, 4770, 4772, 4773, 6321, 762 and 763 Sattler and Dardadine Roads , Williams highlighting the following reasons:
 - (i) The application complies with ‘Development Control Policy 3.4 – Subdivision of Rural Land’ as the proposal is to realign boundaries without creating additional lots; and
 - (ii) The Shire of Williams Town Planning Scheme No.2 allows support for subdivision of ‘rural’ zoned land where adjustment of lot boundaries is proposed and where no additional lots are created.

**Carried 8/0
Resolution 134/18**

Cr Medlen returned to the meeting at 3.55pm.

Cr Watt declared a Financial Interest and Cr Logie declared a Proximity Interest in the next item 8.4.10 Proposed Agricultural Knife Point Repair Business, Lot 441 Marjidin Way, Williams – Request for change to Planning Condition and left the meeting at 3.55pm. The nature of their interest relates to Cr Watt being the applicant requesting a change to planning conditions and Cr Logie being the owner of land that is adjacent to Lot 441 Marjidin Way.

8.4.10 PROPOSED AGRICULTURAL KNIFE POINT REPAIR BUSINESS, LOT 441 MARJIDIN WAY, WILLIAMS – REQUEST FOR CHANGE TO PLANNING CONDITIONS

| | |
|----------------------------|---|
| File Reference | 10.60.15 |
| Statutory Reference | Shire of Williams Town Planning Scheme No.2 |
| Author & Date | Geoff McKeown 14 th February 2018 |
| Attachment | Nil |



Background

In October 2016 and again in May 2017 Council considered a development application for a proposed agricultural knife point repair business to be established on Lot 441 Marjidin Way, Williams.

At the October 2016 Council meeting the activity of an agricultural knife repair business was approved subject to meeting a number of conditions.

The applicants subsequently requested relaxation of some of the conditions and this matter was dealt with by Council at its meeting held on the 17th May 2017. The following resolution was passed:

Council Resolution

Cavanagh/Paterson

That Council:

1. *Confirms that it will not require the whole of Lot 441 Marjidin Way to be filled to level and will support the filling only for the buildings, vehicle parking, loading, manoeuvring and vehicle circulation areas;*
2. *Removes the requirement for seven (7) designated parking bays for staff and will support informal carparking areas for staff and customers;*
3. *Grants an extension to five (5) years for vehicle parking, loading, manoeuvring and vehicle circulation areas to be constructed with a bitumen or concrete seal; and*
4. *The extent of the area to be constructed in bitumen or concrete referred to in Point 3 is to match the area sealed on the adjacent Lot 440 to ensure the amenity of the area is maintained.*

**Carried 6/0
Resolution 210/17**

Comment

From the time when the original development application was approved to this stage where the building permit is to be issued, a number of minor changes have been requested by the applicants. They are summarised in the following table:

| Summary of Request | Planning Condition | Comment |
|--|---|--|
| Change of the roof line of the shed from a gable design to a saw tooth design allowing more natural light and delivering an energy saving. | The floor and elevation plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans and the building shall be constructed out of Colorbond materials | The amended roof design has been certified by a structural engineer and approved in the Certificate of Design Compliance. |
| Changing the location of the septic tank and leach drains, and landscaped area, from the front of the block to the north west corner of the lot. | Prior to the issue of a building permit, the applicant is to lodge an amended site plan for separate written approval of the Chief Executive Officer | The change will be in keeping with the similar development on Lot 440 and can be supported, subject to approval by the Environmental Health Officer. |



Strategic Implications

This item aligns with the community’s vision and aspirations as contained in the Shire of Williams Strategic Community Plan 2017 to 2032. Specifically, it relates to the following strategy(s):
ED 1.6 Advocate, promote and champion industrial development that will offer employment opportunities for our community

Financial implications

Nil

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council:

1. Approves the change of the roof line of the proposed shed to be constructed on Lot 441 Marjidin Way from a gable design to a saw tooth design; and
2. Approves changing the location of the septic tank and leach drains, and landscaped area, from the front of the block to the north-west corner of the lot.

