

SHIRE OF WILLIAMS

MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY 17TH FEBRUARY 2010

1.0 OPENING

1.1 DECLARATION OF OPENING

The President declared the meeting open at 1.00pm

1.2 ANNOUNCEMENT OF VISITORS

Recently appointed OIC, Sergeant Mick Williams, will be attending the meeting at 3.00pm

2.0 RECORD OF ATTENDANCE

2.1 PRESENT

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

Ryan Duff	Chief Executive Officer
Ian Ball	Deputy Chief Executive Officer
Heidi Cowcher	Community Development Officer (1.07pm – 1.45pm)
Tony Kett	Works Supervisor (1.47pm – 2.10pm)
Steve Friend	Environmental Health Officer/Building Surveyor (2.12pm – 2.55pm)

2.2 APOLOGIES

Nil

3.0 PUBLIC QUESTION TIME

Nil

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6.0 CONFIRMATION OF PREVIOUS MINUTES

6.1 ORDINARY MEETING MINUTES

Major/Cavanagh

That the minutes of the Ordinary Meeting held in the Council Chambers on Wednesday 16th December 2009, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 9/0
Resolution 151/10**

6.2 AUDIT COMMITTEE MEETING MINUTES

Earnshaw/Johnstone

That the minutes of the Audit Committee Meeting held in the Council Chambers on Wednesday 16th December 2009, as circulated, be confirmed as a true and correct record of proceedings.

**Carried 9/0
Resolution 152/10**

7.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The President advised that he and the CEO had attended recent meetings in Perth with the Minister for Emergency Services and the Amalgamation Forum.

8.0 REPORTS OF COMMITTEES/OFFICERS AND COUNCILLORS

Community Development Officer Heidi Cowcher attended the meeting at 1.07pm to discuss her report.

8.1 COMMUNITY DEVELOPMENT OFFICER'S REPORT

8.1.1 Department of Sport and Recreation – Future of CSRFF Funding for the Shire's recreational facilities

The Shire hosted a meeting with DSR representatives Clayton White and Chelsea Gellard on Wednesday 10th February. In attendance from the Shire were the CEO, Deputy CEO, Community Development Officer and Councillors John Cowcher, Greg Cavanagh and Gilbert Medlen, together with Tarwonga Tennis representative Ross Major.

The meeting was convened following Chelsea's attendance at the December 09 meeting of Council, as it was felt that perhaps additional information needed to be provided to assist Tarwonga and the Shire understand why the project to resurface the 6 courts at Tarwonga had not been supported.

As Council had previously been advised, DSR were unable to fund Tarwonga's project because basically there was not enough funding available, and given that the project was not located in a townsite, the project had received a low priority when compared with projects across the State. The funding is limited and there is not enough funding to support all clubs and facilities across the State.

DSR staff encouraged the use of Royalties for Regions funding to assist with financing projects that may not receive funding from other sources. It was made quite clear to DSR that this funding is not guaranteed and therefore cannot be relied upon to finance projects.

DSR have recommended that before any further applications are submitted for funding, the Shire apply for funding to undertake a feasibility study/needs assessment for all recreational club's and facilities across the Shire of Williams. Specialist consultants would need to be engaged to complete such a report and would cost

approximately \$30,000, with 1/3 funding available from the DSR's CSRFF Small Grants Program. The completed report would give the Shire an idea of future costs of improvements for all club's into the future.

The Shire of West Arthur received funding to complete a feasibility study prior to receiving significant funding to co-locate all sport to the one location and heating the Darkan Swimming Pool. A request has been made for a copy of the study for Council to review.

With particular attention to tennis, DSR have indicated that the Shire may wish to support two Club's within the Shire, however only one will be eligible for funding, and the feasibility study will likely give a clear indication of where the best investment of Council and DSR funding may be appropriate for the future of the facilities and Club's.

Recommendation:

That the Shire of Williams endorses an application to the Department of Sport & Recreation's Community Sport and Recreation Facilities Fund Small Grants Scheme for a feasibility study/needs assessment for the Shire's Sport and Recreational Facilities.

Council decided to defer this matter until the results of the Bowling Club CSRFF application have been received.

8.1.2 Public Transport Authority Bus Shelter Grants Scheme

This scheme is designed to allow schools and local government to apply to the PTA for funding to either install a bus shelter where none exists or the removal of a non compliant shelter and replacement with a shelter that complies with the PTA Scheme guidelines.

The Shire is preparing an application for funding to replace the Westrail/Transwa bus shelter located at the Caltex Roadhouse in Williams. The shelter is in a state of disrepair and needs attention desperately. The PTA do not make provisions now to repair or replace, but rather encourage schools or local government to apply for funding to assist in the works required. The new bus shelter must comply with the scheme guidelines, including attention to the Australian Standards for Access and Mobility and must include tactile pavers.

Funding of up to \$7500 from the PTA is available on a dollar for dollar basis. At the time of reporting all quotes for the project have not been finalised, however the indicative costs are:

Design	\$1000
Project Management	\$500
Bus Shelter	\$9995
Construction	\$2500
Tactile paving	\$2500
TOTAL	\$16,495
GST	\$1649.50
TOTAL COST	\$18,144.50
PTA Funding	\$7500
Shire contribution	\$10,644.50 (cash & in-kind)

Recommendation:

That the Shire endorses the application to the Public Transport Authority Bus Shelter Grants Scheme.

Earnshaw/Medlen

That the Shire endorses the application to the Public Transport Authority Bus Shelter Grants Scheme.