Council Resolution

Medlen/Harding

That Council:

1. Approves the change of the roof line of the proposed shed to be constructed on Lot 441 Marjidin Way from a gable design to a saw tooth design; and
2. Approves changing the location of the septic tank and leach drains, and landscaped area, from the front of the block to the north-west corner of the lot.

**Carried 7/0
Resolution 135/18**

Cr Watt and Cr Logie returned to the meeting at 4.04pm.

8.4.11 MAIN ROADS WA - LAND REQUIREMENTS TO SUPPORT THE TEMPORARY AND PERMANENT WORKS ON BRIDGE 25, ALBANY HIGHWAY

| | |
|----------------------------|--|
| File Reference | 12.15.33 |
| Statutory Reference | <i>Land Administration Act 1997</i> |
| Author & Date | Geoff McKeown 15 th February 2018 |
| Attachment | Appendix 4 - MRWA Drawings – Park & Road Interface |



Background

On the 19th January 2018 correspondence was received from Main Roads WA (MRWA) advising that sections of land under the ownership or management of the Shire of Williams had been identified as being required to support construction activities and road widening requirements associated with the temporary and permanent works in the vicinity of Bridge 25 over the Williams River.

The requirement to permanently resume land to support the bridge construction had not been discussed with the Shire before this date, nor was it raised in the Community Reference Group meetings held during the planning phase of this project.

A meeting was held onsite on the 7th February 2018 involving representatives of the Shire and MRWA. The prime area of concern from the Shire's perspective was the prospect of land being permanently resumed from the area of the Lions Park, which could impact on the Shire's proposed redevelopment. In addition, the request for temporary access to the Lions Park during the construction period was also going to impinge on the park redevelopment.

The outcome of the meeting was that MRWA agreed to modify its plans and revise the extent of land required for both the temporary and permanent works. The request is now presented for Council's consideration.

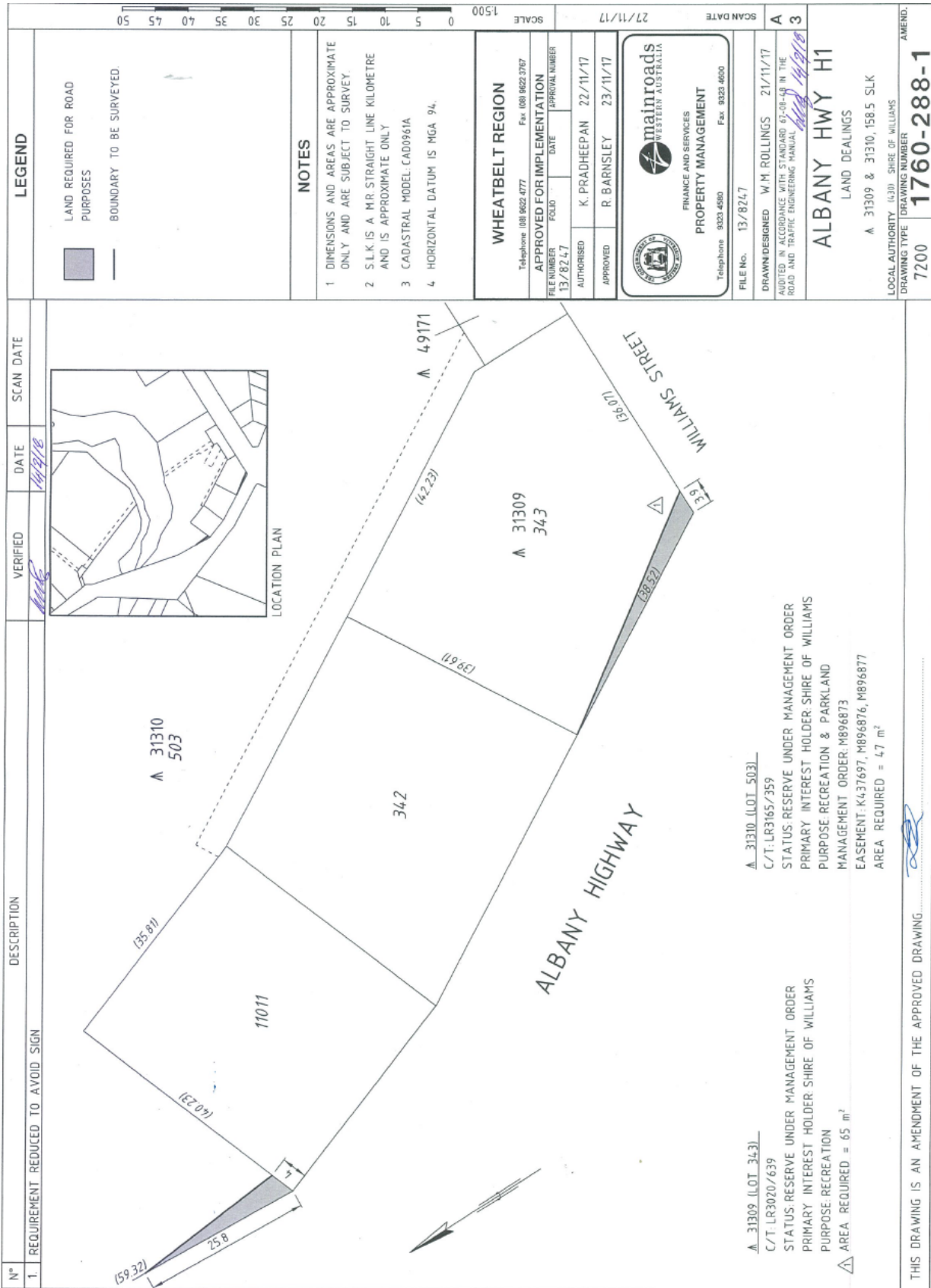
Comment

Land parcels under Shire control that are affected are shown on the Plans on the following pages and are summarised as:

1. Part of Lot 13277 and Lot 13311 on certificate of title 1057/645 in the name of the Williams Road Board.
2. Portion of Reserve 31309, being Lot 343 on certificate of Crown land title LR3020/639 with a management order in favour of the Shire.
3. Portion of Reserve 31310, being Lot 503 on certificate of Crown land title LR3165/359 with a management order in favour of the Shire.

The first land parcel described above is the Shire's recreation ground land, including the Lions Park. Here it is proposed to resume 813m² of land in a strip running from the Pinjarra Williams Road towards a point south of Bridge 25. At its widest it is 6.2m wide (Plan 1760-286-1). The second and third land parcels are on the opposite side of Albany Highway and impact on two reserves held under a management order in favour of the Shire (Plan 1760-288-1)

MINUTES – ORDINARY MEETING OF COUNCIL HELD 21ST FEBRUARY 2018





In order to dedicate the new road widenings, a Council resolution is requested pursuant to section 56 of the *Land Administration Act 1997* (LAA) for the dedication of road as shown on MRWA land plans 1760-286-1 and 1760-288-1.

MRWA will indemnify the Shire and Minister for Lands against any claims that may arise as a result of the dedications relating to widening of Albany Highway, in accordance with section 56(4) of the LAA.

At the onsite meeting held on the 7th February 2018, the Shire representatives emphasised that the road widenings must not interfere with the proposed Lions Park redevelopment. The latest MRWA land plans have addressed this issue and the Shire's Landscape Architect, who has developed the final concept plan for the Park redevelopment, confirmed that the project will not be compromised.

MRWA has also produced a series of drawings to highlight the interface between the new road boundary and the park. They are provided in Appendix 4 to this Agenda.

Strategic Implications

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

- ED 1.2 Develop and invest in the redevelopment of the Williams Lions Park
- LUE 2.1 Provide quality amenities and accessible public open spaces for the community

Financial implications

All costs associated with the acquisition process are met by MRWA. Consideration of compensation for the loss of freehold land is under review by MRWA.

Voting Requirements

Simple Majority

Officer's Recommendation

Pursuant to section 56 of the *Land Administration Act 1997* the Shire of Williams requests the Minister for Lands to dedicate land required for road purposes shown on Main Roads WA land plans 1760-286-1 and 1760-288-1.