**Carried 9/0
Resolution 153/10**

8.1.3 AWARE Training

The Shire of Williams was successful in receiving funding through the AWARE funding program to host two training modules – *Introduction to Recovery Management* and *Introduction to Emergency Risk Management*. The two modules are to be held on the 4th March and 15th April respectively and are open to Councillors, LEMC representatives, local government staff and emergency service personnel. The training will assist Council in their review of their local emergency management arrangements (LEMC Plan) as well as understand the implications involved with recovery post a significant incident (such as major bushfire).

Any interested person needs to RSVP to the Shire by Monday 22nd February 2010. We need a minimum of 12 participants for the course to go ahead.

For information.

8.1.4 Speed Alert Mobile (SAM) Trailer

Council would be aware that the Shire of Williams, together with the Shires of West Arthur, Narrogin and the Town of Narrogin received funding from the Community Road Safety Grants Program to purchase a Speed Alert Mobile Trailer. This trailer is designed to alert oncoming traffic to potential road safety issues (slow down, speed kills, traffic accident ahead etc). The trailer is housed in Williams at the depot and the Shire pays the insurance and registration for the trailer.

The surrounding Shires are encouraged to borrow the trailer to use it for road safety initiatives in their respective communities, currently at no cost. The trailer has been fitted with remote communication capabilities and it is through this that the trailer can be pre-programmed with unique messages (eg: traffic accident ahead). We have had a few problems with the pre-programming, and are endeavouring to get this resolved with the technical assistance of AW Engineering (where the trailer was manufactured).

The Shire of West Arthur requested to borrow the trailer for their annual Beach Party. It was on collection that we were advised of a request for a pre-programmed message of “NO BYO” for the trailer. In this instance, the time taken to organise this was a little longer than anticipated as this was the first time that a pre-programmed message was to be initiated.

It has been suggested that a small hire fee may be pertinent to cover Council staff time in preparing the trailer for loan, especially when a different message to the ones that are already in the trailer, is requested.

For consideration.

Cavanagh/Logie

That an appropriate fee, that covers the cost of preparing the Speed Alert Mobile Trailer for use, be charged to neighbouring Councils.

**Carried 9/0
Resolution 154/10**

8.1.5 Department of Environment & Conservation – Community Grants Scheme

The Williams Pride in Your Town Committee on behalf of the Shire, made an application to this funding program to assist with the purchase of a cardboard and plastics waste press to assist with waste minimisation and to expend the existing recycling shed to cater for larger recyclable items by adding a concrete floor, lean to extension and shelving. Total funding approved \$18,452.45 plus GST. Shed extensions and shelving have been ordered and quotes are currently being obtained for the waste press.

For information.

8.1.6 Landcorp's Regional Development Assistance Funding "Communities Package"

The Shire has been contacted to submit a project for consideration for funding under the abovementioned scheme. Landcorp has funds available to assist with the implementation of community projects in communities where Landcorp subdivisions have been undertaken.

A submission has been made requesting assistance with the proposed upgrade to the Williams Cemetery. Quotes have been obtained for the following:

Gazebo with bench seating (including concrete pad & installation)	\$20,580 (+GST)
Universal access toilet (including composting toilet, water tank, solar lighting & installation)	\$31,085 (+GST)
2 x Bench seats	\$2,592 (+GST)
TOTAL COST	\$54,257 (+GST)

At this stage, it is unsure to what extent the project will be funded, however it is likely that there will be a cash/in-kind component required by the Shire.

For information.

8.1.7 Landcare office

Due to the finalisation of the landcare project for the Shires of Williams and Narrogin, all records in the office have now been archived. The Shire of Narrogin will be requested to store all Narrogin records and the Williams records will be stored at the Shire depot. Williams Landcare have been requested to collect all items belonging to Williams Landcare, so that the office can be vacated. All computers and associated equipment has been stored at the Shire, whilst the future of them can be determined. The furniture that remains in the office (desk, bookcase and filing cabinet) belongs to the Williams-Narrogin Landcare Management Committee. It has been suggested that these remain in the office so that the office can be rented "furnished", however this needs to be confirmed with the committee.

For consideration.

8.1.8 Tarwonga Tennis Club – CSRFF Small Grants Application

Following the meeting held with the Department of Sport and Recreation on Wednesday 10th February, Ross Major has tentatively indicated that it is unlikely that the Tarwonga Tennis Club will pursue an application to the DSR's CSRFF Small Grants Program due at the end of March 2010. The Club need to discuss the outcome of the meeting to determine the next course of action in terms of sourcing funding to assist with the resurfacing of 6 courts at the Tarwonga Club. He has indicated that the Club would not likely consider resurfacing 3 courts with the \$60,000 funded from the Country Local Government Fund in 2009, as the Club is keen to complete the resurfacing of all 6 courts as one complete project. More information may be available at the meeting.

For information.

Carne/Major

That an application for funding a Recreation Facilities feasibility study be withheld for consideration mid-year.

**Carried 9/0
Resolution 155/10**

Medlen/Johnstone

That the Community Development Officer's Report be received.

**Carried 9/0
Resolution 156/10**

Ms Cowcher left the meeting at 1.45pm

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

8.2 WORKS SUPERVISOR'S REPORT

8.2.1 Maintenance Grading

Congelin-Narrogin Rd, York-Williams Rd, Hammond Rd, Martin Rd, Folland Rd, Extracts Rd, Bulleid Rd, Westmere Rd, McKenzie Rd, Playle Rd, Kennedy Rd, Johnstone Rd, Zilko Rd, Marradong Rd, Munday Rd, Marling Rd, Chapman Rd, Top End Rd, Tin Shed Rd, Cowcher Rd, Bates Rd, Old Soldiers Rd, Glenfield Rd.

8.2.2 Maintenance Works

Patching on Darkan Rd.