Council Resolution

Major/Cavanagh

Pursuant to section 56 of the *Land Administration Act 1997* the Shire of Williams requests the Minister for Lands to dedicate land required for road purposes shown on Main Roads WA land plans 1760-286-1 and 1760-288-1. Further, Council negotiate with Main Roads WA regarding compensation for the loss of freehold land.

**Carried 9/0
Resolution 136/18**



The resolution differed from the recommendation as Council wished to negotiate regarding compensation for the loss of freehold land associated with the land access requirements.

Cr Cavanagh declared an impartiality interest for the following item 8.4.12 Quindanning Picnic Race Day Inc. – Request for Support and remained in the chamber. The nature of his interest relates to being a volunteer with the Quindanning Picnic Race Day Inc.

8.4.12 QUINDANNING PICNIC RACE DAY INC. – REQUEST FOR SUPPORT

| | |
|----------------------------|---|
| File Reference | 11.70.95 |
| Statutory Reference | Nil |
| Author & Date | Geoff McKeown 15 th February 2018 |
| Attachment | Nil |

Background

A letter has been received from the Quindanning Picnic Race Day Club Inc. seeking assistance with the running of its Annual Picnic Race Day over the upcoming Easter weekend.

Comment

The Quindanning Picnic Race Ground is located in the Shire of Boddington however a significant number of residents from Williams live in the Quindanning locality and many local people attend the one day event.

The Club was formed in 1978 by the Quindanning Community and this will be the 40th year the event has been held.

In previous years the Shire has supported this event with the supply of a water cart and on some occasions a generator is provided. In addition a grader has been supplied to prepare the venue.

Strategic Implications

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

SCD 2.4 Continue to promote community events, initiatives and programs

Financial Implications

There is minimal financial impact with in-kind support.

Voting Requirements

Simple Majority



Officer's Recommendation
 That the Shire of Williams provide in-kind support to the Quindanning Picnic Race Day Inc. with the provision of a plant and equipment to assist with the running of the 2018 Race Day Event.

Council Resolution
Major/Carne
 That the Shire of Williams provide in-kind support to the Quindanning Picnic Race Day Inc. with the provision of a plant and equipment to assist with the running of the 2018 Race Day Event.
Carried 9/0
Resolution 137/18

8.4.13 USE OF THE COMMON SEAL AND ACTIONS PERFORMED UNDER DELEGATED AUTHORITY

| | |
|----------------------------|--|
| File Reference | 4.50.60 |
| Statutory Reference | Sections 5.42 and 9.49A <i>Local Government 1995</i> |
| Author & Date | Geoff McKeown 15 th February 2018 |
| Attachment | Nil |

Background

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

There is a requirement under the *Local Government Act 1995* that the Delegations Register is reviewed annually by Council. A procedure included in the Delegations Register is to report to Council the activities or actions that have been performed under delegated authority. A report will be completed for Council at each meeting that identifies: (1) use of the Common Seal, and (2) actions performed under the delegated authority requiring referral to Council as per the Delegations Register.

Comment

Actions performed under delegation during the preceding month are provided below:

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

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

Action - The Chief Executive Officer waived the charge for the hire of the SAM Trailer to advertise the International Hockey Event in Narrogin on the 27th & 28th January 2018 with a chargeable value of \$50.00.

- **Payment of Creditors – Delegation FMR1**



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

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

Strategic Implications

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

- CL 2.2 Maintain accountability, transparency and financial responsibility.
- CL 4.4 Monitor and ensure compliance with regulatory framework for local government business.

Financial Implications

Payments from the Municipal Fund and Trust Fund have been approved in the 2017/18 Annual Budget or by separate resolution of Council.

Voting Requirements

Simple Majority

Officer’s Recommendation

That Council accepts the report “Use of Common Seal and Actions Performed under Delegated Authority” for the months of December 2017 and January 2018.

Council Resolution

Logie/Major

That Council accepts the report “Use of Common Seal and Actions Performed under Delegated Authority” for the months of December 2017 and January 2018.