8.2.3 Construction

Trees cleared and spoil carted away, now gravelling Darkan-Quindanning Rd

Pad laid at tip for shed

Pad laid at tip for DrumMuster

8.2.4 Mechanical Report

Serviced the following vehicles:

Canter

Water Truck WL 093

Dual cab ute WL 842

Side tipper trailer

Prime mover WL 91

6 wheeler WL 128 and pig trailer

Fixed oil leak on multi-roller (pinion seal)

Repaired inter-cooler leak in prime mover

8.2.5 Private Works

One load of water each to:

Gil Medlen

Tamara Goodridge

Two loads of water each to:

Narrakine CBH

Clinton Burt

Three loads of water to David Kain

8.2.6 Refuse Site

The Works Supervisor advised that the rock base at the rubbish tip needs to be blasted before another pit can be dug.

Logie/Earnshaw

That the Works Supervisor's Report be received.

**Carried 9/0
Resolution 157/10**

Mr Kett left the meeting at 2.10pm

Environmental Health Officer/Building Surveyor Steve Friend attended the meeting at 2.12pm to discuss his report.

8.3 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR'S REPORT

8.3.1 Building Permits

# 255	G Fowler	Colorbond shed	Lot 8, Fry Street, Williams
# 256	T Palframan	Zinc shed	Lot 123, Richmond Street, Williams
# 257	P Paterson	Zinc shed	Lot N, Mathews Road, Williams

8.3.2 Food Premises Inspection

Williams District Club – Very cleanly maintained. There is a small issue with the locks on the designated exit doors that has been brought to the attention of the management.

Plum Tree and Ivy – Cleanly maintained however a couple of issues that have been brought to the attention of the owner to fix. One of the issues (floor covering) had been done immediately after the inspection and before the letter was received which shows the owner recognises her responsibilities. This is very encouraging.

Rustic Rainbow – Also cleanly maintained with some works required in the kitchen to bring it up to scratch. Again the owner is trying hard to comply and had undertaken some expensive works (stainless steel sheeting) prior to me visiting this time.

With all of the premises inspected it is difficult for the owners as the buildings are very old and there is always substantial work required to make them comply with Food Regulations.

I have always taken the approach that as long as they are clean, the owners are trying to comply and there is constant improvement, then patience can be shown with the structural aspects of the premises. I hope Council agrees with this sentiment!

8.3.3 Environmental Health

Water samples have been taken from the Williams Swimming Pool. The results showed that a good quality of water has been maintained.

As Councillors can see the renovations have commenced on the pool and temporary facilities have been installed in the interim.

The temporary fencing is a bit rough but I believe every effort has been made to make the pool safe.

The eastern side perimeter fence is also rough and non compliant and I hope that if this is not included in this scope of works, the fence can be made to comply regardless.

8.3.4 Other Business

Newsagency Verandah

I am reluctant to even mention this in my report but I am hopeful the verandah over the Newsagency has been removed by the time you meet.

I was introduced to the builder Lindsay Sims (who I have met on many occasions) by Mr Harding as a reassurance that things were happening and that we were not being “strung along”.

Mr Sims assured me it would be attended to just prior to the February Council meeting.

Illegally erected sheds

I believe that the CEO will inform Council of the status of the sheds illegally constructed on McKenzie Road. If not or more information is required I can add to this subject at the meeting.

Waste Water Treatment Plant

I believe that the Water Corporation has advised the Shire that this work has been approved.

As part of the approval the Health Department requires an Operations and Maintenance Manual to be produced by the Shire to show how the irrigation of the recycled water can be safely applied. This is an onerous document and has taken many hours work. It is still not complete however is almost done which hopefully can be submitted soon.

The approval will not be granted to irrigate until the O & MM has been accepted.

Report Reference:	8.3.5
Subject:	Lot 18 Hynes Court – Planning Application, Reduction of Setback
File Reference:	13.34.20
Statutory Reference:	Nil
Author & Date:	R.N Duff 10 th February 2010

Background:

An application has been received requesting Council to consider a reduction in the required setbacks on lot 18 Hynes Court. This lot is zoned “Residential” under the provisions of the Shire of Williams Town Planning Scheme No. 2 and consists of 804m².

The applicant wishes to build a new house on this block of land. The block is an odd shape and the builder has found it particularly difficult to fit a house on this block with the current setbacks.

Comment:

The Chief Executive Officer has given planning approval as the application was made over the Christmas New Year period and Council did not meet in January. The Chief Executive Officer is seeking endorsement of these actions from Council

Financial Implications:

Planning Fees payable \$655.60

Voting Requirements:

Simple Majority

Recommendation:

That Council endorse the action of the Chief Executive Officer in granting planning approval for a reduction in setbacks to 5.61m (side street) and 6.00m (primary Street) on Lot 18 Hynes Court.

Cavanagh/Medlen

That Council endorse the action of the Chief Executive Officer in granting planning approval for a reduction in setbacks to 5.61m (side street) and 6.00m (primary Street) on Lot 18 Hynes Court.

**Carried 9/0
Resolution 158/10**

Cavanagh/Patterson

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

**Carried 9/0
Resolution 159/10**

Late Item

Johnstone/Major

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

**Carried 9/0
Resolution 160/10**

8.3 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYOR'S REPORT (LATE ITEM)

8.3.6 Application to Reside in Caravan

The owner of lot (126) Richmond Street has applied to be able to live in a caravan on the lot whilst building a house.

A copy of his letter is attached.

During a conversation with him last week, he mentioned that it was an acceptable practice, he believed, as the precedence had been set with the previous land care officer and the tip attendant living on site during building.

The Caravan Parks and Camping Grounds Regulations 1997 states that anyone can camp for up to 3 nights every 28 days on land that they own or have permission to camp on and that the Local Government can issue approval for up to a three month period and if the period extends for longer than 3 months, with the approval of the Minister.