**Carried 9/0
Resolution 138/18**

The Economic Development Officer Heidi Cowcher entered the meeting at 4.13pm

The Chief Executive Officer sought Council approval to raise additional items not included in the CEO Report. Council agreed to receive late items for discussion not included in the CEO Report.

8.4 CHIEF EXECUTIVE OFFICER’S REPORT – LATE ITEMS

The Chief Executive Officer raised the following items for discussion:



- Industrial Shed – Possible minor variations to contract. Ongoing discussion with builder concerning design and construct detail. Council supported Crs Cavanagh, Medlen and Watt assisting with the finalisation of these matters.
- Fire Shed Designs – Several designs were presented incorporating one and two bay options.
- Nurse Practitioner – Advice that a Nurse Practitioner will provide a service from the Williams Medical Centre and support for internet access is requested.

Heidi Cowcher left the meeting at 5.13pm

8.5 MANAGER OF FINANCE'S REPORT

The Manager of Finance, Cara Ryan, attended the meeting at 5.13pm to discuss her report.

8.5.1 ACCOUNTS FOR PAYMENT

| | | |
|----------------------------|-----------|--------------------------------|
| File Reference | 4.23.15 | |
| Statutory Reference | N/A | |
| Author & Date | Cara Ryan | 14 th February 2018 |

Background

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

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

Statutory Implications

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996 – REG 13

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

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

Comment

The list of accounts for payment is a separate attachment to this agenda.



Financial Implications

As listed in the recommendation below.

Voting Requirements

Simple Majority

Officer's Recommendation

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104665 - 104669 totalling \$178,372.54, Trust Fund EFT and Cheque 1165 totalling \$240, and SII Funding payments totalling \$72,750.60 approved by the Chief Executive Officer, during the month of December 2017, be endorsed.

Council Resolution

Medlen/Carne

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104665 - 104669 totalling \$178,372.54, Trust Fund EFT and Cheque 1165 totalling \$240, and SII Funding payments totalling \$72,750.60 approved by the Chief Executive Officer, during the month of December 2017, be endorsed.

**Carried 9/0
Resolution 139/18**

Officer's Recommendation

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104670 - 104674 totalling \$329,142.92 approved by the Chief Executive Officer, during the month of January 2018, be endorsed.

Council Resolution

Harding/Medlen

That Municipal Fund EFT, Bpay, Direct Debits and Cheques 104670 - 104674 totalling \$329,142.92 approved by the Chief Executive Officer, during the month of January 2018, be endorsed.

**Carried 9/0
Resolution 140/18**

8.5.2 FINANCIAL STATEMENTS

| | | |
|----------------------------|-----------|--------------------------------|
| File Reference | 4.23.15 | |
| Statutory Reference | N/A | |
| Author & Date | Cara Ryan | 14 th February 2018 |

Background

A statement of financial activity must be produced monthly and presented to Council.



In accordance with the *Local Government Act 1995*, a statement of financial activity must be presented to each Council meeting, including a comparison to the budget and variance from it. It must also include explanations of any variances.

Statutory Implications

Local Government (Financial Management) Regulations 1996, reg 34.

Comment

The monthly financial report and municipal bank reconciliation are separate attachments to this agenda.

Financial Implications

As disclosed in the financial statements.

Voting Requirements

Simple Majority

Officer’s Recommendation

That the financial statements presented for the period ending 31st December 2017 be received.

Council Resolution

Cavanagh/Logie

That the financial statements presented for the period ending 31st December 2017 be received.

**Carried 9/0
Resolution 141/18**

Officer’s Recommendation

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

Council Resolution

Harding/Carne

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

**Carried 9/0
Resolution 142/18**



8.5.3 REQUEST TO WRITE OFF INTEREST CHARGES ON OVERDUE RATES

| | |
|----------------------------|---|
| File Reference | 3.2.1 |
| Statutory Reference | <i>Local Government Act 1995</i> Section 6.51 <i>Local Government Act 1995</i> Section 6.12 <i>Local Government (Financial Management Regulations) 1996</i> |
| Author & Date | Cara Ryan 14 th February 2018 |
| Attachments | Letter from Ratepayer |

Background

The Shire has received a request from an applicant to waive the overdue rates interest charges on the following properties:

- Assessment Number 813 – 3 New Street Williams
- Assessment Number 1017 – 23 Fry Street, Williams

The applicant's letter, which was received on the 14th February 2018, is attached for Council's information under a separate cover.