Many Local Governments allow camping on site with the express proviso that a building licence must have been issued for a dwelling and for a period ranging from 6 months to 2 years.

The problem with this, as we are all aware, is that when they get in they do not always fulfil their obligations and the time drags on.

If Council was to allow this, the business loss to the local caravan park may need to be considered as well.

Certainly there needs to be a certain level of amenity provided (ablutions, food preparation, waste disposal) that needs to be considered.

Richmond Street could be considered on the outskirts of town however it is not zoned Rural (Rural Residential) and is within the townsite boundaries.

If Council has no objection then perhaps the conditions under which it could occur could include:

- A building licence for a dwelling must be issued prior to any occupation
- The camping can only be in a caravan and not a shed done up
- Ablution facilities including toilet, shower and laundry must be provided
- Appropriate treatment for the septic waste is approved and installed
- The period of camping is for 12 months only and must be reviewed by Council prior to the expiry of 12 months.

Cavanagh/Johnstone

- A building licence for a dwelling must be issued prior to any occupation
- The camping can only be in a caravan and not a shed done up
- Ablution facilities including toilet, shower and laundry must be provided
- Appropriate treatment for the septic waste is approved and installed
- The period of camping is for 12 months only.

**Carried 9/0
Resolution 161/10**

Mr Friend left the meeting at 2.55pm

8.4 CHIEF EXECUTIVE OFFICER'S REPORT

Report Reference:	8.4.1
Subject:	Compliance Audit Return 2009 (Enclosed with Agenda)
File Reference:	4.22.00
Statutory Reference:	Section 7.13(i) of the <i>Local Government Act 1995</i> and Local Government (Audit) Regulation 13
Author & Date:	R N Duff 10 th February 2010

Background:

Under the Local Government Audit Regulations 1996, a Local Government is required to carry out a compliance audit for the period 1st January 2009 to 31st December 2009. The certified return needs to be submitted to the Director General, Department of Local Government and Regional Development by 31st March 2009.

The compliance audit return must be:

1. Presented to Council at a meeting of the Council
2. Adopted by the Council; and
3. Recorded in the minutes of the meeting at which it is adopted.

A copy of the return is submitted for Councillors' perusal, comment and adoption by Council before 31st March 2009. It is necessary for the Shire President and Chief Executive Officer to sign off the return as a certified copy.

Comment:

No sections in the report were responded to in the negative and therefore no items are required to be brought to Council's attention. Compliance return attached at **APPENDIX 1**.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That the Compliance Audit Return for 2009 be adopted.

Earnshaw/Johnstone

That the Compliance Audit Return for 2009 be adopted.

**Carried 9/0
Resolution 162/10**

Reference:	8.4.2
Subject:	Western Australian Planning Commission – Subdivision Application 141256 – Lot 40 & 41 Williams Kondinin Rd – Balwyn Nominees
File Reference:	10.64.20
Statutory Reference:	<i>Planning & Development Act 2005 & Williams Town Planning Scheme No.2</i>
Author & Date:	R.N Duff 10 th February 2010

Background:

The Western Australian Planning Commission has received an application from Balwyn Nominees to subdivide (adjust lot boundaries) Lots 40, 41, 9371, 13959, 15036. All Lots are currently zoned RURAL under the Williams Town Planning Scheme No. 2.

Current Lot Sizes:

Lot 40 -	74.591 ha	}	Combine to form Lot 5 – 95ha
Lot 41 -	20.412 ha		
Lot 9371-	13.16 ha	}	Combine lots and from Lots 3 – 67ha and Lot 4 - 57.38ha
Lot 15036 -	111.2ha		
Lot 13959 -	1163.217 ha		Split to from Lot 1 – 1019ha and Lot 2 – 144ha

Map and Arial Photo attached at **APPENDIX 2.**

Comment:

All proposed lot have access to already constructed roads and do not require upgrades and no additional lots are being created.

The Shire of Williams Town Planning Scheme No. 2 addresses the issue of subdividing rural zoned land in section 4.7 Policy Statement.

4.7 (3)(c) *The Council will favourably consider application for adjustment of lot boundaries where the application if approved will not result in the creation of one or more additional lots.*

WAPC have adopted Development Control Policy 3.4 “Subdivision of Rural Land”

Section 4.6 - Farm rationalisation

Multiple lots in one ownership may be rationalised through boundary realignments to improve farm management and/or to provide access to landlocked lots provided that:

- *the new lot pattern is consistent with the objectives of the policy;*
- *no additional lots are created;*
- *the new boundaries reflect good environmental and land management practice and are appropriate for the intended land uses;*
- *former road reserves and small remnant portions of lots are not lots for the purpose of boundary rationalisation.*

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Officers Recommendation:

That Council advise the Western Australian Planning Commission that Balwyn Nominees application 141256 to subdivide and realign lot boundaries be supported.

Cavanagh/Johnstone

That Council advise the Western Australian Planning Commission that Balwyn Nominees application 141256 to subdivide and realign lot boundaries be supported.

**Carried 9/0
Resolution 163/10**

Reference:	8.4.3
Subject:	Western Australian Planning Commission – Subdivision Application 141441 – Lot 50 Pinjarra Williams Rd – MK & AL Iredell
File Reference:	10.64.20
Statutory Reference:	<i>Planning & Development Act 2005 & Williams Town Planning Scheme No.2</i>
Author & Date:	R.N Duff 10 th February 2010

Background:

The Western Australian Planning Commission has received an application from MK & AL Iredell to subdivide and adjust lot boundaries on Lots 10126, 13078, 50, 6977, 9896, 4982, 6976, 197, 502, 9895, 1045, 1835, 503 (13 titles). The lots front the Pinjarra Williams Rd and Bates Rd with some lots currently being land locked.

All Lots are currently zoned RURAL under the Williams Town Planning Scheme No. 2

Map, Arial Photo and Subdivision Application Summary Report attached at **APPENDIX 3**.

Comment:

The Shire of Williams Town Planning Scheme No. 2 addresses the issue of subdividing rural zoned land to which there is a general presumption against dividing up rural land. The applicants have made counter arguments in the Subdivision Application Summary Report (APPENDIX 3) as to why the subdivision is to be supported.

Council's main concern would be the proposed new road contained within the subdivision application. If Council were to support this application then conditions would have to be stipulated that the constructed road be to the specifications of Council.

In February 2008 Council adopted the Subdivision Development Guidelines which details Council's requirements for engineering works associated with the subdivision and development of land within the Shire. The document is a guideline for developers rather than a specification.

Specific sections which relate to roads are mentioned in the following;

In the case of Bates Rd -

1.1.7 Where a proposed subdivision abuts an existing road reserve containing a substandard road contained within the road reserve fronting the subdivision, this road shall be upgraded prior to the clearance of the subdivision to the required standard for that particular road as determined by Council's Engineer.

1.1.8 Every attempt shall be made to partially or wholly upgrade substandard roads fronting new subdivisions, but where it is impractical to physically construct the road or part thereof in accordance with this policy, the Subdivider shall lodge a non-refundable cash contribution with Council prior to the clearance of the subdivision equal to the estimated cost of the proposed road works.

In the case of the Proposed new Road –

2. DESIGN CRITERIA

2.1 General

Criteria provided here are minimum criteria only and are necessarily broad based to cover general subdivision situations. In particular situations amendments may be required and Council may impose special conditions not covered by the criteria.

2.2.9 Rural Roads

Rural roads shall comply with the standards prescribed in the Roads 2020 Strategy, and will be dependent on estimated AADT counts.

Council has identified minimum road standards, given known and/or estimated Annual Average Daily Traffic (AADT) counts.

Type 1	Formed road constructed from surrounding local material: 10-20 AADT – 6m seal with 1.3m shoulders.
Type 2	Formed road paved with imported gravel material: 20-75 AADT – 6m seal with 1.3m shoulders.
Type 3	Sealed road (6m seal width): 75-500 AADT.
Type 4	Sealed road (7m seal width): 500-1000 AADT.
Type 5	Sealed road (8-9m seal width): 1000-4000 AADT.
Type 6	Sealed road with overtaking lanes: 2000+ AADT but lower volumes may be considered depending on the percentage of heavy vehicles and terrain conditions.
Type 7	Dual carriageway – divided rural road: 4500 +AADT.

For the purposes of determining the impact a subdivision will have on AADT counts for any particular road, Council will utilise eight vehicle movements per lot per day.

The proposed new road is approximately 2.92km long and crosses a water course approximately seven (7) times.

The purpose of this subdivision is “to rationalise the main landholding by more equitably distributing land area and providing road access to landlocked lots (proposed lots 3 and 5 to 15), create two new lots south of Pinjarra Williams Rd that are divided by a significant man made feature (proposed lots 1 and 2) create a homestead lot (proposed lot 4) and create a lot that will conserve, existing remnant vegetation (proposed lot 16)”.

This being said it does not stop the applicants selling each off the new proposed lots of as single pieces of land, which would be made possible with the creation of the new road. Therefore it could be assumed that more landowners would be using the road and Council would need to carefully consider what standard of road would be required. Given that, once finalised the new road would become the responsibility of Council.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Officers Recommendation:

Council have the following options

1. Do not support WAPC application 141441
2. Support the full application subject to road access being provided to all lots complying fully with Council’s “Subdivision Development Guidelines February 2008” document, (ie 6m sealed road and upgrade of Bates Road)

3. Support the full application subject to road access being provided to all lots and comply partially with Council's "Subdivision Development Guidelines February 2008" document and allow the developer to construct a gravel road only and minor upgrade to Bates Road
4. Indicate support for portion of application 141441 (ie Homestead lot, conservation lot)

Carne/Cavanagh

That Council do not support WAPC application 141441.

**Carried 9/0
Resolution 164/10**

Council gave the following reasons for their decision:

- The Shire of Williams Town Planning Scheme No.2 clause 4.7 (3) has a general presumption against subdivision of rural zoned land. The proponents have indicated that additional titles would be created, to which Council do not support.
- Council feels that if this application was supported in its current form it would set a precedent and other applications would come forward and therefore not retaining the rural character and agricultural landholdings that currently exist. Council fears the reduction of viable agricultural land should such an application be approved and the submission of similar future applications.
- Although not mentioned by the proponents the creation of the proposed road would enable more lots to be available to be sold, therefore increasing the possibility of conflicts between broad acre farmers and hobby farmers. The Shire of Williams has already been involved in such a conflict where the accepted practise of chemical spraying by a broad acre farmer is being questioned by a small land holder.

Sergeant Williams OIC Williams Police Station attended the meeting at 3.20pm to discuss his recent appointment and changes to Policing strategies.

Afternoon Tea

Council adjourned for afternoon tea at 3.35pm and resumed the meeting at 4.10pm

Report Reference:	8.4.4
Subject:	Structural Reform of Local Government
File Reference:	4.50.25
Statutory Reference:	Nil.
Author & Date:	R.N Duff 10 th February 2010

Background:

On 5 February 2009, the Minister for Local Government announced principal strategies for the voluntary structural reform of local government. These include:

1. Voluntary amalgamation of local governments to form larger entities;
2. Reducing the total number of elected members to between six and nine;
3. For local governments to perform appropriate regional groupings of councils to assist with the efficient delivery of services

Council has six months in which to give a clear intention on these matters and report to the Minister by the 31st August 2009. This deadline was extended to the 30th September 2009.