The total interest incurred to the 14th February 2018 is \$98.93.

Statutory Implications

Local Government Act 1995 – Section 6.51

6.51 . **Accrual of interest on overdue rates or service charges**

- (1) A local government may at the time of imposing a rate or service charge resolve* to impose interest (at the rate set in its annual budget) on —
 - (a) a rate or service charge (or any instalment of a rate or service charge); and
 - (b) any costs of proceedings to recover any such charge, that remains unpaid after becoming due and payable.

* *Absolute majority required.*

- (2) The rate of interest that may be set by the local government under this section is not to exceed the rate for the time being prescribed as the maximum rate of interest that may be set for the purposes of this section.

- (3) Accrued interest is, for the purpose of its recovery, taken to be a rate or service charge, as the case requires, that is due and payable.

Local Government Act 1995 Section 6.12

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

- (1) Subject to subsection (2) and any other written law, a local government may —



- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money,

which is owed to the local government.

* *Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Comment

Under the *Local Government Act 1995*, the Shire is entitled to charge interest on unpaid rates. The interest rate for rates instalments is currently 5.5% per annum, and is 11% per annum on overdue rates. Additionally, those ratepayers who elect to pay via instalments are charged an administration fee of \$25.00.

The purpose of imposing interest on ratepayers is to ensure equity amongst ratepayers who pay their obligations to the community on time, by charging ratepayers who do not pay in the same time frame a cost for Council to carry an outstanding debt.

In addition, Council has a policy relating to financial hardship where a ratepayer may request alternative arrangements for the payment of rates, these arrangements still accrue penalty interest in the usual manner.

Strategic Implications

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

CL 2.2 Maintain accountability, transparency and financial responsibility.

Financial Implications

Should Council decide to write off \$98.93, this will reduce the interest earned on overdue rates payments for the 2017/2018 financial year.

Voting Requirements

Absolute Majority



Officer's Recommendation

That Council agrees to the applicants request to write off all interest charges imposed on Rates Assessment 813 – 3 New Street, Williams and Assessment Number 1017 – 23 Fry Street, Williams. Further, waive any interest accrued to the 30th June 2018.

Council Resolution

Logie/Medlen

That Council does not agree to the applicants request to write off all interest charges imposed on Rates Assessment 813 – 3 New Street, Williams and Assessment Number 1017 – 23 Fry Street, Williams, and advise the applicant that the interest charges accrued to date will remain in place as Council believes it is inequitable to offer to write off interest charges for one ratepayer over another.

**Carried by Absolute Majority 9/0
Resolution 143/18**

The resolution differed from the recommendation as Council wished to ensure that all ratepayers are treated equitably.

8.6 COUNCILLORS' REPORTS

Cr Cavanagh, as a member of the South32 Community Liaison Committee and as chair of HWEDA attended a meeting on 9 February 2018 with the General Manager of South32 and their Community Liaison Officer Mel Byrne.

Cr Carne attended a 4WDL meeting in Williams on the 13 February 2018.

Cr Cowcher, together with the CEO Geoff McKeown and EDO Heidi Cowcher met in the Williams Lions Park on 7 February 2018 with representatives of Main Roads WA to discuss the request for road access requirements as per 8.4.11.

Cr Baker attended a WALGA training session in Beverley on 19 February 2018.

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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



10.1 ELECTED MEMBERS

10.2 OFFICERS

11.0 APPLICATION FOR LEAVE OF ABSENCE

12.0 INFORMATION SESSION

13.0 CLOSURE OF MEETING

There being no further business for discussion the President declared the meeting closed at 5.53pm.