The Shire of Williams submitted our Reform Submission to the Minister on 24th September 2009 with the key points being

- Council wishes to stand alone as a separate council
- Retain existing boundaries and Councillor Representation.
- The Council is firmly of the view that amalgamation is unnecessary and undesirable.
- Council strongly believes that small communities and the region in general will be best served by retaining separate councils and further developing resource sharing and service arrangements.

Correspondence received

Minister for Local Government, 14th October 2009

Acknowledgement letter and also advising that the Steering Committee will report in January 2010

Minister for Local Government, 7th December 2009

Minister determined that the optimal reform option for our local government was to form a Regional Transition Group (*Council advised in return that we wish to form a Regional Collaborative Group*)

Chief of Staff for Minister for Local Government, 14th January 2010

Acknowledging Council's correspondence and encouraging Council to avail ourself to a briefing from the DLG on Regional Transition Groups

Minister for Local Government, 2nd February 2010

First, let me acknowledge your reform submission and the position your council has taken on reform. As a courtesy, I am now writing to you to keep you informed of developments in the reform process.

Many local governments indicated a willingness to amalgamate and undertake reform but were unable to reach final agreement with their neighbours. The options I am now proposing provide like minded local governments with a clear staged path to voluntary reform through a series of defined milestones.

Briefing sessions to explain these options, the Regional Transition Group (RTG) model and the Regional Collaborative Group (RCG), have commenced and will continue through February focusing initially on regional areas and the Western suburbs.

- *For your information, I would like to clarify the following key points:*
- *The process remains voluntary. The decision to participate is a matter for each local government.*
- *The ultimate membership of each group is also up to local governments to determine.*
- *Due to factors of remoteness and distance, I have invited local governments in the Kimberley, the Pilbara, the northern Goldfields and the Murchison to consider participating in a Regional Collaborative Group (RCG).*
- *Other local governments are invited to consider participating in an RTG.*
- *A model agreement to establish the RTG and a flowchart are attached for information.*

The core elements of the agreement are:

- *The State will provide funding to assist each group develop a regional business plan. The amount to be provided will be advised following Cabinet consideration of my funding proposal.*
- *The content of the regional business plan is outlined in the schedule to the agreement. A detailed template will be developed by the Department of Local Government to assist in the preparation of the plan.*
- *Any participant can withdraw from the group once the business plan is finalised. I believe this is reasonable as development of the plan requires input from all participants in each group. I anticipate up to nine months would be required to prepare the plan.*
- *Even after local governments have resolved to participate, the RTG can be terminated if the majority of the group decides that this is the best course of action. I anticipate efforts will be made to resolve concerns before such a decision is made.*
- *The Local Government Advisory Board statutory processes, including the poll provision, apply once the RTG proposal to amalgamate is received by the Board.*

- *I have lodged my funding request to assist local government reform for inclusion in the 2010/11 State budget.*

The RTG agreements will not override the requirements of Schedule 2.1 of the Local Government Act 1995, ensuring that local communities are involved in the reform process. I have asked relevant local governments to indicate to me by 26 March 2010 their local government's willingness to proceed to an RTG or RCG and have encouraged them to be represented at the briefings.

Comment:

The Shire President and the CEO attended at forum at Ascot Racecourse attended by 400 local government representatives. The forum was addressed by the Minister for Local Government also Brendon Grylls, Paul Papalia and Robyn Chapple. At the conclusion of the forum a communiqué was developed for release to the Media. The points made at the forum were:

In the pursuit of Better Local Government and after considering the information provided by the Minister for Local Government, the Hon John Castrilli in response to our questions regarding the State Government's Local Government Reform process, we the Local Government representatives in attendance at this meeting have determined that we:

1. *Support the State Council resolution of February 5 which asserts that:*
 - *the Association continue to seek clarification on the State Government's position and process;*
 - *the Association express no confidence in the current reform process;*
 - *those Local Governments, wishing to amalgamate, be allowed to proceed with their process;*
 - *those Local Governments, not wishing to amalgamate, be allowed to pursue their own direction without the threat of forced amalgamation or referral to the Local Government Advisory Board (LGAB).*
2. *Reject a Local Government Reform Process that focuses only on amalgamations.*
3. *Require a voluntary approach to any amalgamations and reinforce the rights of each Local Government to determine their own destiny.*
4. *Reaffirm the research and recommendations of the Systemic Sustainability Study.*
5. *Require guidelines outlining the State Government's Local Government reform goals and objectives prior to the pursuit of any further reform process.*
6. *Require the delivery of a complete legislative and regulatory reform package as detailed in the Systemic Sustainability Study, as a priority and prior to the pursuit of any structural change.*
7. *Require the Minister to give a commitment to include WALGA (representing all of Western Australia's Local Governments) at the most senior levels on all relevant reform committees in a genuine partnership approach.*
8. *Reject the financial emasculation of Local Governments which do not engage in amalgamations.*
9. *Require the State Government to fully fund any reforms it applies to the sector.*

The Minister for Local Government has now requested a response from the Shire of Williams on whether or not it will be involved in any Regional Transition Group. The response is required by the 26th March 2010.

The Shire of Williams has made its position quite clear and in carrying out the wishes of the community the Shire of Williams will remain a single Council and therefore the Minister for Local Government should be advised that we will not be participating in the RTG process.

Financial Implications:

Nil.

Voting Requirements:

Simple Majority

Recommendation:

That the Minister for Local Government be advised that the Shire of Williams will not be forming a Regional Transition Group.

Medlen/Patterson

That the Minister for Local Government be advised that the Shire of Williams will not be forming a Regional Transition Group.

**Carried 9/0
Resolution 165/10**

Report Reference:	8.4.5
Subject:	Deferral of Country Local Government Funding – Royalties for Regions
File Reference:	3.5.1
Statutory Reference:	Nil.
Author & Date:	R.N Duff 10 th February 2010

Background:

In December 2008 the State Government announced funding of \$500 million over the years 2008-09 – 2012-13 to assist country local governments build and maintain community infrastructure.

	Year 1 Allocation Shire	Year 2 Allocation		Year 3 Allocation		Year 4 Allocation	
		VROC 35%	Shire 65%	VROC 50%	Shire 50%	VROC 50%	Shire 50%
Williams	469,371	168,504	300,867	234,686	234,686	234,686	234,686

Advice has been received from the Department of Regional Development that the 2009-10 Country Local Government Fund (CLGF) payment will be deferred until the first quarter in the 2010-11 financial year.

Full letter attached at **APPENDIX 4.**

Comment:

Items of note from this letter

2009-10 Strategic and Asset Management Plans

The Government is strongly encouraging Councils to plan and manage their assets more effectively and therefore they have allowed up to \$7.5 million in 2009-10 for Councils to access expertise for the development of individual strategic management plans, asset management plans and forward capital works plans

Direct Grants

65% of Council's year 1 allocation will be paid in the first quarter of 2010/11. To access these funds each local government **must have finalised appropriate strategic management plans, asset management plans and forward capital works plans**

Regional Group Grants

35% of Council's year 1 allocation will be paid to regional groupings of Councils. To access these funds applicant groups will be required to present a business case.

Financial Implications:

Royalties for Regions funding was not included in the Shire of Williams 2009/10 Budget because of its uncertainty and any expenditure was not reliant on additional Council contributions.

Voting Requirements:

Simple Majority

Recommendation:

For Council's Information

Report Reference:	8.4.6
Subject:	Emergency Services Communication Tower – Compensation Claim – RN Petchell
File Reference:	5.10.60
Statutory Reference:	<i>Land Administration Act 1997 s211</i>
Author & Date:	RN Duff 11 th February 2010

Background:

The Shire of Williams is party to a taking order under the Land Administration Act 1997 on Lot 500 on DP 59026 owned by Mr RN Petchell for the purposes of a Communications Tower Site and Access.

The Taking Order was registered at the Office of Titles on the 11th May 2009. As acquiring authority the Shire of Williams has responsibility for resolving any compensation for the land taken from Mr Petchell.

On the 3rd July 2009 a claim for compensation was received from Mr Petchell's representative Ferguson Fforde Miller (FFM).

The original claim submitted under s211 of the Land Administration Act 1997 was for \$200,000. The amount was based on

Land Value 1.4933 @ \$7,500	\$11,200
Improvements (Tower forfeited once lease lapsed)	\$50,000
Loss in Value of Land (Injurious affection)	\$100,000
Severance Damage	\$10,000
Other factors	\$10,000
Solatum	\$18,120
TOTAL COMPENSATION	\$200,000

Upon receiving this claim for compensation Council engaged its Solicitors to assist in a response to which the amount \$100,000 was disregarded on the basis of the Pointe Gourde principle.

Ferguson Fforde Miller then compiled a compensation assessment and amended the claim. The new claim for compensation was \$455,000 which is based on:

Loss in Land value 1.4933	\$230,000
Improvements (Tower & equipment forfeited once lease lapsed)	\$150,000
Loss and Damage – stamp duty, professional fees	\$15,000
Severance Damage	\$10,000
Injurious Affection	\$0
Solatum	\$40,500
TOTAL COMPENSATION	\$445,000

At the December 2009 meeting of Council received a further valuation from Preston Rowe Paterson WA Pty Ltd on behalf of Council and as a result Council resolved to reject the valuation and that in Council's opinion it did not represent fair and realistic value.

Comment:

The Shire President and CEO met with the Minister for Emergency Services and representatives from WA Police and FESA to discuss this matter. The Minister has lent his support to the Shire of Williams and further valuations and negotiations are taking place.

Mr Petchell's representatives have since referred this matter to the State Administrative Tribunal (SAT). Council's lawyers attended a directions hearing at SAT on the 29th January 2010. From this hearing it was directed that the Shire attend a mediation session on the 24th March 2010. The Shire is also to file and serve a valuation together with points mediation by the 12th March 2010 and the Applicant (Mr Petchell) is to respond by the 19th March 2010.

Financial Implications:

Unknown at this stage. Council will continue discussions with FESA, WA Police and St Johns Ambulance.

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration

Cavanagh/Medlen

That Council report the facts of the matter from Item 8.4.6 in the Council notes section of The Williams.

**Carried 9/0
Resolution 166/10**

Reference:	8.4.7
Subject:	Unauthorised Building Works at Lot 13061 McKenzie Rd
File Reference:	13.34.10
Statutory Reference:	Local Government (<i>Miscellaneous Provisions</i>) Act 1960 s401
Author & Date:	R.N Duff 10 th November 2009

Background

On or about 26 February 2002, the owners of Lot 13061 McKenzie Rd submitted to the Shire an application for a building license to construct a 270 square metre "farm shed" on the property.

On 10 April 2002, the Shire wrote to the owners noting that the application for a building license was not accompanied by any detail relating to the proposed shed's construction. The Shire advised that detailed plans and specifications, including a site plan, was needed before the application would be considered for approval.

The Shire did not receive a response to its letter from the owners and therefore took no further action in relation to the matter.

In September/October 2008, the Shire received a complaint from a person previously employed by Elite Grains regarding the lack of toilet facilities at the property.

The Shire determined that the Unauthorised Buildings were properly categorised as class 8 buildings under the BCA and by letter 29 October 2008 invited the owners to submit plans and specifications for the sheds endorsed by a structural engineer so that retrospective approval could be granted for the erection of the sheds. The Shire advised that the existing chemical toilet was not what was required by the BCA and that a toilet facility complying with the BCA was needed.

Follow up letter requesting a response from the owners was sent on the 13th February 2009.

June 2009

Carne/Cavanagh

That the owner of lot 13061 McKenzie Road Williams be served a notice under Section 401 (1a) (c) of the Local Government (Miscellaneous Provisions) Act 1960 inviting him to apply for a Building Approval Certificate for the buildings erected on the property without gaining prior approval and that he be given 21 days within which to apply.

August 2009

Johnstone/Prowse

That a letter be forwarded to the owner of lot 13031 McKenzie Road Williams –

- 1. Advising him that Council believes the building that he conducts his business out of is a Class 8 building as per the Building Code of Australia and*
- 2. That he is required within two (2) weeks of the date of the letter to advise Council as to whether he is prepared to apply for a “building approval certificate” and*
- 3. If there is no response or a negative response then an order under section 401 (1) of the Local Government (Miscellaneous Provisions) Act 1960 be served upon the owner requiring him to pull the building down.*

September 2009

Johnstone/Cavanagh

That an order, under Section 401(1) (c) of the Local Government (Miscellaneous Provisions) Act 1960, be placed on the owners of lot 13061 McKenzie Road to pull the unauthorised buildings down as all attempts to have the owners apply for retrospective approval have failed.

The order was issued on the 23rd September 2009 with a right of appeal to the State Administrative Tribunal expiring on the 21st October 2009 and the 35 day period for action under the order expires on the 28th October 2009.

October 2009

Carne/Medlen

That Council instruct the Chief Executive Officer to write to the owners of Lot 13061 McKenzie Rd advising that Council will forbear from taking action to enforce compliance with the “pull down” notice issued and requesting written advise within 14 days answering the following queries prior to making a decision on this matter at the November Council meeting:

- 1. What is meant by the term “wind down”? Please advise how you intend to wind down the operation and what activities will be conducted in the shed during the winding down period.*
- 2. Once you have moved your operations to the Eastern States, what will the sheds be used for? Will grain processing equipment be retained or moved out of the sheds?*
- 3. Once the operations are wound down, will any staff be employed on the property as either employees or contractors?*

Council also advise that 12 months is too long to wind down the business and a shorter more specific time be given by the owners.

November 2009

Medlen/Logie

That as the owners of Lot 13061 McKenzie Road, Williams have taken no action to remove the illegally constructed buildings as per the order dated 23rd September 2009, and as there has been no appeal to the State Administrative Tribunal against the order, that action be initiated by Councils’ solicitors to obtain an order from the Magistrates Court to enforce the requisitions order.

Comment

The owners of Lot 13061 did seek an extension to the SAT process and were successful. Council have since attended a Directions Hearing represented by Civic Legal.

The outcomes of the Directions hearing were as below:

Ms Hawkins made the following orders:

- (a) by 21 January 2010 the applicant shall file with SAT and give to the respondent any affidavit upon which they seek to rely; *(Date since changed to 11th February)*
- (b) by 4 February 2010 the respondent provide the Section 24 SAT Act documents; *(Date since changed to 3rd March)*
- (c) that a mediation be listed for 10:00am on 23 February 2010 for a duration of 3-4 hours before Mr De Villers as mediator. NOTE the mediation listing appears to be flexible and requires Freehills to confirm their availability. *(Date since changed to 30th March)*

Financial Implications:

Legal costs associated with this matter currently amount to \$7,699.

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration

Report Reference:	8.4.8
Subject:	Industrial Land Development
File Reference:	10.64.20
Statutory Reference:	Nil
Author & Date:	RN Duff 14 th October 2009

Background:

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

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

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

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

Comment:

Mr. Carter has advised that he will be presenting a counter offer to the meeting for consideration.

Financial Implications:

To date expenditure has been

Planning advice	\$3,000
Estimates Engineer & Drafting	\$2,600
Land Capability	\$1,500
Mapping	\$200

Council offers	ha	\$/ha	Total	ac	\$/ac	Total
Council 1st offer (February 2009)	32.4	\$4,000	\$ 129,600	80.06	1,619	\$ 129,600
Council 2nd offer (October 2009)	32.4	\$6,790	\$ 220,000	80.06	2,748	\$ 220,000

Voting Requirements:

Simple Majority

Recommendation:

For Council's consideration.

No formal offer was received from Mr Carter and the matter is to be deferred to the next Council meeting.

8.5 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

8.5.1 ACCOUNTS FOR PAYMENT

Cavanagh/Patterson

That Municipal Fund cheques 102767 – 102803 and Direct Debits totalling \$368,708.75 and Trust Fund cheques 1120 – 1121 totalling \$400.00 approved for payment by the Chief Executive Officer be endorsed and that Municipal Fund cheques 102804 – 102824 and EFT transfers totalling \$80,885.19 be approved for payment.

**Carried 9/0
Resolution 167/10**

8.5.2 FINANCIAL STATEMENTS

Earnshaw/Johnstone

That the financial statements presented for the period ending 31st December 2009 and 31st January 2010 be received.

**Carried 9/0
Resolution 168/10**

8.6 COUNCILLORS

9.0 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

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

10.1 ELECTED MEMBERS

10.2 STAFF

Nil

11.0 INFORMATION SESSION

Cr Carne advised that many positive comments have been received from visitors about the excellent facilities provided at trotting meetings, including the shade sails, outside bar and swimming pool.

Cr Logie asked if the Williams River weir and upstream can be excavated.
Permission would need to be gained from the Waters and Rivers Commission.

12.0 MEETING CLOSURE

There being no further business for discussion the President declared the meeting closed at 5.24pm.